

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING
APRIL 15, 2010**

A Regular Meeting and was held by the Planning Board on Thursday, April 15, 2010 at 8:15 p.m. in the Municipal Building Meeting Room, 7 Maple Avenue, Hastings-on-Hudson, New York, 10706.

PRESENT: Chairperson Patricia Speranza, Boardmember William Logan, Boardmember Fred Wertz, Boardmember Eva Alligood, Boardmember Ed Dandridge, Village Attorney Marianne Stecich, and Building Inspector Deven Sharma

CITIZENS: 0

I. ROLL CALL

II. APPROVAL OF MINUTES

March 18, 2010 Meeting

Chairperson Speranza: Changes? I have a couple. Page 5, there's a reference a Boardmember Collins, simply saying, "*There's a mic there where you're sitting.*" I have no idea what it refers to, so I would just strike it from the record. It's about halfway through, Boardmember Collins. So I don't know what it is, and it doesn't seem to be all that important, so we might as well take it out.

And then there was one other place that we need to change: page 31, it's the only time that I'm speaking on the page. We're discussing the Blue River application and the drainage and the steep slopes. The third sentence begins: "*During construction, one of the things that I take...*" there's some words missing, and it should read "very seriously is the impact of stormwater during construction."

Boardmember Alligood: I have one item. On page 16 in the first paragraph, where I'm speaking, the last line where it says "*some projects may be taking out some of the...*" instead of ... I don't know where "*long direction*" came from. It should just say "some of the requirements."

On MOTION of Boardmember Wertz, SECONDED by Boardmember Alligood with a voice vote of all in favor, the Minutes of the Meeting of March 18, 2010 were approved as amended.

III. DISCUSSION

Greening Village Code

Chairperson Speranza: Our agenda is light, which is a good thing because we really want to have a focused discussion on the topic we've been dealing with for a year now called greening our code. At our last meeting we were lucky enough to have some representatives from the Conservation Commission, and Sharon is here again tonight which is great. Why don't you come up and join us so we can do this. We can really talk through a number of the things that we have found out recently. And then if Kerrie Jane comes she also should join us.

One of the things that occurred since our last meeting, there have been a couple of sets of correspondences that have gone out as well as the Planning Federation workshops, which were held last week. Myself, Jamie, Boardmember Cameron, Rhoda Barr, our alternate, and Bruce Dale all attended a session called "Greening the Code." Frankly, it wasn't anything we hadn't heard before and it was very short. There wasn't a lot of time for question and answer, but it was good to hear.

The next meeting, or the next Planning Federation workshop, the keynote speaker for that evening was Mike Gerrard from the Columbia University law climate change center, who announced that evening that they had just put on their Web site a model green code for communities that were looking at finding ways to incorporate green standards into their building codes and zoning codes. That was a very good session.

What he spoke of was the kinds of things that we want to do or the kinds of things that we want to make sure we accomplish. It is a compilation of the results of their research into what people, what communities, have been doing. I sent that around, or I sent the link around and we do have copies of it. I don't agree with everything. I like the organization of the document from the perspective of it being something that we, as a planning board, are used to seeing ... how we're used to seeing zoning code and local ordinances constructed; with the goal and purpose, with the definitions, and then with the rules that have to be complied with. You know, if you're proposing a building of this size, you have to follow these standards.

So I like the fact that it's very well-organized. There were some things that don't coincide with the things that we have spoken about here, and there are still some things which are questionable in terms of what we are actually allowed to do with respect to the relationship

with the New York State Building Council. I'm trying to remember that. It's actually in that article by Lester Sliman.

Village Attorney Stecich: You mean the LEED?

Chairperson Speranza: Not the LEED certification. The Energy Conservation Construction Code.

Hi, Kerrie Jane. Come on up, join us. You're at the table with us. I just began speaking about what we have discussed and the document that had been put on the Web by the climate change center at Columbia.

There are a number of questions we have. Sharon and Kerrie Jane and I met the other night to kind of lay out some of the questions that we think do need to be resolved. Sharon actually was talking to me before the meeting that she actually did follow up on some of the questions that we had asked. I don't want to keep doing a lot of talking. I'll get tired out, and we will be home early today.

The essential recommendation in this green code, or the model green code, is that residential buildings – single-family homes, two-family homes, three-family homes, and what they classify as "low-rise residential" -- be required to be Energy Star compliant and get the Energy Star seal of approval. And any other structure – what they call "high-rise residential," and then any other kind of commercial building – meet the standards for LEED certification to the silver level, though not necessarily needs to be certified by LEED. That is right along the lines of what the Town of Greenburgh requires.

So those are the differentiations in this code between low-density residential, higher-density residential, and commercial. Jamie and I were very glad when we heard that there is a definition in here for renovations and how they treat the requirement for renovations. That, essentially, if there are two or more building systems that are going to be replaced or rehabilitated, or if it's more than 50 percent of square footage, 50 percent of the building's floor area, or construction work which adds greater than 5,000 square feet, that there be the requirement to have them meet these standards.

Again, these were some of the things that we were talking about. How do we quantify what we think about as a renovation? We've spoken here that we do know, like in New York City, our building stock is going to be here. There's not going to be that much new construction in the immediate future anyway so we really have to focus on where we want to put a requirement on any kind of renovation.

There's a lot in the document. I also did print out the rationale of some of the things that are included in here. I'm not sure if everyone has had time to read it thoroughly. Eva, you were mentioning some of the things where it's at odds with things that we have been talking about here. And I think it would be good for us to note those.

Boardmember Alligood: I guess you clarified something. Because it wasn't clear to me, since I didn't go to the session and I didn't pick this up in going through the document, you don't actually have to be LEED certified: the green building compliance official would certify that you've met the LEED standards. That was one of the things I thought we came to a pretty firm conclusion about: that we didn't want third-party certification requirements. So that was sort of the first thing that struck me when I saw this because I thought that's what it was requiring.

Village Attorney Stecich: You know what? Because they use the word "achieve" LEED – but then if you go and look at the definition of "achieve," achieve says enough points to get it – you don't actually have to get it. So if you just read the language without the definition it could look like it would be compliant.

