

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING
DECEMBER 16, 2010**

A Regular Meeting and Public Hearing was held by the Planning Board on Thursday, December 16, 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 Kathleen Sullivan , Boardmember Fred Wertz, Boardmember Jamie Cameron, Boardmember Eva Alligood, Boardmember Bruce Dale, Boardmember Ed Dandridge (8:25 p.m.), Village Attorney Marianne Stecich, Building Inspector Deven Sharma, and Deputy Village Clerk Lori Marrone

Chairperson Speranza: I'd like to call the meeting of the Planning Board to order. It is Thursday, December 16. Lori, will you take the roll, please?

I. ROLL CALL

II. APPROVAL OF MINUTES

November 18, 2010

Chairperson Speranza: Any changes or comments to the minutes?

On MOTION of Boardmember Dale, SECONDED by Boardmember Wertz with a voice vote of all in favor, the Minutes of the Regular Meeting and Public Hearing of November 18, 2010 were approved as presented.

III. OLD BUSINESS - Pubic Hearing (continued)

Application of T-Mobile for the installation of antennas and associated equipment at 1337 Saw Mill River Road. (NO ACTION WILL BE TAKEN AT THIS MEETING)

Chairperson Speranza: For anybody who's here for T-Mobile, they are not here tonight. We are not going to be discussing their application. So put that on the record.

IV. PUBLIC HEARING

- 1. Application of Mirjana Alilovic for the Sub-division of her property at 12 Prince Street.**

Edward Weinstein, architect & planner for applicant: We were here in October and presented a preliminary sketch plan indicating a desire on the part of Mirjana Alilovic, my client, who is here this evening, and the proposal was to create a one-lot subdivision.

She currently owns a lot that is approximately 20,000 square feet. The zoning district is an R-2 district, which is a two-family district. It's at the end of Prince Street. We did a steep slopes analysis, and after the deducts for steep slopes we find that we have two lots that are viable building lots in terms of their geometry. One is about 10,000 square feet and, after the deduction, it's a little over the 7,500 square foot minimum. And the other lot is larger. The actual numbers are on the plans that we submitted.

Based on the discussion at the last meeting, this board indicated that it would accept a final subdivision plat proposal, which we have had a surveyor prepare and have submitted. I'd also like to note that at last month's meeting we did present a request for a waiver of the road frontage provisions because of the presence of a rather large outcropping at the end of Prince Street, and that as a practical matter we the lot we're creating would have 100 percent of the required frontage. The existing lot would be below the required frontage, but the zoning does allow the Planning Board to waive that requirement.

It has, since the last meeting, been brought to my attention that there is the provision in the subdivision law that talks about recreation in a subdivision: that an applicant might have to provide either parkland or a fee in lieu of parkland. My reading of it – just an architect, not an attorney – is that the Planning Board may do this if it makes findings. And it must make findings that this is sort of necessary, based on the subdivision. This is a subdivision that will be creating one additional lot. I mean, it is the smallest subdivision that could possibly happen. This one additional lot could have two dwelling units in a two-family home. In terms of the population, or the averages, maybe it would have few children.

Certainly, we don't believe that findings would substantiate the need either for additional parkland or a fee in lieu of a park land. Because, as you can see, I located on the area map which we had presented last time, the parks that are in the immediate area of the proposed subdivision. There's Uniontown, which is 4.75 acres, and several other pieces of parkland, not counting the open space that's adjacent to Farragut Parkway, which is not necessarily Village parkland but is dedicated open space by, I guess The Thruway Authority these days.

So we are requesting a waiver from the provisions of, I guess, 295-133, for several reasons. One, that the projected increase in population as a result of this subdivision is minimal, that there are many parks in the neighborhood, and the public interest wouldn't be served by adding additional parkland.

And that there are special circumstances in this case, which include the fact that it is a minimal subdivision, one additional lot, and neither the applicant nor the developer who's doing this would make money. She's doing this because it's a burden for her to maintain a parcel that's more than twice as large as required in this district. And she needs the money, in these economic times, from the sale of this parcel. So we would request that the Planning Board waive the provisions of providing parkland for these.

This is the area map. You have in your packages the actual plat, which has been prepared by a licensed surveyor. If you have any questions, I'd be happy to try and answer them.

Chairperson Speranza: Let me just note, this is a public hearing. So let me first ask, are there questions or comments from anyone in the audience on this application?

Antonio Questo, 6 Rose Street: That area is in the area that the Village has gracefully referred to as "Immigrant Hill." That area was zoned 50 by 100. It shouldn't be any problem to subdivide that. You can't change that zoning area.

Chairperson Speranza: Thank you. Anyone else from the public wish to speak? Then we will close the public hearing portion.

Boardmembers, any comments, any questions about the application?

Boardmember Cameron: I do have one question, actually a couple questions. I'll start with one. Where do you plan to do the parking? Currently you're parking on the piece of land next to yours. Where are you planning to put parking on the old lot and the new lot?

Mr. Weinstein: As far as the new lot goes, there is no specific architectural plan for that yet. I have spoken to the potential buyer. At the last meeting, we had presented sort of a typical site plan which addressed those issues. You're right. The existing driveway sort of crosses through what would now be the second lot.

But we laid out a possible configuration for the new house on the new lot, and there'd be no problem at all providing a compliant situation in probably any number of ways to accomplish that, so that the required numbers of parking spaces ... whether it's a one-family or a two-family, we don't know. But whatever is built there would have to comply in terms of the required parking.

The existing house is a one-family house. Also, there would be ... I think this showed a situation, probably not necessarily what we would do. But we would provide two parking spaces on that lot in a way that we're going to be in compliance with the coverage and the

number of parking spaces required. We would have to do that. And we are also going to have to come up with a plan to provide the driveway into that lot. There are some slope issues that we will have to address in the engineering of that when we make that application, or when that application is made. We did enough of a study to determine that we could be in compliance with the existing lot and the proposed lot.

Boardmember Cameron: Well, maybe you discussed it at the October meeting – which I, sadly wasn't here – but the curiosity ... because we don't like parking aprons. And I'm curious how you can squeeze in two cars, which you have to for the old house in that front yard. Now, I drove by the other night and looked at it.

Mr. Weinstein: We have lots of room on the ...

Boardmember Cameron: So you might put it around the ...

Mr. Weinstein: We might put it on this side of the property.

Boardmember Cameron: But just putting a parking apron between the house and the road is ...

Mr. Weinstein: No, I agree. That was drawn not necessarily as a ... that would not be a compliant solution. But we can easily come up with a compliant solution.

Boardmember Cameron: To go around the house counter-clockwise.

Mr. Weinstein: Yes, that would be one way to do it. And we would ... this site is large enough, and we could use permeable pavements and do whatever we need to do to control the ... and, if need be, we could have drywells. We would have a civil engineer come up with the appropriate calculations on stormwater runoff at such time as that work is done.

Boardmember Cameron: Because there's a new house on the other side of the street already, and the road is very narrow right there.

Mr. Weinstein: Yes, well, the road is further than it's built because of that large rock outcropping which we also had discussed at the last meeting. You know, we felt it would be not only a hardship, but would make no sense at all to try to remove that natural feature.

Chairperson Speranza: Do any of the other Boardmembers have any questions or comments with respect to the application?

Boardmember Cameron: It would be useful to hear the discussion on the fee.

Chairperson Speranza: Yes, that's what I was going to move to next, as long as we're OK for the proposed subdivision. So, Marianne, this is something that the Board can waive?

Village Attorney Stecich: No, there's no way. We're provisioning the code. I think what Ed is saying is that the Planning Board may find that new lot generates the need for additional parking for recreation. Actually, in most villages, as a matter of course, they get their rec fee for a new lot – whatever it is, it is – and usually the boards don't even make the findings. They just say, "OK, that subdivision's 10,000, 7,500, 40,000, whatever."

About six years ago, when the Board of Trustees was modifying the fee in lieu of parkland – you can require the set-aside of parkland or the creation of recreation facilities, or you can assess a fee in lieu of the reconciliation and parkland. A number of years ago, the Board of Trustees was doing a study on what the appropriate fee should be, or whether we wanted more parkland. We did a study, and the study did show that the Village doesn't really need more parkland. So the creation in a subdivision is not really in need of parkland. The cost per household – the recreation cost for a single-family house, is \$10,000. It's different from multi-family, depending on the size. And there isn't a distinction made between one-family and two-family houses.