Boardmember Alligood: I didn't read it in such fine detail.

Village Attorney Stecich: That's the first thing that jumped out at me.

Building Inspector Sharma: They used the word "35" as opposed to "75." There were complications, problems, with 35 because certification is not with initial construction, but also how it works over a period of time. So I think the Town of Greenburgh had gone ahead with Energy Star for residential. But they had to go back and modify some of the green code they were being able to apply to the SEQRA review process as part of the conditions of site plan approval and not actually as a building code.

Boardmember Alligood: Interesting. Marianne, you sent us this article by this Lester Sliman about the legal issues with mandating compliance with third-party building status. It sounds like maybe they ran into some of those issues.

Village Attorney Stecich: Yes, which is why they would have written it this way. I think this was written in response to those criticisms, and I think it gets around it effectively. I would trust that they're not going to recognize something. I know Mike Gerrard well. We sat next to each other all through law school. He's not going to come up with something that isn't going to fly.

Boardmember Alligood: Right. I have a question. Is the green building compliance official usually the building inspector, or does it have to be a separate person?

Building Inspector Sharma: Well, that depends on how you fashion it, what the budgetary constraints are.

Village Attorney Stecich: One of the comments listed the different people that it is. I read through the thing and, assuming you wanted to go in that direction, I thought it was pretty good. The big question, of course, being can the building inspector handle it. It's a huge question.

Chairperson Speranza: There were some good things that we've learned, and it actually came up when we ... Thomas Madden, who's the commission of planning in the Town of Greenburgh, when we were at ... he gave a little forum on what they do in the Town of Greenburgh. He, as the commissioner of planning, is actually the compliance officer.

Building Inspector Sharma: That's because they handle these issues through the planning process. Because any planning application that requires site plan review has to go through him, and he makes sure that they comply with requirements as part of the SEQRA. He thinks the current SEQRA application gives you the authority to ask for, and get, certain requirements.

Chairperson Speranza: And what they've done also – and I don't know if they're doing it in Greenburgh. I can't recall. Kerrie Jane or Deven, maybe you recall. But there can be a fee. You know, the fee for site plan approval or for the application for a building permit can be used to hire, or pay for, review by a green code compliance officer. So it doesn't necessarily have to be the building inspector or the planning commissioner. It could be just as we hire a radio frequency engineer at the cost of the applicant.

Building Inspector Sharma: The implementation is a later part. Initially, what is it you want to see happen. And the second part is how we implement it; whether we hire other people, we have third-party inspectors or certifiers or reviewers; how do we do it, budget-wise and otherwise. Initially, I think the main challenge is determining what is it we can logically and legally do. And then enforcing how we do it, that's a different kind of logistics.

Boardmember Logan: I'm wondering could we, as part of the submittal procedure – where you have to submit plans and drawings and specifications for review as part of the review process – if we couldn't tweak our format for the submittals that are required to make it easier to review, to identify, these features we want to help us sort of go through it.

I know in previous discussions about submittal requires, the last time we reviewed our building code we sort of tweaked it for site plan, scale, and elevations.

Chairperson Speranza: For steep slopes.

Boardmember Logan: Maybe there's a checklist of criteria that we could require with the submittal, like appliance ratings and U-values for the buildings and overall insulation.

Boardmember Alligood: That only addresses the projects that come through planning review. But where we really want to have an impact is on renovations of existing buildings. Because that's where most of it's going to happen.

Building Inspector Sharma: There is an energy conservation construction code that has been adopted by the state and included in our code. We're supposed to enforce it. That applies to residential, commercial, all kinds of work. Anything over and above ... and I remember specifically asking Tom that if you put that in the code can you go beyond what's required to be submitted included in the plans under the current codes. So no. The answer was no, not as part of the building code, but as part of the planning requirement, as part of the SEQRA requirement.

I don't think Tom mentioned whether it's all written up somewhere in the code. But he said this gets done as part of ... he may have prepared a checklist he goes through with the development when they submit. Or ahead of time, this is what he looks to be included in the packet that's submitted before he passes on it.

Chairperson Speranza: And you're right. That was a question that we had of him in Greenburgh: "Did you submit this way of doing business to the New York State Energy Conservation Council for their approval?" And he said, "Well, no, it's really more voluntary, but highly encouraged." Now with Mike Gerrard, that question came up during the forum at Pace. He said, "No, we don't consider it to" – he didn't say it was necessary to have to go to the New York State Energy Council.

So that's one of the things that was on our list that we were talking about the other night. That we really need to find a definition because this is a model green building ordinance. If this becomes law, then of course it's required. And does it mean that we are making people then ... are we enforcing a stricter standard than the New York State Energy Conservation code. Marianne?

Village Attorney Stecich: I want to talk to Mike about that. If Mike doesn't think it's required, I'd like to know why he doesn't think it's required. But even if it is required, so you

make the submittal. It's just another step you have to take. You send it up to the secretary of state, to the buildings codes person there. And they say yes, it's OK, or it's not OK once you decide to pass it.

It may be an extra T you have to cross along the way, but it certainly shouldn't get in the way of deciding what you want to enact. And then we could deal with that later.

Chairperson Speranza: We've been talking a lot. Kerrie Jane, Sharon? Maybe we should start like this. Again, what is in this code is residential: single-family, two-family, three-family, and low-rise. Low-rise would have to meet Energy Star, and then essentially everything else has to meet LEED silver. We have to think if that's something that the Planning Board, the conservation council, and ultimately the Board of Trustees ... do we want that two-pronged approach. Sharon, when we were talking the other day, mentioned why LEED silver, and why not LEED gold. And we realized we have to find out what are the differences between those standards.

Ms. Kivowitz, Conservation Commission: I had a couple of concerns when reading this, and one of them was why LEED silver and not LEED gold. Also, I haven't really been able to get a handle – and I've done a fair amount of research – as to why places are using Energy Star rather than LEED homes for residential homes. I was here when, Fred, you were talking last month about Energy Star. You were saying it was all-inclusive, and I have not been able to find that anywhere. I'm curious as to where you got that information, but I really haven't.