Chairperson Speranza: Oh, there's not.

Village Attorney Stecich: No, because what we do in the multi-family comes up in the site plan approval. This is different because it's a subdivision. And I think the thinking is, generally, we subdivide and there's one house a lot. That's how they came up with the \$10,000. That was some time ago. It's never been up since.

But we could make some finding that this isn't going to generate any additional recreation. But it is. The finding of the rec study was that it does, and there's no point having applicants create recreation space or park space just to set it at \$10,000 per lot. Then there's a different provision under the site plan approval, which isn't going to come off on a two-family house because we don't have site plan approval.

Boardmember Dale: But there was a study, an analysis, that yielded the results that a single-family house would cost the Village money in terms of the recreational services that the household would require. And out of that was \$10,000. That's kind of seems to me the only objective basis we have to know how much would be a fair fee. Maybe we just have to trust that analysis.

Village Attorney Stecich: It just hasn't come up. I don't think you've had any subdivisions.

Chairperson Speranza: I think you're right.

Boardmember Cameron: This Village is certainly not flush with cash, and I think we do spend a lot of money on maintaining facilities. I don't think it's appropriate to not charge it here. Or maybe we should let nobody up by Hillside Woods ever have to pay a fee for a subdivision. Because there's lots of land up there. I think that rationale fails. I think we're spending money like crazy right now on recreation in this town, and we spend far more than we have and we need more. I don't think we should just chop it off.

Boardmember Wertz: It's not a question of the amount of parkland that's around the lot because the study showed that we don't need more parkland anywhere in the Village. But there will be a cost for recreational services for a new household, and that's the rationale for the fee.

Mr. Weinstein: If I may, perhaps ... now you're looking at different sections than the one I looked at. Because the one I looked at, and I'll read it to you, says: *"Before the Planning Board may require that land be reserved for park, playground, or other recreational purposes, the Planning Board must make a finding that such requirement is warranted. Such a finding shall include an evaluation of the present and anticipated future needs for park and recreational facilities based on the projected population growth to which the particular subdivision plat will contribute."*

So it's not some general study that the Recreation Commission has done. Findings have to be made with regard to this specific parcel. And before we even consider whether you want it, if you make those findings, I think the first step would be to see if the particular subdivision could provide additional parkland. And the guideline in the zoning resolution is 10 percent of the lot area. They also recommend that the park be at least an acre.

So clearly, whoever wrote this was thinking of a larger development. This entire subdivision is half an acre.

Village Attorney Stecich: But there's another section of it, Ed, further on. It's called "cash payment in lieu of reservation": *"The Planning Board determines if suitable parks of the size cannot be properly located in a subdivision. But where such a reservation is otherwise not appropriate or practical, the Planning Board may require, as a condition to approval of any such plat, a payment to the Village of a sum determined for such cases by the Board of Trustees."*

Mr. Weinstein: Well, I don't know whether it's practical – even whether my client would consider it – but in light of the fact that this particular subdivision is adjacent to a 4.75-acre park, and that the lot that is remaining in Ms. Alilovic's title, perhaps a conservation easement over a small portion of the parcel that she's going to keep could expand Uniontown Park.

We're talking about a hardship – that the impetus for the family doing this subdivision was financial – and we don't believe that the findings can be made that this particular subdivision will require conditional parkland or fees because we're adjacent to so many parks. I mean, there's the park on Green Street, there is Uniontown Park, and there are several other parklands within probably a 500-foot radius of this site.

Boardmember Sullivan: I think I'm finally on the section that you're referring to, and it's 295-112. That's in the site plan?

Village Attorney Stecich: No. It's 295, page 130. There's one in site plan, and one in [off-mic].

Boardmember Sullivan: And the one in ... OK.

Village Attorney Stecich: The one you're reading is site plan.

Boardmember Sullivan: OK, thank you.

Chairperson Speranza: Ed or Bruce, any comments on this?

Boardmember Dale: There seems to be a conflict between the study that was done that determines that the maintenance concerns for the parks, and that every additional resident contributes to that cost. The piece of the issue of the findings, and whether the findings are necessary or not, Marianne, are they? Is he correct in the reading that the findings are necessary?

Village Attorney Stecich: Obviously, this is going to be a case where it's going to be made to challenge. Yes, I think the Planning Board makes such a finding. You can make a finding. One of the things was that you can't go out and do a study every time somebody comes in with an application for a subdivision, which is why the Board of Trustees had this study done. The study showed that a new house generates a cost of \$10,000 in fees.

There's a lot ... besides the facilities, there's recreation staff, there's maintenance. It's in the study. It was done and it's in the findings.

Boardmember Dale: So we can rely on the findings that the Board of Trustees accepted.

Village Attorney Stecich: Yes. On the study, right.

Boardmember Dale: And based on that, feel that the maintenance cost is necessary.

Boardmember Dandridge: Let me just add, and I'm certainly sensitive to the petitioner's circumstances, I think that's part of our responsibility. But we have a broader responsibility to set good policy. I'm not persuaded that the issue is adjacency to public land. I think the issue is the additional cost on recreation facilities and in recreation expenses. I think that's very persuasive, particularly at this moment in time. I understand there's a financial motivation. You wouldn't be moving forward with this petition if you hadn't already done some sort of preliminary cost-benefit analysis, in a sense that you will get some sort of return on investment by putting an additional property here. So I think this has to be built in to your plan.

Mr. Weinstein: Number one is the decision to subdivide it. I can safely say it had nothing to do with a cost-benefit analysis. It had to do with the fact that this particular parcel was larger than it needs to be.

Boardmember Dandridge: You just said your client was motivated by financial concerns.

Mr. Weinstein: To make money, but when you say a cost-benefit analysis that implies a higher level of analysis than was done in this case.

Boardmember Dandridge: It simply means that you wouldn't be moving forward if you didn't think you could make money.

Mr. Weinstein: I would also question, I, for one, have not seen these findings that you're referring to. And from the discussion around this table, it doesn't seem anyone else at this table other than counsel has seen these findings. So I would question how can the Board possibly apply these findings to a subdivision where the code specifically says that your findings must relate to this specific site. Certainly, it would seem arbitrary to me to hang your hat on findings which none of us, or very few of us, have seen. And that we would certainly like to evaluate those findings to see whether they have any relevance to this particular instance.

Village Attorney Stecich: They were the subject of a public hearing. For what's it worth – now I'm not saying you should do something because everybody else does it – most

municipalities I know, and probably most you work in, Ed, it's a flat fee. It's just in Hastings we were being more careful. Listen, you can't just charge this fee without having to have done this study. So let's do a study – this is when we were coming up with the fee – and see what the real cost is.

So there was actually more thought than frequently goes in to ... not just thought – more thought and study – than frequently goes into this assessment. In fact, to make sure we were in the right ball park, at the time I think we got the fees from all the villages, or a lot of the villages, in the county just to make sure we were in the ball park. And we certainly were. So everybody's charging ... everybody charges a fee. I'm not sure that everybody goes forward with having the Planning Board do the finding.

Chairperson Speranza: Fred, did you want to say something else? Then I've got a question for the applicant.

Boardmember Wertz: When I heard the reading of the text in the regulations, it sounded to me similar to Ed's interpretation to say that when there's a new subdivision it can be required that they provide parkland. And that that's sort of the default possibility if it's necessary. If the parkland isn't necessary, then it's not required.

Then there was the statement that in lieu of the parkland, if possible, that a fee could be charged when it's not feasible for the lot to provide additional parkland. The way that test sounds, it sounds like the whole thing is conditional on the finding that parkland is required. The way that reads does not say to me a new household needs to contribute to the Village its share of the proper fees for recreation. I'm just not hearing that.

Village Attorney Stecich: It's just not fees. It's just not parkland or recreational purposes.

Boardmember Wertz: Yes, read it again.

Boardmember Cameron: Marianne, one thing I think would help is the way the sections are laid out, which they don't have in front of them, is that it is park reservations and then they have one, two, three, and four. And four stands equal with one and two and three. It's not like it's a subdivision. So the first one says "a standard for reservation." The fourth one says "cash payment in lieu of reservation." But it says when the Planning Board decides that a reservation is not otherwise appropriate or practical, then it can charge a fee. So I don't think we actually have to do it, from my reading of it.

Boardmember Wertz: So when the reservation of parkland is not feasible or appropriate, not based on whether the lot can provide it or not, not based on whether the Village needs it

or not. Do you see what I mean? We don't want to require a contribution of parkland not because it's not feasible for the person who owns the lot to give it, but because the Village just doesn't need it.

Boardmember Cameron: Well, the language is even wider than that. It says, "*where a reservation is otherwise not or appropriate or practical.*"

Boardmember Wertz: To the Village.

Boardmember Cameron: Exactly. To the Village would be one?

Boardmember Wertz: OK, to the Village. Well, if I read that "to the Village," then I say OK, the Village has made a determination that we don't need any more parkland, therefore there's a fee. And if that's the way you read it, then the fee seems to me to be pretty much inevitable. And I think your logic is quite right, that if we're going to be charging a fee we have to have some objective basis to know how much to charge. And so if a study has been done, and there's been a determination of what a single household ... what would be appropriate to charge a single household – it's \$10,000 – then that's the default decision of the Planning Board. And if there's an appeal, then let it be. But basically, we're just carrying out the regulations.

Chairperson Speranza: Anyone else?

Mr. Weinstein: One more comment, which is that before an appeal – which, obviously, an appeal under Article 78, we all know we've lost a lot more than \$10,000. So there's not going to be an appeal to this. But there is a provision of 295-135, which specifically allows the Planning Board to modify these positions if it deems ... where the Planning Board finds that with special circumstances of a particular case – "*extraordinary hardship may result in strict compliance with these subdivision regulations if they modify the regulations so that substantial justice may be done, public interest secured, provided, however, that any such modification will be consistent with the spirit and intent of these subdivision regulations, Village laws, and the zoning map of the Village.*"

And I'll reiterate, we're talking about a one-lot subdivision. In most municipalities that have this provision, these provisions relate to larger cluster developments. Without having done an analysis, I'm not sure that they don't even exempt one-lot subdivisions. I believe this is a unique circumstance that doesn't warrant requiring the owner of the subdivided property to make a \$10,000 contribution to the Village. No one's going to argue that the Village needs money or could find something to do with \$10,000. We're suggesting that in this particular case that it's not warranted.

Boardmember Sullivan: I have a suggestion. I've looked at this study, and it's been a couple years ago that I've seen the analysis that Marianne's referring to and I do not remember the particulars. I don't know if it's appropriate, but I think it would make sense for us to not necessarily make a decision tonight, but to have some time to look into this and have a more informed discussion.

I understand Marianne's point very much, and I think it could be very applicable to charge a fee for recreation use. But I feel uncomfortable trying to make a decision one way or the other right now because I'm not familiar with the requirements and the history that you talk about, about why the Board came up with this study and the reasons for deciding to put the fee in.

Boardmember Wertz: Well, I'm a little more comfortable relying on our attorney, but I'd be happy to postpone our decision and read the report.

Mr. Weinstein: One last point. Ms. Alilovic made an excellent point, which is that since she's owned the property, and since previous owners have owned it, they've paid taxes on a double-size lot; paid taxes on that land without having a house on it.

Chairperson Speranza: This was taken into consideration when the recreation and parkland study was done, the fact that people do pay taxes. But again, it goes towards the potential impact. Frankly, I am comfortable ... a one-lot subdivision, as well, until I think that there's another application that we're going to have before us soon that's another single-lot subdivision. And we may find many, many more of the single-lot subdivisions. I don't have a problem, as you suggested, Kathy, if we can vote tonight as it stands now. Or we can defer it a month if Boardmembers want to take the time to review things. It has been a long time since that report was done.

Boardmember Dandridge: Can I ask the Chair a question? Petitioner's counsel continues to make the point about exceptional financial circumstances. Has that information been presented to us? Is there guidance?

Chairperson Speranza: No, there's nothing that we would require on that.

Boardmember Dandridge: Right. So we would be taking it prima facie, on face value.

Chairperson Speranza: Frankly, it doesn't matter why.

Mr. Weinstein: I think the unique circumstances of this property ...

Chairperson Speranza: OK, hold it.

Boardmember Dandridge: My point is, if it continually is presented as exceptional circumstances in deciding a specific point in the code, I want to know on what basis he meets that. That's all I'm saying.

Mr. Weinstein: The specific circumstances are, number one, that it's a single-lot subdivision. Number two, that it's adjacent, touches, a 4-3/4 acre park, and that there are lots of other parks in the area. To sort of beat up a homeowner for 10 thousand bucks seems somewhat draconian to me, especially when there's a way in this code that would allow you to find otherwise. Obviously, if you want to extract \$10,000 the owner doesn't really have a lot of leeway other than to engage in legal action against the Village, which I'm not qualified to evaluate.

Boardmember Dandridge: I just suggest that counsel be very careful in language, particularly when citing code. You specifically said there were some compelling and unique financial circumstances. What you just cited were specific and unique circumstances, but certainly not financial and certainly not unique to the petitioner. I'm sensitive to all of that.

Mr. Weinstein: I think I listed all of it.

Boardmember Dandridge: Sir, no, you didn't address any of them. They didn't support your assertion. We have a responsibility here which we take very seriously. We want to be fair to the petitioner, but we need to be fair to everyone. And so if you're going to cite, and assert, unique and specific special financial circumstances I'd like to see documentation. I'd like counsel ... I'd like guidance on what that standard is. If you don't have that, and if you're going to talk about her specific circumstances with respect to the plat, then stick to that.

Village Attorney Stecich: I just want to say one thing because I want to make sure I didn't leave the Board with the wrong impression, based on this section. Ed, there is some give in that section. You don't have to, I'm just saying ... OK, so you don't have to. I'm just saying in many places it just is done. You do have the discretion to say no.

Chairperson Speranza: So it's not a waiver, but it's something that we make a determination about. That's the problem that I have right now, is being able to come to findings without...

Boardmember Alligood: I just want to voice.

Chairperson Speranza: OK, hold on. Eva, go ahead. You haven't said anything. I don't blame you, frankly.

Boardmember Alligood: I am concerned about making an exception that then becomes the new standard. Because if it's been determined that this is an appropriate fee for this type of action, then we don't have any evidence that this is not a special case. This is somebody who's going to financially benefit from subdividing their lot. And as Ed said early on, you factor that in to your calculation of whether that's financially worthwhile. You factor in what the costs are, just like in any other financial transaction. And I'm just concerned that if we exercise this out of compassion for special circumstances, then what basis do we have to ever impose this fee on anybody who comes before us in this situation.

Boardmember Dale: I agree strongly with what you just said. And we'd like to point out that vicinity to the park doesn't actually excuse you from having the need for park space. It basically means to me that those residents are going to use the park more often. And what we're concerned about is the maintenance of the park; if they're going to use it more often because it's right next door to their property.

Boardmember Dandridge: No, more than ever, we need to be very sensitive in accommodating where real financial hardship exists. I guess what I'm saying is, if that is the assertion, then what is the standard and what is the supporting factual information. I'm more than willing to be sympathetic and to entertain that. What I will not be willing to entertain is just a statement that's not supported, which then puts us in the position that Eva has just mentioned.

Mr. Weinstein: First of all, just for the record, I will withdraw any reference I made to the financial situation of the applicant. I would like to suggest, after discussing it with my client, that the Board consider a conservation easement of the portion of the portion of the property that abuts Uniontown Park, which would allow you to accomplish one of the provisions of the zoning, which is to provide parkland. In this case, we would just be expanding an existing park. So we'd like to put that on the table for you to consider.

Boardmember Wertz: Well, the trouble with that is, if the study the Village did determined that we don't need any more parkland here, then that's off the table.

Mr. Weinstein: Has a determination been made by this village that the Village has enough parkland?

Chairperson Speranza: That, I believe, is what was in the study. ...

Mr. Weinstein: So for future reference, we can assume that this village doesn't require any additional parkland.

Boardmember Sullivan: There were certain ...

Boardmember Dandridge: Are we ready to vote?

Chairperson Speranza: We're getting off on tangential issues here, and I don't think any further conversation is going to be any ...

Chairperson Speranza: OK, sir, come on up. Because then we have to take ...