When I spoke to people at the EPA about Energy Star, they were basically saying, "We're kind of promoting incentives for LEED." That's their big thing; they want incentives for LEED. Today I got hold of Marnie Sussman and Jason James, who wrote this model code, and I asked them why they made some of the decisions they made. Basically, they used LEED silver because they said that's what everybody else is using.

They did a lot of research. As they said, "We're not building professionals, we're lawyers." So they really didn't do much in the way of reviewing it from an architect's or a contractor's perspective. They did it from looking at it as lawyers. They researched the literature, like we've done, and they said they found most places did silver so that's what they did. When I asked about Energy Star for the residential buildings as opposed to LEED for homes, what she told me was that, again, they based it on what had been done and LEED for homes is fairly new.

So most of the municipalities and municipal entities that have written their codes already did it before LEED for homes came out or before people had experience working with LEED for homes. So that led me to believe that maybe LEED for homes is a good system and people

aren't using it because they're basing it on what's been done before and LEED for homes didn't exist before. So I think it's from late 2008 maybe. So it's only one year in existence and people don't know how to work with it, they don't know how to use it, and municipalities aren't bothering with it because they're copying what everybody else has done.

So I feel like we, the Conservation Commission and the planning group, we need to get a handle on it. You know, we can look at this from a legal perspective. We've got a lawyer, planning people. We need to get a handle on it from an architect's perspective, a LEED-certified person, who can tell us what does it really mean; what is the difference between LEED for homes and Energy Star. Is LEED for homes more comprehensive, or not. And if so, is there a big difference in cost to the homeowner.

And then in my research today, I came to find out that there is a program called REGREEN, which is a not a mandatory or compulsory program in any way but is a LEED program. It's a joint venture between LEED and the United States Association of Interior Designers, or something like that. But it's a LEED program for renovations for all sizes: you're doing a kitchen, here's a LEED program, here's a LEED checklist; you're doing a bathroom, here's a LEED checklist; you're renovating your basement.

So it might not be a big enough renovation to fall under a renovation the size of which would be covered by a code, but would be a great thing for the Conservation Commission to put on our Web site if people are doing it. So that's just an aside for a small renovation that we may never see because it's not coming before the Planning Board or the Zoning Board. I don't know what goes to the Building Department.

That's just what I found out, and I haven't really had any other opportunity. Then as to costing it out, I did do a little research today on that and, I mean, you've got NYPIRG saying one thing, you've got the chemical manufacturers saying something else, and God knows what. If anybody is going to say anything – "It's going to bring down the economy," or it really has a negligible benefit. So I really don't even know what source to even look at other than to take an average or something. I'm not going to go with the "bring down the economy folks."

That's just what I found out today. But I do think that we should push the limit. I think from the Conservation Commission's perspective we need to push it as far as we can and shoot for gold. And I think we should look for incentives. I mean, I know there's no money. I know moving to the head of the line in this village, big deal. You're at the head of the line anyway.

There might be some way, if we have some creative thinking and brainstorming behind coming up with some incentives if we decide to go with LEED silver. But if you do LEED

gold, you get X or you get something. I'm not sure what that something is in a cash-strapped village.

Chairperson Speranza: And I think you're right in terms of what are the differences. I don't know the difference between LEED silver and LEED gold.

Ms. Kivowitz: It's just more points.

Chairperson Speranza: It's more points, and what does that mean, and how much more difficult is it in terms of someone who just wants to build a building and somebody who wants to build a house: how difficult is it to comply with LEED homes as opposed to Energy Star as opposed to just letting the single-family home have a ride and not comply with anything. I don't know.

Bill, you're our resident architect.

Boardmember Logan: I am, and I took the LEED exam and missed it by one point. So I'm not LEED-certified. I think Deven, you are, right?

Building Inspector Sharma: No, not yet. I'm going to go for it.

Boardmember Logan: Yes, it got harder all of a sudden, too. I didn't do LEED 2.0. But right, Patty, there is a point system and you go through it. There are people who are experts in telling you what are the cost-effective ways to do it. They'll say, "Well, stormwater sequestration is the best thing to do," or "You add some bicycle racks," or you do this or that.

I think it's a moving kind of target, and I'm not familiar with LEED homes. But there are consultants out there who will guide you through the process and tell you what is cost-effective and what's not. So I think it's a great idea that maybe we could apply a fee somehow through the review process to allow somebody to review it on an administrative level. But I think we're all learning about this as we go, so I don't have any prescriptions for it.

You know, why not LEED platinum instead of LEED gold. I think there has to be a bar and we could set the bar, but we don't want to make it difficult for everybody to achieve it. So we want to go for the low-hanging fruit, I think, to begin with and see what we can achieve. And the LEED standards continue to evolve. So the system gets gradually ratcheted up. It's relatively easy to get certification with certain steps, but it's going to become increasingly difficult.

One of the criticisms of the LEED rating system early on was it was too easy to get LEED certification. You could do a couple of sort of window-dressing items and get LEED certification, where you weren't substantially reducing the energy consumption of your building. But it's also about sustainable sites and water quality and landscaping. I think we could get into a lot of detail, but I think it's interesting to build on the work that's already been started by others rather than starting with a blank sheet of paper.

I think the great thing about this is that it gives you the formats in terms of the checklist and how a legal document is prepared. We could tweak some of these subheadings, but this really gives us a framework that we can build on.

Chairperson Speranza: Right. If we decide it should be gold, we change it from silver to gold, or LEED home instead of Energy Star. But I think we had said to ourselves, to each other, let's not reinvent the wheel. We now have a wheel that I guess we should put a hubcap on, or tailor it for what it is we want. But I think we have to figure out a little more deeply what it is we want, as has been mentioned, so when we make a report to the Board of Trustees we can say, "Well, we chose LEED gold for this reason and this reason and this reason – and not LEED silver and not LEED platinum," so we have a better understanding of the recommendation that we're making to them.

Kerrie Jane, you had a meeting last night, right, Conservation Commission? Did any of this come up?