[Male Voice]: The thing is that this whole thing is tied into history. And when they created this law, or whatever, it was more on the idea for large land plots being subdivided so that they could get park areas. They have to get park areas all around this village because of one of the outrageous and disgraceful things where the Village had to make two public apologies and all hell broke loose 50 years ago, where the Village had to purchase all lands that came available for parks. And this is tied into that to get parkland from large subdivisions. The money was just thrown in to make sure everything ... we cover everything, but it was basically for large land tracts, not someone splitting their property in half.

Chairperson Speranza: OK, thank you. That's what we're deciding on now. Do you want to proceed with a vote tonight?

Mr. Weinstein: I'd like to discuss with my client for a moment, please.

Chairperson Speranza: Should we proceed, there are a couple of actions that we do have to take. We have a SEQRA that needs to be done. So we'd be doing that and we would be also approving or disapproving the subdivision with the waiver with respect to the inadequate frontage on the lot, as well as then the provision for determining findings on the fee.

Boardmember Dale: Would we actually see the solution to the parking question that was originally asked?

Chairperson Speranza: I believe that would become...

Boardmember Dale: The Building Department?

Chairperson Speranza: A Building, right, because it would be a file for the building permit to actually construct. But we could condition the subdivision that adequate parking be provided.

Boardmember Dale: That it has been demonstrated.

Boardmember Cameron: Because they're not looking for a building permit on the old lot, so we need to have that condition in to make sure it happens.

Mr. Weinstein: We have no problem with that condition. Let me ask a procedural question. At what point would this \$10,000 fee need to be paid to the Village?

Chairperson Speranza: I don't know.

Village Attorney Stecich: When the subdivision becomes final.

Mr. Weinstein: And at what point ... because she doesn't have ... it's sort of a chicken/egg thing. Because the problem is, there's a buyer who won't buy until the subdivision is approved. She doesn't have the \$10,000 right now, but will have it after the sale. So I'm just trying to figure out how can this happen.

Village Attorney Stecich: When the final plat is ... because generally, everything has to be done before the final plat is done. So this board could approve the subdivision...

Mr. Weinstein: Subject to the payment of that fee.

Village Attorney Stecich: They don't have to pay tonight before the approval, but you do it subject to the filing of the final plat that \$10,000 would have to be paid.

Mr. Weinstein: I would respectfully request that you go ahead with your vote.

Chairperson Speranza: OK. I was just mentioning, Ed, some of the things that we have to do. Is it the sense of this board to proceed with the vote? There's no reason ... OK.

First actionwe have a Short Form Environmental Assessment here that has to do with whether or not there would be any environmental implications warranting a further review and environmental impact statement. Unless anyone feels differently, it's my sense that there would be no environmental results from the subdivision that would warrant a more complete environmental review. So we need first a motion to accept the SEQRA and issue a negative declaration on the proposed subdivision.

On MOTION of Boardmember Wertz, SECONDED by Boardmember Dandridge with a voice vote of all in favor, the Board resolved to accept the SEQRA and issue a negative declaration on the proposed subdivision of property at 12 Prince Street.

The second action is the approval of the proposed subdivision, with two ... I heard two or three conditions, the first being a waiver for the inadequate frontage that would result on lot one, the existing home; the second being that plans for an improved parking area be submitted to the Building Department for the parking on lot one for the existing house; and the third being a finding of this board that the recreation fee in the amount of \$10,000 is warranted, given the fact that this is a subdivision, there will be a new home created, and there's an expectation that the individuals who would be living in that house will make use of the parks and recreation in the village, the amount having been set by the Board of Trustees.

Boardmember Cameron: And payable when the final plat is..

Chairperson Speranza: Yes, and payable when the final plat is to be signed.

On MOTION of Boardmember Cameron, SECONDED by Boardmember Wertz with a voice vote of all in favor, the Board resolved to approve the application of Mirjana Alilovic for the subdivision of her property at 12 Prince Street with the following conditions: 1) a waiver for the inadequate frontage that would result on lot one, the existing home; 2) plans for an improved parking area to be submitted to the Building Department for parking on lot one for the existing house; and 3) a recreation fee in lieu of parkland of \$10,000, the amount having been set by the Board of Trustees, be paid before the final plat is filed, given that this is a subdivision, a new home will be created, and there is an expectation that the residents of the new home will use the parks and recreation in the village

Mr. Weinstein: Thank you.

Chairperson Speranza: I believe that's it.

2. Application of High Rose Realty Corp. for the off-street parking in connection with an accessory dental office on the first floor dwelling building at 34 High Street.

Chairperson Speranza: Next on our agenda is the application of High Rose Realty Corp. for off-street parking in connection with an accessory dental office for a building at 34 High

Street. Again, it's a public hearing so we will have the applicant make a presentation followed by input from the public.

Tom Abillama, Architect: This application is in regard to a special use permit for a home office in an existing family dwelling. The applicant, Dr. Abirizk, has been diligently looking for an office for herself until she realized that she was able to provide a space on the first floor of the building that she owns.

The requirement for a home office is to be no more than 30 percent of the floor area where it exists. Therefore, I'd like to run you through, first, the floor plan. The first floor is one family, the second floor is the other family. The access to the second-floor apartment is from the left side facing the front, going up the stairs to this level. There's a deck at the rear of the property adjacent to the existing parking that there is there.

We were able to visualize an area of 420 square feet, which is equal to 29 percent of the floor area, which would be suitable for Dr. Abirizk to conduct her business as a dentist there. And if you could see that the entrance ... we can extend the deck in the back to have a private entrance to the dental office. And there'll be another office, an "operatory room," they call it, with a bathroom. They're providing a toilet in there by removing the other bathroom that belonged to the first-floor apartment. The remainder will be suitable for a two-bedroom apartment, with a nice size living room and a kitchen in the middle.

The other requirement for a home office is to provide parking and, by adding the requirements for a two-family dwelling plus the home office, we need to provide eight parking spaces on the site. Therefore, we decided to have this parking, the left side of the property, to enclose an eight-parking space with a handicapped aisle as per New York State code. We're providing all the amenities that are required by the ordinance, such as a 5-foot landscape buffer and landscaping in the front; providing trees, locust trees – 4-inch caliber, and evergreen hedges along the side and the rear of the parking to provide enough screening.

We calculated the stormwater drainage requirement, runoff requirement, providing a trench drain with three drywells. The calculations are here, based on a 3-inch storm. Providing lighting for the lot, as well as providing all the concrete curbing that's needed, and the pavement, the asphalt pavement, that's required.

Now if you might see here, there's a provision in the future. Maybe my client is looking into subdividing the lot. But this is not a subdivision application. This is just a special use application for a dental office, if you have any questions.

Chairperson Speranza: I just want to clarify, it's not a special use permit. It's an application for construction.

Village Attorney Stecich: Actually, they don't have to apply for the home/office because it's a permitted use. The reason he's here is, he needs to have the parking approved by the Planning Board. I think the referral could go through the Planning Board if you wanted to, to look at the requirements, as long as they're here, to make sure that the requirements for the professional office are met.

Chairperson Speranza: I have a question right off the bat with respect to the way the parking is configured. I don't know how it complies with there being no parking permitted in required yards.

Village Attorney Stecich: It needs, first of all, 295-20(c)(4) states no parking in a required yard. Then there's another section, 295-30(a) that says ... well, this is a little odd because it's not a driveway. It says the driveway shall not be greater than 24 feet in width and not encroach upon required yards. I'm not sure that coverage isn't an issue. There's a limit on coverage of 25 percent. It seems to me ... I mean, if you're thinking about subdividing [off-mic] like 80 percent coverage. But even on that, it seems like you might be covering 25 percent, you know?

Mr. Abillama: I forgot to mention that if you look at this dashed area here, this is an existing driveway, an existing parking area. And if you take this area ...

Village Attorney Stecich: Is that going to stay there?

Mr. Abillama: Well, no. It's going to be removed. But if you look at the square footage of this area, it's not that much smaller than what we're proposing. Although it's noncompliant, and there's parking, we're providing a situation that's more conducive to the code.

Village Attorney Stecich: Yes, but still. Whatever, there still is a 25 percent limit. There's a change there, so when you change it you're going to have to be compliant. Did you do a calculation of the coverage, what the percentage of coverage is, of the paved areas?

Mr. Abillama: The building coverage, but not the impervious area. The building coverage is still 9 percent.

Boardmember Sullivan: Marianne, when I looked at that the development coverage doesn't apply in the 2-R multi-family. It just seemed the only restriction was 25 percent of the buildings or structures.

Village Attorney Stecich: Then the structure would include the parking lot.

Boardmember Sullivan: Does it include that?

Village Attorney Stecich: If you go under the definition of structure, it's any assembly that excludes driveways. But this is more than a driveway. This is a parking area.

Boardmember Sullivan: I was looking for this because I saw that in 2-R a lot needs to be, for a two-family, 10,000 square feet. Right now, they're at 12,750. And if you are thinking of subdivision, you are getting yourself into a pickle that way.

Mr. Abillama: We're not. We were just hoping in the future they can do that.

Chairperson Speranza: One of the things that you might consider, given all of these things, is ... and it's just a thought on my part. And this is a public hearing, so we will move to public comment in a minute.

Have you given any thought ... my sense is you're trying to squeeze too much out of this piece of property. And whether or not you leave the existing driveway, and have the existing driveway off of Rose Street come up and serve a parking area to be developed, then you don't have to worry with respect to meeting the coverage requirement and the parking in the yard. I think it just gives you more space to be more flexible. The kind of land that you have here, in my opinion, is exactly why we look so carefully at accessory uses, particularly as they relate to parking. Because we don't want something that's going to be just a sea of asphalt, and particularly when you've got access coming out now onto High Street.

Boardmember Dale: It's a pretty busy street.

Boardmember Alligood: And it has a curve not too far down.

Boardmember Dale: And steep.

Boardmember Alligood: This is a very busy street.

Boardmember Cameron: It could be quite dangerous, actually, and I've seen that way going left down the hill. I used to live up there.

Boardmember Dandridge: So the suggestion would be to try to build incrementally off the existing access off of Rose as opposed to trying to start from scratch onto High, where it'd be a little bit more dangerous.

Chairperson Speranza: I think that's a reasonable alternative. But I do want to give anybody in the audience who wants to speak on the application a chance to come up. Sure, come on up. Just state your name and address at the mic, please.

Genevieve Tarant, 136 James Street: My property is just, I guess, diagonally behind theirs. I was here because the notice really didn't say anything about where all this parking was going to be. But this sounds extraordinary for a residential area. I mean, eight parking spaces? When the prior owners subdivided and sold the property just down the hill, where the two-family house was built a couple years ago, their original plan was like a multi-family unit with eight parking spaces behind the house. And that was like outrageous then. That just seems like a lot. That eight-car parking lot, with lights, is right next to a family who has bedrooms and has to sleep. So I think it's a little bit much. If they could modify it somehow, it really just seems like a lot for that area. This is all residential. I know at one point that was a viable small store, but the people basically lived there and ran the little store in the front room. And that was a very tiny business. But this, especially if they're expanding that whole back apartment to become an office, just seems a bit much for that corner. Plus the traffic problem. Thank you.

Chairperson Speranza: Anyone else wish to comment on the application?

Village Attorney Stecich: I have another question. You talked about the apartment on the same floor. Who's going to live in that apartment?

Mr. Abillama: The Abirizk family is going to live there.

Boardmember Cameron: Since we've discussed the parking and it obviously has to move, I'd just like to make a couple comments.

The lights you put in your diagram is a quick way to put two lights in, you light up the whole thing. Unfortunately that would blind the people in the adjacent houses. And particularly if you come back with a plan which meets our approval, I would like to see you, personally, with lights which are low down to the ground, maybe six or seven of them, rather than just having two big lights. Because you can just see the filaments hanging down from these lights, and they would be a terrible disservice to people in the adjacent homes. I think we'd have a huge crowd here if you tried to do that.

The other comment I have, which I'm just sort of puzzled by, on the first floor in the two-bedrooms they don't seem to have any closets. I was just curious. I guess ... is this a rough draft?

Mr. Abillama: It's a rough draft. We haven't given it any thought.

Boardmember Cameron: And the outer room is the waiting room, and the inner room is actually where the dental operation is?

Mr. Abillama: Right. Waiting area, reception area.

Boardmember Cameron: Those are the questions I had.

Mr. Abillama: As far as the lighting, we'd be willing to provide – whether this situation of the parking lot, or whether it's in the back – bollard-type lighting, low-level lighting. We thought that what we're proposing will provide enough lighting for the whole parking lot. In addition, if there's a concern about the impervious surfaces we can provide permeable paving, a brick paving which is more attractive-looking. And that would allow the stormwater runoff to be a lot less. So if you could provide some permeable paving, with grass growing between, that is going to be an attractive solution to this situation.

As far as the access, it's pretty far off the corner to be ... as someone said, it's dangerous to go in there. It's only for two-family and a small dental office. I mean, it's not as if like people are going in and out all the time. And it's very far off the corner. Any drivers, at least, you know, this is much distant from the corner.

We thought that this is a better solution to compact the parking in this area instead of having them here. Because regardless, we have to enlarge the parking to provide for eight parking spaces that would not be tandem.

Boardmember Sullivan: I think the issue, really, is what Patty brought up. This parking is within required side yard and rear yard and front yard setbacks. It's a residential area, and this looks like a commercial corner now in a way that I think would be a disadvantage for the people living around there. But looking at the code, your setbacks are incorrect and you should double-check them. And also I think that the buffer strips that you have should be 10 feet, not 5.

So really take a harder look at the zoning code. But I'm very much against the parking going in required yards in this particular instance because this is a residential area. I think your

suggestion of 10 pounds of potatoes in a 5-pound bag, you're getting a lot on the site and I think it's too much.

Boardmember Dale: Is the home/office as-of-right in this zone?

Chairperson Speranza: It's a permitted accessory use.

Boardmember Sullivan: When the resident owner lives there.

Chairperson Speranza: Right. And provided that parking is adequate.

Boardmember Dale: And that the parking requirement would be ...

Chairperson Speranza: Would be met.

Boardmember Dale: And there's no consideration for volume of use, or traffic?

Boardmember Sullivan: No, I think dental is OK because it's a profession. My question, I guess, is you're providing for two for the ...

Chairperson Speranza: Right. It's four for the residential.

Boardmember Dale: So each for the residential. I certainly think that even if it's proposed future division, the drawing at that line biased me completely against the project.

Chairperson Speranza: It's too much.

Boardmember Dale: It put all of these functions on one side, and clearly is a total violation of the residential quality of that neighborhood. High Street is, indeed, a very busy street. It's also a snow emergency street, and there are traffic problems on High Street now because of parking.

Boardmember Cameron: And buses.

Boardmember Dale: And the buses. Having the option to come out on Rose Street seems to me in the best interest of the people who are using that parking lot. It's a lot safer for them, as well as dispersing this sense of a commercial zone. So I would not approve what's being proposed.

Chairperson Speranza: So you have a good sense of the Board and what our concerns are in terms of being able to come back with a site plan that would work better with respect to providing for the home/office and parking that's associated with the home/office?

Village Attorney Stecich: There's two things I want to add. One is, it does say that the parking area is supposed to be reviewed by the Planning Board, which is why it's here. It also said that there shouldn't be any visible evidence of the use outside the building in which it's located. That's sort of in the context of signs or storage or display. But when you end up putting a parking lot that looks like an office parking lot, I think that's outside evidence that something's going on there other than people living there. So keep that in mind. That may be avoided some by using what's already there. If you don't change much what's there, then it goes with the residential character of the neighborhood.

The other thing I don't know whether you'd want to think about is, eight spaces seeming like a lot.

Chairperson Speranza: Yes, it does.

Village Attorney Stecich: It's what the code requires, but is there more than one dentist working here?

Mr. Abillama: No, just one dentist.

Village Attorney Stecich: Well, if there was more than one dentist, then they'd be looking ... but it seems like a lot so maybe the Board might want to consider asking for fewer parking spaces. They'd have to get a variance from the Zoning Board, but as it is now they could go to the Zoning Board anyway. But maybe get the Planning Board to say to the Zoning Board, "we looked at this and eight just seemed like too much pavement, and so we would recommend ..." and that's not to say that the Zoning Board would approve it, but that "we recommend that you give them a variance for two parking spaces," or whatever you decide is appropriate.

Boardmember Wertz: If you think reasonably about a dentist's practice, it's probably unlikely that there'd ever be more than two cars in that lot for patients at any given time. Therefore, four ... if it changes the residential character of the building, the cost is too great and the need is not there. So it might be you don't need four spaces for the dentist's practice.