Kerrie Jane King, Conservation Commission: We did discuss it, but I think Sharon's done a good job of addressing the issues that we've discussed. I'm wondering if there are resources in the Village we can tap; whether there are LEED-certified architects who can help us with this. That would be really a great thing.

Chairperson Speranza: Yes, I think there are.

Boardmember Alligood: Yes, my husband's LEED-certified, and has been for a few years. I was actually discussing this with him tonight, and he's happy to help out.

Ms. Kivowitz: Would he meet with us?

Boardmember Alligood: Yes, he would.

Ms. Kivowitz: Oh, that would be great.

Boardmember Alligood: When you said you wanted an architect's summary of what the differences are, he'd be happy to do that.

Ms. Kivowitz: He doesn't work locally, does he?

Boardmember Alligood: He works in the city.

Ms. King: He lives locally.

Ms. Kivowitz: I'll get his number from you.

Building Inspector Sharma: I mentioned that Christina is also a LEED-accredited person. So maybe we can reach out to her. For example, since the Town of Greenburgh has already invested some time and energy into it, and they've gone into doing so, maybe we can sit down with them and gain some more knowledge.

Chairperson Speranza: That's true, yes.

Building Inspector Sharma: And see what exactly they already understand, and that understanding can be passed on to us. Understanding exactly what LEED entails: this is not just a building, it's actually the behavior pattern of how you work and use energy, landscaping, plant species, and things like that. One can go into it and some of those things can be implemented through the planning process as part of the condition of site plan approval.

And as for the building code, anything which is more stringent than the current codes obviously has to be approved by the state before it really can be enforced. So we can start enforcing it, but it would not be legal. At some point, if somebody takes us to court, there would be implications there. That, of course, we all understand already.

Ms. King: One of the things I would be interested in learning specifically about is this difference between Energy Star and LEED homes. My understanding, from what Tom Madden said, was that whereas LEED is very comprehensive with the site and the management of the grounds, Energy Star just focuses on the building envelope. And if we're trying to be more comprehensive in our approach, if this is part of our sustainability effort for the Village as a whole, it would seem just at first glance to be more appropriate to go with the LEED plan. But, obviously, we need to know more about it.

Boardmember Alligood: That's a good point because we have discussed our desire to have this initiative addressed more than just the building itself. But it would be good to get a

perspective of what it would mean actually in terms of implementation; submitting the application, what sort of burdens would we put on the applicants, and how would that actually look as a process. So I think that input would be helpful for us in making our decision.

Chairperson Speranza: Well, we may be able to get Tom Madden either to come here, or some of us to go meet with him in the Town of Greenburgh. I don't know. I'm trying to remember if he's local. But I'm sure he would be more than willing to share his perspective on what it means to run through the lists.

Ms. Kivowitz: I'm a little concerned, if Greenburgh sees its code as a voluntary wink and a nod kind of thing. I don't understand that.

Chairperson Speranza: It's in their code but, again, somehow they managed to not have to put go through the state. And that's a fine point.

Ms. Kivowitz: I would urge us to do whatever we need to do to make it so that this is what you have to do. Not, "Well, this is what we're really recommending that you do, but you'll get your permit or you'll get your approval regardless." I think that's a real bad slope to go down.

Chairperson Speranza: And we have to hear more from him as far as how he differentiates it. But he did say nobody had really challenged them. The people who come in, they say, "This is how we want you to build," and they say, "OK." I don't remember them saying – do you, Kerrie Jane, or Deven – that they've been challenged. They do it as part of the process.

Building Inspector Sharma: You know, another lady who helps is Allegra Dengler. Even when I spoke with her, not telling me when, for example, they were having a meeting like this or trying to put it in the code. There wasn't any public participating in it. There wasn't much of a response that way. But I believe Tom did say they had to modify the language: not like, "If you don't do this we can withhold something," or, "It would be violation of certain codes."

So indirectly, in a subtle sort of way, it's still voluntary. They're written the code in a manner that they can kind of cajole them or try to get them to do it. But I don't think there is that kind of strict enforcement. And there may have been some challenges. Of course, we sat there and we only needed to go in some more detail with the Town: "What do you mean by this – what exactly were the circumstances?" But I think the fact still remains that any time you do anything which is more stringent the current codes, the laws, they have to be ratified by the higher authorities before they can be put into practice.

Village Attorney Stecich: So just do it.

Ms. Kivowitz: What the worst that happens? They no, and then we go back and rewrite. But I would rather see us make it a mandatory...

Boardmember Wertz: Get it right the first time.

Ms. Kivowitz: Right. Make it mandatory.

Chairperson Speranza: Take all of the steps that need to be taken to make sure that it actually happens.

The other thing that I like about ... I'm trying to remember if it was in this one. No, it is in here: the hardship. And when you think about this village and you think about renovating structures, there are going to be times when there are conflicts either within other rules that the Village might have, other ordinances, or things like view preservation or architecturally-significant structures. And there are ways to address those things in here, and I think that's very good given the context of this village.

Village Attorney Stecich: Patty, just on the Greenburgh thing, I don't think it's true. I have the Greenburgh code here. Maybe the LEED thing is, but for Energy Star it's very clear: *"No building permit shall issue for any new one- or two-family dwelling or multi-family dwelling of three stories or less unless the applicant certifies that the dwelling will meet the requirements of a New York Energy Star-labeled home."* I mean, it's a requirement in the code; it isn't voluntary.

And in Greenburgh, the one- and two-family houses can't be done through the site plan process because it doesn't require site plan approval for at least one-family houses; probably two-family houses, as well. So it is a requirement. I'm sure this is not going to be, if you have to make the application to the Department of State, that it could be a novel application. I'm sure they've gotten it a lot.

Chairperson Speranza: So I'll reach out to Tom and see. We're back to the idea of having a subgroup or an extra meeting, or I don't know what May's going to bring us. But we can certainly follow up with him, and then maybe I'll do an email or something to people. Maybe I'll be successful, and get him to come down to Hastings. That would be good.