Boardmember Dandridge: My sense is that when you take each of these separately, there are some reasonable concerns we would have. I do think it comes back to something Bruce said before, which is that this subdivision potential, proposed or not, raises a lot of questions

that you probably don't want to be answering. And it also kind of gives a little bit more insight into why you have eight spaces on one side as opposed to the other, right? So you get some bonus points for trying, but I do think in the end it probably is out of character with the residential neighborhood. High Street having traffic, additional traffic, there is going to be a big lift. And I think if you're committed to four, five, six spaces you'd probably have to look at how you build off of the existing driveway, and scrap the notion of a subdivision. I think it's either/or, probably not both.

Boardmember Cameron: I think Marianne was saying that, in that context. That if we got down to six, you could get them in the back.

Mr. Abillama: If we get down to six – if the Zoning Board and this board allows us to do that ...

Boardmember Dale: But not on one site. On both sites.

Mr. Abillama: I thought that with six maybe we can ...

Chairperson Speranza: No.

Boardmember Alligood: I just want to comment also on this particular area. That building is actually quite charming, and I really have always loved that corner and wished that there was some sort of commercial use back in there. So I support the notion that it comes alive in that way, but as proposed here would destroy that charm that exists. So for many reasons, that will not work.

Boardmember Cameron: And the Inguis made great potato salad.

Chairperson Speranza: And it was really nice to see that there was activity in the building.

Dr. Abirizk, 34 High Street: I'm the dentist who wants to do the office there. It's my home. Actually, when I asked to do an office there – I know it's office, home/office – I heard that it has to be eight parking lot, which I said, "How can I put on all this land that big parking lot." They said, "It's a law, we have to do it, that's the way." I would like to keep the same parking, and definitely would be no more than three cars – my car, even. And I wish if I have more than one patient, that there were two patients. But I believe it won't be more than two or three cars. And you want to see ... the area will be much ... the land will be much better, the outside will be greater. And we would like to keep the land. We wish to have more land, and I wish, if they let me make less than eight parking, or six will be great. Or

maybe I don't need more than four, but it has to be six, it has to be something else. I don't need it, for sure. And you want to see later on.

Chairperson Speranza: Can I ask you something about your practice? It goes to the question with respect to the parking and the parking that's needed. Is there somebody who would work with you? Do you have a hygienist or two?

Dr. Abirizk: No. Actually, myself – maybe an assistant later on. No, it's one operatory and I plan to do it in the house. I will be having more patient, maybe more, I would buy another place. I would go move to another business place, or I will have more ... even I will need more space, I'm not staying in the home to do bigger business. That's for me, and not only around me but only for me, too.

Chairperson Speranza: Then I think you're hearing that we are open to that. And, of course, it would have to go then to the Zoning Board of Appeals. It's another step, but I think you end up with a better project.

Boardmember Dale: Well, he has to go to Zoning anyhow.

Chairperson Speranza: It would have to go under this scenario, yes.

Yes, ma'am?

Female Voice: I just want to say, what they've done so far with the property is wonderful. It's a big improvement in the neighborhood. The building looks much better. And I came tonight because I didn't know what off-street parking was being discussed. They have fixed up the back, they've fixed up the driveway so there's a nice curved driveway. And there's two extra parking spaces there now. It looks nice. They've been putting little trees in, and it's a nice job.

So if they were just expanding on that a little bit for another space or two it would be fine. On the Rose Street side there it would kind of fit in. It's just this big, eight-cars parking lot in the middle there, right next to a private house, is a bit much. But what they've been doing so far has been very nice. So considering limiting, or cutting down, the number of parking space restrictions might be a good way to go, and keep everybody happy.

Chairperson Speranza: Thank you. So you'll come back?

Mr. Abillama: Yes.

Chairperson Speranza: Good, OK. We'll keep the public hearing open on this.

Mr. Abillama: Thank you.

3. Accessory Apartment- Arlene Sklar/Weinstein Trust, 18 Harvard Lane, Sheet 43C, Block 766, Lot 11- No Waivers Required

Chairperson Speranza: OK, next on our agenda ...

Boardmember Cameron: Well, we blew the \$10,000.

Chairperson Speranza: I was going to say, remember if you subdivide you're going to have to pay \$10,000.

Kathy, did you want to talk a little bit about the stormwater thing, or should we just ... the stormwater forum that you went to.

Boardmember Dale: Is there an accessory apartment?

Chairperson Speranza: Oh, I'm sorry, accessory apartment. Is there somebody here for the accessory apartment? We usually try to do those first.

Arlene Sklar-Weinstein, 18 Harvard Lane: But this has been a very interesting session, I must say.

Boardmember Dandridge: Do you have \$10,000?

Ms. Sklar-Weinstein: I am again before this group, I think for the third time.

Chairperson Speranza: And this is an application for an accessory apartment renewal, 18 Harvard Lane. According to the information we have, there have been no changes to the accessory apartment. You did enlarge your other building, or the principal structure, but that's OK. It doesn't matter. And no complaints. Deven, everything's code compliant? And there is no need for any waivers.

Ms. Sklar-Weinstein: Correct.

Chairperson Speranza: This is a public hearing. Is there anyone here who wishes to speak about the application?

Ms. Sklar-Weinstein: I've been abandoned.

Chairperson Speranza: That said, we'll consider the public hearing closed.

Boardmembers, any comments? No? Is there then a motion to approve the accessory apartment renewal?

On MOTION of Boardmember Wertz, SECONDED by Boardmember Dale with a voice vote of all in favor, the Board resolved to approve the accessory apartment renewal for Arlene Sklar/Weinstein Trust, 18 Harvard Lane.

Chairperson Speranza: One thing that I would like to say, it has been quite a long time since the topic of the term of renewal for accessory apartments has been brought to the Board of Trustees. I know many people come up when it's time for renewal and say, "Why do I have to keep coming here every three years?" There was a movement to change it several years ago. So that may be something that we might want to think about. I don't know if it's become onerous.

Boardmember Dale: What is the basis for the requirement that they come every three years?

Ms. Sklar-Weinstein: I understand the original. Because the transition from having single-family homes to then putting in accessory apartments was threatening some people who were saying we're turning into a village of two-family homes.

Chairperson Speranza: Right.

Ms. Sklar-Weinstein: And that was the objection. The second objection, I gather, was because there were a lot of illegal, very sub-standard units. And not having the ability to inspect on a regular basis could be a problem. So all of that's understandable.

The third thing, of course, is giving your neighbors an opportunity to say here's a problem here. However, I wouldn't mind having it every five years.

Boardmember Dandridge: But it does make a point, which is if it's easier and more cost-efficient from an inspection standpoint to do it every five years. As long as neighbors had some sort of avenue to raise concerns sooner, five years seem reasonable.

Ms. Sklar-Weinstein: It's also an additional expense, you understand, for the mailing and the fees. And our rents are getting lower because of the economy. So all of that taken into account would be appreciated. OK, thank you very much.

V. DISCUSSION

Boardmember Cameron: Patty, I also have a couple things I'd like to bring up.

1. Planning, Zoning and Permit Process & Forms

Chairperson Speranza: Do you want to talk about the stormwater form? The one thing that we did want to talk about was the whole planning process and forms for the public so people have a sense of what it is that they need to be prepared for when they make an application.

Boardmember Sullivan: I didn't come prepared to talk very much about the stormwater.

Chairperson Speranza: OK, that's fine.

Boardmember Sullivan: But I shared with Patty just some really quick notes. And then also there's a very nice Web site that has the presentations on it. So if folks are interested in it, they may find it interesting to go there. There are also, I think, two other workshops.

Chairperson Speranza: Yes, and Eva went to one.

Boardmember Sullivan: So this is in the same vein. All of that's available. And it was interesting. It does sort of segue into a discussion about process and forms and enforcement because it was a very interesting group of people. There were mayors, people from conservation commissions, other planning boards, all the River Towns. People were very interested in trying to figure out ways to implement sort of more natural ways of dealing with stormwater and that kind of thing. But real concerns about how to enforce, how to teach people, and how you measure that.