Boardmember Logan: I'm also wondering, is there some way we can vet out what the implications of the compliance process might be for our village. Deven, I don't know how

many building permits you review annually or monthly, but how much of an additional burden would, say, just looking at this compliance process put on your department. And do we need somebody part-time because this is something that you have time to do; do you feel like you need a whole nother staff member.

Just get a sense. You don't have to respond right now, but I think we ought to get a handle on what the implications are for our review process.

Building Inspector Sharma: Once we know exactly the nature of the beast, how much work is involved, field work and office work and study work, at that time we can say whether or not we need someone. Most probably we will. We are already short-staffed. I think the Village is running, replacing people who are leaving or retiring. Currently, it will be additional workload, a work burden, which may not be possible to handle.

Boardmember Logan: I'm wondering if this is something that could be subcontracted. There are plenty of architects who are looking for work who are LEED-certified who could be brought in as outside contractors who would do the review process on a project-by-project basis, charge an hourly rate or a lump fee to do it.

Building Inspector Sharma: One way or the other there's a cost involved. And we have to be able to generate the extra cost of enforcing this.

Boardmember Alligood: We have to be really careful about conflict of interest there if it's a local architect. Right?

Boardmember Logan: Conflict of interest?

Boardmember Alligood: Because if they're meeting potential clients, and they're in a position to approve their project, there's a lot of pressure to approve it because they want the next project.

Boardmember Dandridge: There is also a related issue here that's on page 8. It's C-1, and it's listed as an optional add-on. But it suggests an annual benchmarking process January 1st of every year. And I'm thinking about resource allocation. And in the spirit of transparency, conflicts aside, what happens initially when we start doing benchmarking and see that it costs more to benchmark than we're actually generating in the way of any real net positive change.

These are some of the policy implications we need to begin to think through. I'm looking at it from a resource standpoint, and also the matching of expectations of our constituents.

Ms. Kivowitz: I just have a question for you. How many building permits do you have? Is it like hundreds and hundreds that you get a year? I'm just thinking, is it possible to somehow incentivize smaller renovations to be greened through, bumping people up the list. Maybe there is some way to do it; maybe not on the planning side, but I'm thinking the renovation side.

Chairperson Speranza: So if someone wants to redo their kitchen, they have to come for a building permit certainly if they're doing an expansion.

Building Inspector Sharma: If they're just replacing, say for example, kitchen cabinets they will not need a building permit. If they are replacing their appliances, and they just get a tag to put them in the same location, they will not need a building permit. However, our Energy Star code could require that any time they replace their appliances – a refrigerator or dishwasher or something – it has to be Energy Star-rated. And there has to be some way of monitoring whether or not they did it. You're going to have to figure out how to do that.

Chairperson Speranza: But you're never going to know that. If I get a new dishwasher you're not going to know.

Building Inspector Sharma: For example, there are a lot of people who don't know they need to go through the ARB, and some do. So we're going to have to figure out some way to let people know that these are some of the things they need to bring to our attention. A lot of things do need building permits, and other things get done either with them not knowing or they circumvent it and hope they never get caught.

Public awareness, public education is also a very critical part of it, and the benefits to themselves; you know, return on their investment. There is education, all this greening of the thinking, spreading the green.

Ms. Kivowitz: But when you do need a permit – say you're bumping your kitchen out, or you're redoing a basement or something and it was unfinished and now it's going to be finished, or you're adding a bathroom or something – is there a backlog of them?

Building Inspector Sharma: No.

Ms. Kivowitz: OK. I was just wondering. It would be nice if we had some way to give an incentive for people.

Chairperson Speranza: At least not right now there's not much going on.

Building Inspector Sharma: I have about six or seven applications in my office that are waiting to be processed, the plans need to be reviewed. We're supposed to respond within 10 days of receiving an application, by law as far as being able to tell them, "Yes, everything's OK, we're going to issue your permit," or, "No, we need more information." So building permits are one thing for zoning and planning matters. There are a lot of other property maintenance issues that come up. So our office remains pretty busy even when there's not a whole lot of seemingly new construction.

Boardmember Dandridge: But to your point, there isn't a backlog or some other supply/demand issue which we could take advantage of to encourage it.

Ms. Kivowitz: Yes, unfortunately. Because it looks like that's how other places have done it, to give incentives. They've either given tax abatements or rebates of some sort, or they've jumped people to the front of the list.

Boardmember Wertz: We want the idea of incentives, but we haven't thought about it.

Chairperson Speranza: Other than free pickup of appliances.

Building Inspector Sharma: In the greening code there is a code for so-called "existing buildings." An existing building they define – just as you were beginning to describe – as 50 percent of floor area volume. They just classify it as alteration level one, alteration level two, and alteration level three, so on and so forth. And they define what those are. Based on what the level of alterations or modifications that exist, then only certain sections of the code – energy code and building code – apply. Not everything.

Just because you're adding a little kitchen or something you don't end up having to put hardwired smoke detectors everywhere. So it depends on the level of changes or modifications you're doing. That will trigger what you may or may not have to do. And there would have to be similar things built into this code also, depending on the level of changes, alterations, or construction you're doing.

Boardmember Alligood: I actually can think of a way incentivize, to encourage, people to comply with higher standards that might make sense. There are some existing incentive programs in the state, the NYSERDA and others, that people may be intimidated ... you know, just aren't familiar enough with to take advantage of. So one thing the Village could do, rather than just handing a checklist, is say, "We will actually provide you with some technical assistance – some guidance, resources – to help you tap into those resources that you will get through that process."

But it wouldn't be us having to give those resources. So it's kind of getting a little more involved in the project in a positive way with a positive result for the applicant. Just using our own village's expertise in connecting people with those resources.

Building Inspector Sharma: Some of the alterations, many homeowners think they can manage themselves. They don't need a design professional to help them. Whereas we, a lot of times, have a hard time explaining to them that they do indeed need someone, some architect or design professional, to do it. But there could be situations where they really don't have to have an architect, and maybe in-house we can kind of give them a little bit of technical help so whatever they do complies with Energy Star or whatever we come up.

Boardmember Alligood: Picking windows that have energy ratings, just steering people to the right places.

Chairperson Speranza: Helping them fill out applications for grants, which can be very intimidating.

Boardmember Alligood: Yes, exactly.

Ms. King: We were planning on having a fairly good resource guide on the sustainability section of the Web site for those sorts of resources. I remember when we were looking for energy efficient windows. It's not really obvious what's what. But not to say that we should also hold their hand.

Boardmember Alligood: I think that makes a big difference rather than having to do the research yourself, even if it's all on one Web site. Because there is a process of applying for a permit, just having somebody within the Village say, "We really recommend that you look at this and this and that." Not necessarily dictating, but connecting people to the right resources.

Building Inspector Sharma: Some of it beginning to happen at different industry levels. You go to Home Depot to buy windows or appliances, there are salespeople telling you, "By the way, here are Energy Star-rated appliances." And there may be times you may not be able to buy anything except something that's rated by Energy Star.

So with efficiency levels, a lot of appliances and heating and cooling systems, a lot of it industry-wide is changing. Previously there used to be the boilers that were 60 percent or 70 percent efficient. Every boiler has to be, by law, better than 85 percent efficient. So those things are happening, too. When homeowners try to do it, then go out to buy something like a refrigerator, there are already labels on the refrigerators – what they handle, costs, et cetera.

So there's some awareness that this kind of thing is already beginning to happen. And yes, we will also have to participate as much as we need to. But whoever they go to – like a design professional, for example – they will be aware of it, too. So it's going to get done at many different levels.

Ms. Kivowitz: And I guess the more it's being done the less expensive these things are – you know, supply and demand. So I think that to make something LEED-certified gold, say, in 2010 might cost more than it will in 2012. I don't know, but I assume that could be the case.

Boardmember Logan: Some of the things I've read recently about energy efficiency, there is this low-hanging fruit sector. And the simplest thing you can do, the most cost-effective, is add insulation and cut air infiltration. There's a very simple way to test air infiltration, and there are companies that do it for like a couple hundred bucks.

You take your front door, seal it off. They put a blower on it, and they measure how much air is moving through your house. You can tell, you can rate the house, very quickly by the size of the footprint of it and you get a rating. If you seal up a couple of cracks you can save huge amounts of energy. There are a lot of independent contractors who do this.

So I'm just wondering – this is just sort of part of the brainstorming – if there's some way we could mandate that before you get your C of O or your building permit is approved that we have a way of benchmarking individual homes just for the really basic-level stuff like air infiltration. I just put it out there as a question because it's quite easily achievable, it's not overly expensive, and it is about the most cost-effective thing by far – like orders of magnitude – that can be done.

Ms. King: Are you talking about new construction?

Boardmember Logan: No, mostly existing homes. New construction tends to be much, much better.

Ms. King: But I mean in terms of the audits, do you mean for when the house is sold?

Boardmember Logan: I guess we could talk about what would trigger that. A home sale could be one thing, an upgrade of the home when you put an addition on it, or you go for ... whatever would be required for part of the permitting process or review process or C of O process.

Building Inspector Sharma: Was it just to rate it?

Boardmember Logan: It would be to rate it, but also if you fall below a certain rating you're required to make an investment. And it's usually a couple of guys with some foam spray that go in your basement. In 10 minutes your house is 30 percent more efficient. And this is happening on a national level. This is the most basic thing you can do.

Building Inspector Sharma: I think on exiting buildings that have existed for years – built in the '20s, '30s, '40s and '50s – I don't know, maybe it can be done. But all the codes don't always automatically start applying to the older buildings, because they were never built that way. They were never that tight.

Boardmember Logan: I know, and that's why they're consuming so much energy. So it's especially the older buildings that should come under scrutiny like putting double-pane windows in or an energy panel on the inside. There are some very basic, simple things you do. They don't mean ripping out all the interior finishes and adding new insulation. It's basically sealing the cracks.

So I don't know when or how this might be implemented, but that is by far the most cost-effective way to save energy in building construction.

Chairperson Speranza: A program like that, Kerrie Jane, you were mentioning at the last meeting – the NYSERDA. NYSERDA has a program like that, and people in the Village have actually taken advantage of it.

Boardmember Logan: Yes, it's been in the paper.

Chairperson Speranza: And that may be a way to educate the homeowners that you can save a lot of money this way.

Boardmember Logan: Oh, yes.

Chairperson Speranza: I'm trying to think of how, as you mentioned, do you actually have someone do that if they're not coming to the Village for any kind of approval or anything. But maybe it's got to be tagged onto something else.

Boardmember Logan: Some villages have provided subsidies or incentives.

Chairperson Speranza: And that may be the way to do it. Get it out on the sustainability Web site that there is a program available, we can help you through it.

Boardmember Logan: And the paybacks are obvious. I mean, even to somebody who's not applying for a building permit or upgrading their home significantly in terms of additions there are a lot of independent contractors out there who do it. It's quite simple. And it can be demonstrated that even if you pay 300 bucks or something to have your home audited, and pay 15 hundred bucks for them to seal the cracks, the payback for that is like within a year easily, five-fold. Your energy bill goes from, monthly in the winter, 900 bucks a month to 200 bucks a month.

I mean, it's that kind of logic. That's been documented quite well in the press. But I don't know whether there's an opportunity for us to dovetail something like that with our codes, except as it applies a trigger for the C of O process.

Chairperson Speranza: Going back to the idea of how to implement, I think you're right. I think one other thing we definitely have to come up with is what exactly do we want to see. And then how legally we can put it into place, and then how do we implement it. Dobbs Ferry is looking at doing this same kind of thing.

There were two representatives from Dobbs Ferry at the Planning Federation workshops. Both would be interested in potentially having a joint ... maybe the River Towns – Hastings, Dobbs Ferry, Irvington, whoever is doing it – we hire, jointly get someone on retainer, to be a compliance officer. That may give them enough work so that's their role in the village; to kind of take away a little bit of the conflict of interest, and not have someone on one village payroll but really a shared service.

Ms. Kivowitz: A shared cost.

Chairperson Speranza: I'm sure Tom Madden's not interested in doing that.