So no real conclusions, but we did take time looking at a checklist that came out of the state of Connecticut just as a potential way of tracking how to help walk people through the process. Many of us found it to be pretty complicated, a bigger thing than we thought we would need. I think people might find it interesting. The Web site's a very nice place to get information.

Chairperson Speranza: With respect to planning, zoning, permit process, Deven, what are you thinking? People come to you and they have an application. You mentioned that some of the forms just have not been updated. We realize that we lost the planning position here in the Village. Is there a way, do you think, that we can begin to craft a brochure, a guide, to someone who wants to build something in the Village, or needs guidance, be it a deck or an addition to their home or, in this case, that they want to have an accessory use, a home occupation? Do you think that would be worthwhile? We could strive to put something up on the Web. Just kind of a how-to.

Building Inspector Sharma: I have, in my different capacity as an architect, dealt with bigger municipalities, bigger bureaucracies, per se. And yes, things are not clear or they're not as friendly to sit down with you and explain to you what needs to be done. Here, in the five-plus years I've been here, there really has not been any such confusion or need.

Of course, a brochure, a booklet or something will always be good. But I truly haven't felt that need, or because of the absence of it there has been any kind of confusion; people not knowing what needs to be done. We are always available.

Another thing, by the way, I have done – or we have done here, a lot of municipalities, the zoning board – a building permit application is made first, and it's rejected by the Building Inspector. And then an appeal is made. So it's like a two-step process. We have, for practical reasons, done away with it. There is no rejection of the application. Most applicants, homeowners, or the architects that come and discuss the projects with us, we decide early on and advise the architects or the property owners what needs to be done. And we've been doing it quite amicably for all these years.

But to answer your question, if a booklet or brochure is put together, by all means it will be better. But it would not be evolving, or if we very strongly felt a need. If you do it, by all means. As for the forms, in the very beginning many years ago – I think two, three, four years ago – when I started, Marianne and I redid our zoning form. I don't know if you've had a chance to see it. It's more articulate, more clean. It asks the right questions.

And we're always open to put a little date in the footer, "revised," "added," some such thing. For example, we recently added the development area analysis. Site plan approval forms and the subdivision forms, we have been very aware that they need to be redone. It's just a matter of getting to it. ARB, Architectural Review Board, forms, those have been redone a little bit. My fellow architects, thinking with both sides of the brain, have been able to put together things which work.

Yes, things need to be done with the forms for actions by the Planning Board. Hopefully, if we put it on a to-do list on a higher level it's conceivable we can do it in the next month. In the beginning of the month we'll get down to it and fix those forms. As we fix the forms, Zoning Board forms are, of course, reviewed with Marianne. We went back and forth. Those other forms, obviously I will not do all by myself. I'll review them with Marianne and the Board: say here, what it looks like, is there some additional things it needs look-wise and information-wise.

I think that's certainly something I would like to do as soon as possible. Brochures are a nicety if we have them on the Web site. Or physical paper that we can give to the people, that would be good, too.

Chairperson Speranza: And one might flow from the other. As the forms are updated some sort of brochure or pamphlet or guidance could actually come out of that process of reviewing the forms.

Boardmember Dale: It's basically he has to list all the forms to begin with.

Chairperson Speranza: Right. And it helps us also to keep track of things, like the recreation fee which was kind of a ... you know, I had forgotten all about that because it had been put in place such a long time ago.

Again, just to kind of gather ... maybe the forms are based on the sections of the zoning code that are pertaining to whatever the action is.

Boardmember Sullivan: This came up a lot in the Comprehensive Plan as we were talking potential land actions. We wanted to make sure there were ways it could be communicated to people. So it's a bit what the boards need to make their decisions, but it's for the applicant. When someone decides, "Here's my once-in-a-lifetime opportunity, and I have to do a subdivision," or a deck, or a patio, or a major renovation – that the information is available for them to understand.

Since I joined the Board, I've had someone come to me and say, "What's this steep slopes stuff? Last time I did an addition before steep slopes. What was this all about?" So I think it's an issue also of communication. So if you can go to our Web site, someone can say, "Oh, now here's what we're trying to do. We're trying to work with steep slopes, and this is what's been put in place." It doesn't have to be an elaborate discussion, but it allows people to understand the regulations and why these various fees or processes are put into place.

The Web makes it very accessible and the Web site makes it very accessible. I just see that it's for the board to have the right information so they can make a decision without having something discussed in a meeting, but also for the applicant to understand what the process is. And also what costs might be ahead of them. You know, I have to do this because the ARB wants it. Again, it's to make it so we can identify it. And I think also for the Board, as people think about creating new regulations, people need to consider potential costs that a residence might be incurring.

Boardmember Cameron: Something also which would speed us up as well would be – and something I suggested several years ago – that we have checklists.

Chairperson Speranza: "Checklists." I just wrote it down: "development checklists."

Boardmember Cameron: Yes, we need checklists. And we actually should have each a binder which has "this is the things you need when you do a such-and-such" so we don't forget them.

Boardmember Dandridge: I think Deven's point is interesting, which is that there hasn't been a lot of demand for it because we end up dealing with two types of applicants: those who have been here for years and have either been through it or understand the process, or those who are buying a home and are working with an architect who's sort of playing the role of shepherd.

But I do think, in the spirit of transparency, really what we're talking about are PDF documents that can be uploaded to the Web site, don't require a lot of maintenance, refreshing of our existing documents, and, to your point, some very basic guidance flow charts with a sense of what the cost is so that we aren't dealing with applicants here in a really sort of aggrieved situation trying to figure out how to close a transaction and then sort of assessed with a fee. I really feel quite tortured by that because our goal is to sort of help folks. But if we can get the information out, that's just a transaction so she should be able to navigate if she has the information ahead of time.

Chairperson Speranza: So we can visit this with you in the new year. We'll take a look. Maybe there's one or two of us who can sit down, or maybe we could all go through some of our applications.

Building Inspector Sharma: Yes. Again, I've been meaning to ever since I took over from Angie. It's just getting to it becomes a bit of an issue. So you keep making your to-do list, and you come in the morning and all the to-do lists that you did for the day before you simply don't get to it because new things keep happening.

Chairperson Speranza: And then four people walk in wanting advice.

Building Inspector Sharma: Exactly. The phone calls and everything. And I think, by the way, Kathy, there will always be jargon for some people who will not be able to understand. You know, "What is this about steep slopes?" Obviously some people will not know what it is. Only when it gets applied to a certain situation and they have to deal with it. We work with them, and they begin to understand what steep slopes is all about.

We can try to simplify, if you like, and work on some kind of a draft on some of the issues. There are a lot of lay people. And for lay people, certain terms – until they live with it, deal with it in some way – they're always going to have some kind of enigma and mystery: what does it mean. They say, "Why do I have to come to the Planning Board?" or, "What's the minimum 8 feet from the property line?"

So you try your best to explain. And we try not to say, "Hey, that's what the code says. Don't ask me." We try to explain that there's a logic behind it. And I think our office has a reputation of being fairly intellectual about how we approach things. And as I say, a lot of people we talk to we've made friends with: fellow architects, fellow contractors, fellow engineers, lay people. All the time I tell them, "Hey, by the way, I'm doing what I'm doing because you pay my salary." That's truly so for all the citizens here.

So doing what we do, not as a burden but as something I really love to do, including preparing the brochures if you could make time. Love to, let's do it; user-friendly because we're here with the responsibility to serve the people, not to rule the people; what can we do to serve them better. By all means, let's do it.

Boardmember Cameron: I wonder if we could get a volunteer from a college to come in and start preparing these lists. Because I think a lot of them would love to have the experience of understanding how this part of government works. And you might find somebody who'd come in and just sit down, and you'd tell them, "Well, here's a bunch of things in that, a bunch of things in that. Put the list together, and then I'll look at it later. I'm busy right now." We might get some good horsepower there for absolutely nothing.

Boardmember Alligood: It could be an intern,. I was going to say "volunteer," but intern.

Chairperson Speranza: Right. No pay.

Boardmember Dale: You can get school credit for this.

Boardmember Cameron: I think it would be a terrific experience, and it would give us a shot at getting you some help.

Boardmember Wertz: What do you think about that, Deven? The idea of an intern working with you on this? Would that be helpful, or would that be an extra burden?

Building Inspector Sharma: You took the words out of my mouth.

Boardmember Cameron: Only two hours a day.

Boardmember Dandridge: He wants to know who's going to design the internship application form.

Building Inspector Sharma: My deputy, Charlie Wucherer, is slowing down. We are looking to find someone else to help me; younger people, a little bit more energetic. Once I get this person, I have a feeling that between him and I we will be able to find more time to do a few more things. Currently that has been an issue: not having viable help.

For example, if I go away on vacation there's work piled up because there's no one else to do some of the things, not all, while I'm away. I'm not complaining or anything. I love it. Weekends are tough for me because it's like being a fish out of water. I can't wait for Mondays. But the fact is, yes, I do love my work and I enjoy doing it. But there is only so much you can do. Even if physically you may find time, you're mentally preoccupied with something else and you can't concentrate to do the kind of quality. With some good help, I think starting next month we've hired a person. He's a certified code enforcement person. Otherwise, he has more energy and more willingness to prove himself. And I'm sure in the next few months we should be able to do a little bit more.

Boardmember Sullivan: So maybe no need for a volunteer.

Boardmember Cameron: And another idea is just to start out with two – we have a list of what transactions come before us and what's most frequent – maybe start out with the two or three most frequent, and just prepare a list for the simplest ones just to see how it works.

Building Inspector Sharma: I think back to the initial question. Sometimes when you have to explain it, it takes more time to explain it than to do it themselves. You know, not always having another person who keeps asking a question every three seconds is helpful. Having help which have a certain level of expertise, it makes all the difference. "Self-starter" is a good word. You just point them in a direction, and in a few hours – in a day or two – they come up with something viable.

2. Mobile Telephone Cell Towers

Boardmember Cameron: I'd like to bring up the other two points. The first one is, at the last meeting when we were wrestling with the – I guess it's called – "flagpole" over on Saw Mill River Road, I mentioned the fact that we seem to have somebody ... our expert was looking at whether there is a black hole over there, and based on those conclusions, whether the person gets to put up a pole.

You know, if that person has a black hole over there, then other people are going to have a black hole over there. What I mentioned at the time was that maybe it's time for us to look at our personal wireless overlay district and get some new ones. I don't know how to push that, but I think we need to do it. Because we're going to spend four times as much time wrestling with people who want to put things where we don't want them to put ... and lots of people complaining about it. Then we will spend a terrible amount of time finding new overlay districts if there really is a genuine need, and getting them set up as that.

That's all part of planning. And I think we need to do it. Otherwise, whether it's the Board of Trustees, whether it's us, or who, but we need to, I think, get that rolling.

Boardmember Dale: Absolutely. One of the strongest points for not approving this at this point is that we're not ready to say that that's the right place for this to be. In addition to which, the neighbors – who are the customers, in this case – don't want it. So he's coming to sell a service that these customers don't want. But I think if we make whoever's responsible for making that determination, that where they should be, that solves the problem.

Chairperson Speranza: I'll bring it up with Mayor Swiderski. That we need to revisit this, and what kind of process we're going to follow.

Boardmember Dale: And whose responsibility that is.

Chairperson Speranza: Well, the passage of a new zone is the Board of Trustees.

Boardmember Dale: And it needs a consultant to study it.

Chairperson Speranza: And how we do that is part of the discussion.

Boardmember Dale: That's expensive.

Boardmember Cameron: My other thing, which is along the same line – and without discussing their application – Marianne suggested we all read the statute, which I did; the last

couple of statutes involving the overlay districts. Number one is that personal wireless service facilities need to provide coverage to an area of the Village that currently has inadequate coverage, which is what our expert's looking at. And it says: "... *and is of the minimum height and aesthetic intrusion necessary to provide that coverage.*"

One of the things that I brought up at the last meeting is the fact that they intend to leave the flag up there 24 hours a day and have spotlights on it because they're supposed to have spotlights on it if they have a flag all night long. And quite frankly, whatever other intrusion you might think you ought to have on a residential area, I think having a flag lit all night long is just, in my view, what we call an aesthetic intrusion that's not necessary to provide that coverage, even if we let them have the post.

You know, I did go and take the liberty – it's lots of fun to do – I went and read the flag code.

Chairperson Speranza: Good for you.

Boardmember Cameron: Well, it's not that hard. But it talks about the fact that it's the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstuffs in the open. However, where a patriotic feeling is desired, the flag may be displayed 24 hours a day if properly illuminated during the hours of darkness. The example they give is the U.S. Capitol.

Boardmember Dandridge: Military installations.

Boardmember Cameron: Fort McHenry, what have you, Arlington, Iwo Jima Memorial.

Boardmember Dale: The old Tarrytown Road location of one of theirs is a flagpole without a flag. It's this gigantic pole that sticks up on the horizon, and there it is.

Boardmember Cameron: We'll look like Stonehenge if we let that happen.

Boardmember Dale: The other thing is, when you drive out of Hastings in the morning you get to Farragut and the Saw Mill River. That pole is going to be right in front of you at all times.

Boardmember Cameron: So I have a feeling that ... anyway, I brought that up because I think having a flag with lights on it is an aesthetic intrusion that is not necessary. So I think from my personal perspective, even if we were to approve the location, I think they better take the flag up and down every day.

Boardmember Dandridge: I would just observe – and I know we're short on time – I think that there are a handful of constituents who live in this village who are proud patriots who have served their country in time of war who would take umbrage at the American flag being used for such a baldly commercial purpose. But I think that's sort of outside our domain. There are a lot of ways where I think we have additional levels of scrutiny to apply here.

Boardmember Cameron: I did say twice in the prior meetings that it was a miserable way of displaying our flag.

Chairperson Speranza: And much more to come on that topic.

Boardmember Cameron: Anyway, you might want to study the language.

Village Attorney Stecich: I think there's no question but that you could say it can't be lit all night. They can take it up and down. They're making a lot of money off it. Hire somebody to take it up and down if there's otherwise the need. If they just display everything else, I certainly think that's within your authority.

Boardmember Cameron: Right. OK, that's what I was looking for.

Boardmember Alligood: I agree that we should ask the Village to study this so that we're not in the position of having to react and sort of piecemeal, ad hoc, deal with this. Because it's going to keep coming up, and there should be a rational planning approach to it.

Chairperson Speranza: One of the things in thinking about this application that also made me wonder with respect to the overlay districts, coverage ... the fact that there might be an antenna put up in one location, that does not provide good enough coverage or it does not sufficiently cover the Village, let's say. Does that automatically give someone the right to apply for two or three others to serve the Village, when one larger facility in a different location – even if it's not in Hastings – would solve the problem, and not require four, smaller installations throughout the Village?

Boardmember Wertz: You're giving another reason to be proactive and look at the overview, rather than react in ad hoc ways.

Boardmember Dale: There's a technology here that experts understand and can advise us on a rational system rather than a piecemeal system.

Boardmember Wertz: And what's really needed - what do we require in the lack of coverage in order to justify it.

Boardmember Dale: I think the telling thing was that all those families that live in the area of that pole voted against it by signing a petition.

Boardmember Cameron: Even if there is a hole there, it's clearly for people driving commercial vehicles up and down Saw Mill River Road and the Saw Mill River Parkway.

Boardmember Dale: And not for the Village itself.

Boardmember Cameron: I hate to say it, but that's not important.

Boardmember Sullivan: Would it be useful to talk to Greenburgh, as well? This particular piece of property is on the edge. So should we think a little bit more regionally? Look and see where other cells are and what the coverage is?

Chairperson Speranza: And I think that might be required in their ... but I'm interested to see how Greenburgh and Yonkers – and that's a good point – regulate these.

Boardmember Cameron: I suggested at the last meeting that just farther up the road – maybe 1,000 yards on the left – is this building sitting opposite the graveyard. And I don't know who that belongs to, but ...

Chairperson Speranza: There's a house back there. It's county land.

Boardmember Cameron: There's a county house? But that location, to me, is the ... anyway, I don't want to speak against the dead, but they're not going to get ...

Chairperson Speranza: There's another property further up the road.

Chairperson Speranza: Enough of that for tonight. Does anyone have anything else?

Boardmember Wertz: Happy holidays.

Chairperson Speranza: Yes. See you in the new year, 2011.

VII. ADJOURNMENT

On MOTION of Boardmember Wertz, SECONDED by Boardmember Cameron with a voice vote of all in favor, Chairperson Speranza adjourned the Regular Meeting at 10:00 p.m.