Boardmember Dandridge: I had a more general question. Forgive me because I'm also mindful for the people watching this at home. There's a fair amount of this that could be construed as just passing on additional cost to them, where it's tied up in the transaction of selling your home or even just this economic environment. While the payback may be within a year, it could be prohibitive for people up front.

I guess I just want to get to a more fundamental question about how we think about the LEED process and whether or not we think that residential and commercial units would be treated the same. The reason I ask that is that what you've provided us under the definition of a residential building they've carved out assisted living, motel and hotel, any building that can be used for transient housing. They treat that as a commercial dwelling.

And it seems to me that there is an opportunity to pass along meaningful cost savings to the Village built in to an assisted living facility; facilities that typically use a disproportionate amount of energy. So I guess I just am curious. I mentioned this in previous Board meetings. Are we thinking about commercial versus residential differently? For example, would they all be mandated to be just LEED silver?

Chairperson Speranza: Let me tell you what my sense is. I very much want a differentiation between the low-density single-family, two-family, three-family residential and commercial and high-rise residential. And I'm using the definitions that are in this code of high-rise. They say anything more than three stories is considered a high-rise residential. But low-rise they mention as multi-family residential construction, including townhomes or three stories or less.

In my mind, that's a very broad kind of definition for low-rise residential. I mean, I'm thinking about the single-family home or the two-family home, and I believe that it should be treated differently. Commercial, office – I guess I'm differentiating the one- or two-family homes versus nonresidential uses or homes that are more than that. You might have 50 units of townhouses that come in here, and they're all two-family or two stories, I think that kind of a development should be a green development and should be subject to a more stringent kind of code.

Again, that's my sense of it. I think there has to be. But refining the definitions here is something that we should do. What do we all think? What should happen? Which should it apply to? And I think we have a sense that there should be a differentiation. That's the sense that I got, but we do have to refine it. Again, as I said, I'm just not comfortable with low-rise multi-family.

Boardmember Logan: Right. I think especially when you consider what might eventually happen on the waterfront.

Boardmember Dandridge: I think that's where I was going, and I think for the purposes of that – the definition of a high-rise, for example – is another one on my checklist. I'm not sure it's necessarily accurate for folks who would just be watching parts of this.

Chairperson Speranza: Right. It might not come across because nobody at home has the definitions that we have here.

I'm trying to think of where we go from here.

Village Attorney Stecich: It's not really an issue, but just to follow up, I think Bill made an important point, and one I was making earlier about we really have to get some sense that, practically, how can this be done. It most likely can not be done by current staff. I think for the bigger projects – anything that requires site plan review – it's easy to say that you have to pay for the consultant cost like you have to pay for any other consultant you hire.

I think it's a little bit tougher when you're talking about one- and two-family – mainly one-family houses. Unless we have some idea of how much would it cost to have somebody monitor and do a final approval of a single-family house. I don't know, maybe your husband would have some notion of how difficult that would be and what the cost would be.

Because that's the main ... I don't see an issue with the big buildings. That's actually already covered by our law. It's the smaller buildings. I think we need some idea. I'm not saying you wouldn't want to do it, but we really do need some idea of what cost of that monitoring would be before we decide how we might want to enforce it.

Chairperson Speranza: Energy Star – re-reading the minutes, you mentioned it and actually it's in here also, it may be in the annotated version of model code – is actually a software program. You put in all the different parameters and it spits out that you've achieved the score necessary for an Energy Star rating.

Village Attorney Stecich: Maybe Samantha could do it.

Chairperson Speranza: And I think you're right. We all need to learn a little more about how it would actually happen so that when the Board of Trustees asks us these questions we can say confidently ... you know, we're not saying, "Oh, we're hiring a consultant."

Ms. Kivowitz: It's very hard to find it out. And for the last month-and-a-half I've been trying to research what it really means.

Village Attorney Stecich: The Energy Star rating?

Ms. Kivowitz: What Energy Star really means, and what it really means in dollars and cents and in time and in effort to be LEED-certified. It's like you have to join some club or something. I haven't been able to figure out how to get that information. So we just have to start speaking to professionals and, hopefully, that will help us.

Building Inspector Sharma: The uniform building code has separated the residential building code from the building code for everything else. So I think, by definition, the residential code – which is quite prescriptive and simplified – everything is in one book as

opposed to separate books for mechanical, electrical, plumbing and so on. So I think the differentiation they may have taken from that code itself.

Whatever applies to the residential code, the same criteria may apply to the smaller low-rise. I think they've taken it from there.

Chairperson Speranza: OK. So these definitions might already exist within the building code.

Building Inspector Sharma: Within the code it defines what does it apply for.

Chairperson Speranza: So for sprinkling, for instance.

Building Inspector Sharma: So it's one- or two-family, no three stories, and so on and so forth.

The energy construction code, also has software they call rest-check or com-check. It's a program where you add the value of insulation, U-factors for the windows, and efficiency of the electromechanical equipment. It gives you pass or fail. So actually, the energy construction code can be applied two ways. One is prescriptive. They say, "OK, in the wall you have to have R-19 insulation, the ceiling 48, and so forth." So that's prescriptive. And whatever code we come up with it would become instead of one standard it would be different standards.

Just like we enforce the current code, it's learning and knowing. So every time the code changes, all building inspectors go through continuing education and learn the changes they're making. So I think the learning of what needs to be done would be work. Once it gets done, then it would be same, workload-wise, as the current code enforcement.

Chairperson Speranza: OK. So you're still only dealing with one code. You're still only looking at the one code, is what you're saying. You're just looking at this code instead.

Building Inspector Sharma: It's not two codes.

Chairperson Speranza: Well, that's a good point.

Building Inspector Sharma: Suppose the energy conservation code says R-19 insulation in the walls and Energy Star says 21. So we don't look for 19, we look for 21. Is it there, or not? So I think with those kinds of things there may be some mystery that would, of course,

unravel over a period of time. Learning what needs to be done and making it part of this takes a few months or maybe a year to catch up.

Then it becomes routine for you. So the learning process, that curve, is like anything else.

Chairperson Speranza: Right. It is just different.

Does anybody else have anything right now? I've got a few specific follow-ups. Marianne, you'll talk to Mike Gerrard about this?

Village Attorney Stecich: You mean about whether it has to go through the process.

Chairperson Speranza: All right, great. Eva, you'll use your connections to try to set this up.

Boardmember Alligood: A LEED architect. I'm sure he'd be happy to meet with us and give us advice. So let's do that before the next meeting. I'll make sure he's there.

Chairperson Speranza: And I'll call Tom Madden, and I will find out specifically from him how things are going with respect to their implementing the code. And try to get additional information from him with respect to why they went Energy Star, why did they look at it differently. And what's the cost. What is he finding in terms of compliance?

Ms. King: He told us that at the time they developed that code there was no LEED for residential and that's why they went with Energy Star. And he said that Energy Star is going to become more stringent next year than LEED, he believes. But he couldn't tell us yet which way they were going to go in the future when they revise their code. I think I have that right.

Chairperson Speranza: Well, I'll check with him and see if he can maybe come and talk to us at some point. And what is the reaction that they're getting from homeowners in terms of complying with this, if people are complaining that it's just prohibitively expensive. And I didn't get that sense from him at all.

But I'm wondering. Kerrie Jane, do you think it's time to make a report back to the Board, or at least to Bruce to send him a note to say, "Hey, we are really working together on all of this."

Ms. Kivowitz: He was at the meeting last night, so he did hear it.

Chairperson Speranza: Oh, great. You've already done it.

Ms. Kivowitz: He did hear that this is actually really moving, and he was happy to hear that. But they're anxious. They want to see something in place sooner rather than later. So I guess we have to set some deadlines for ourselves.

Ms. King: I would be happy to meet in the next week regarding the mini-education.

Chairperson Speranza: I can call Tom tomorrow and find out.

Boardmember Alligood: We'll coordinate.

Ms. Kivowitz: That would be really great, really helpful.

Chairperson Speranza: And is everyone interested in being a part of it? Timing, I know, is always a key. I'll let people know when Tom might be available. If he's available sometime next week, just what people know. We do have to watch the issue of quorum as far as the Planning Board, but we'll work that through.

Do you meet next week, or you meet the following week?

Ms. King: The Conservation Commission is not 'til a month from now. We just met yesterday.

Chairperson Speranza: All right, so you're on the same schedule as we are – a month. So maybe we do something not a quorum.

Ms. Kivowitz: If, before the next meeting of the Conservation Commission and the Planning Board, we can actually have met enough times so that at those meetings we have something that we're actually working with on paper or in bullets – and then I guess somebody else will write it – at that point we can approve or amend or something so that by the end of May we will have something to give to the Board of Trustees. I don't know if that's possible, but it would be really great.

Chairperson Speranza: Maybe, based on what we hear with respect to the changes between the LEED levels and then the LEED new homes and the LEED REGREEN...

Ms. Kivowitz: I think it says that LEED REGREEN for small renovations was kind of a compulsory code. It was really more of a look at all this great stuff you can do, and put it up on a Web site.

Chairperson Speranza: OK. So not requiring, as far as a renovation.

Ms. Kivowitz: I think this is more comprehensive if you're doing a bigger renovation, then that's important, I think. What I could gather of the REGREEN, it's really you're just doing a kitchen or something small – something that might not even come through the process. I just thought it was interesting that they have it.

Chairperson Speranza: Is it reasonable to ask people to go through and just ... again, using this as a model and as a process, to go through and mark it up: you know, no way, this won't work and, again, change in the definitions between low-rise and high-rise. Or things that are good, and absolutely must be in the code. And there's a lot of stuff in here with respect to options, the options we can always weigh in on. Is that a way to move forward, too?

Boardmember Logan: Do you want us to email comments back to you?

Chairperson Speranza: Yes, that would be great.

Boardmember Logan: To you?

Chairperson Speranza: Yes.

Ms. Kivowitz: But I think it probably would make sense to do that after we've had these other meetings. Because we don't really know how we feel about silver versus gold or Energy Star versus LEED home until we get more of an education.

Chairperson Speranza: Right. And I'm thinking aside from that – you know, the definitions of renovations, the actual process, the hardship variances and stuff – yes, the actual standards themselves, fitting it within a process, that's what I'm trying to get a sense of. Next week is what, the 15th, 23rd. Well, take an extra weekend, and say the 26th? I'll send out a reminder.

Boardmember Alligood: What you might want to do, Patty, so you get consistent feedback from us is do a little list of bullets like these are the five things that would be good to comment on. You just name some.

Chairperson Speranza: Each of these different things.

Boardmember Alligood: When you send the reminder you might want to give us a tickler or a list of what are the things that we need to decide on.

Building Inspector Sharma: As we all know, while we are doing this at a different level the international green code council is also working. They have put out the first draft of a green code. They're planning to put it out formally, finalize it, by spring of next year. Dottie Harris, who is the vice-president for government relations, has offered to come here if we ask her to talk to us about what's happening in that area.

But that is also happening, by the way. It's a fairly comprehensive green, sustainable construction code. The way it happens, they propose it and then the states adopt it with some minor modifications. When the state adopts it, I think we're required to enforce it. So by next spring I have a feeling we'll have a set of green codes that we'll be enforcing anyway. So whatever we can do before that, that'd be good too.

Chairperson Speranza: Yes, I think you're right. The Board of Trustees really wants us to get something to them. And then if we have to change it, we change it. If we have to change it because there has been more stringent legislation that has been passed – like at the state level – then we have to change it.

Building Inspector Sharma: The change happens when we only have in our code that we apply the New York State building code and building code. Or we have to just put one sentence in there, and that becomes our code. Then we don't have to do anything to change anything else. So we're probably going to have to enforce it anyway. It's going to become mandatory to enforce that code once New York State adopts it.

Chairperson Speranza: OK. Anything else for tonight?

IV. Adjournment

On MOTION of Boardmember Speranza, SECONDED by Boardmember Wertz with a voice vote of all in favor, Chairperson Speranza adjourned the Regular Meeting at 9:48 p.m.