

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING
JANUARY 21, 2010**

A Regular Meeting and Public Hearing was held by the Planning Board on **Thursday, January 21, 2010 at 8:15p.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 (8:30 p.m.), Boardmember Jamie Cameron, Boardmember Eva Alligood, Boardmember Bruce Dale, Alternate Boardmember Rhoda Barr, and Village Attorney Marianne Stecich.

ABSENT: Boardmember Edward Dandridge

Chairperson Speranza: Deven is not with us today. He is out sick. And Kevin Hay, who was a staff person for us, as well, has left Hastings to go the Village of Buchanan. So since the Village is a little shorthanded today, I will keep track of everything.

I. ROLL CALL

II. APPROVAL OF MINUTES

Meeting of December 17, 2009

Chairperson Speranza: Questions, changes, comments?

Boardmember Dale: I have. On Page 9, about a third of the way down, where I'm speaking: "*One question we've discussed, a 100-foot setback . . .*" and that should read, where it says, "of greenspace."

Chairperson Speranza: "*We've discussed 100-foot setback of the . . .*"

Boardmember Dale: ". . . greenspace," to clarify it.

And I thought there was another one, but I guess not. That's it.

Boardmember Alligood: I just found something that actually wasn't something that I said, but just to fill in one of those XXXs on page 13, where Ms. Griffin is speaking, maybe a third of the way down on the page, where she starts with, "*We'll make sure it's safe. Have you actually been to the Red Hat*" it should say ". . . Red Hat Restaurant in Irvington" question mark.

That's it.

Chairperson Speranza: There is one place, Marianne, where you're speaking and we're talking about the . . . I thought I marked it, but I guess I didn't. We're talking about the requirements for the valet parking. And I'm not going to worry about correcting it in the minutes themselves because it is correct in the resolution that we passed.

Village Attorney Stecich: You know, Linda indicated to me that she had a lot of trouble filling in the blanks from that. And I said that it wasn't really that important because there was a resolution, and that she would attach the written resolution to the minutes to pick up any of this.

Chairperson Speranza: Right. And we did -- we have them in the packet, and it is included in the minutes accurately.

Village Attorney Stecich: So that should do it.

Chairperson Speranza: As accurately, from my reading of it.

Boardmember Barr: I'm not going to say anything because I wasn't present.

Chairperson Speranza: You have to bear with me because I have to write this.

On MOTION of Boardmember Logan, SECONDED by Boardmember Alligood with a voice vote of all in favor, the Minutes of the Regular Meeting of December 17, 2010 were approved as amended.

Chairperson Speranza: You're here. That's fine. Fred, we just approved the minutes. I hope you didn't have any changes.

Boardmember Wertz: Okay, good.

III. PUBLIC HEARINGS

Accessory Apartments

Chairperson Speranza: The next item on our agenda is, we have to have a public hearing for three accessory apartment applications. It's the renewal of the applications. So what I'd like to do is have the public hearing on all of the applications, then we'll close the hearing and take action on them all.

1. Mary Shuluk - 56 James Street - Sheet 39/Block 732/Lot 10 Needs Waivers for Sq. footage

Chairperson Speranza: The first application is that of Mary Shuluk, 56 James Street. All of the mailings are in order for all of these applications, so everyone realizes that. The accessory apartment does meet all of the requirements. There is a waiver which is required for the size of the apartment, which by my calculation is 31 percent of the structure as

opposed to the 25 percent, which is the maximum in the code. So we would have to waive the square footage requirement, or square footage cap.

Again, this is a renewal and it has been inspected by our Deputy Building Inspector. And he states that there have been no complaints received related to the apartment. So does anyone have any questions? Anyone wish to speak to this application? Boardmembers? We'll wait until we get into Boardmember discussion.

2. Christine Bullen - 26 Pinecrest Drive - Sheet 3/Block 606/Lots 3,4,5B,5E,59-61 - No Waivers

Chairperson Speranza: The second application is for 26 Pinecrest Drive, Christine Bullen. Again, it's a renewal. It's noted there are no waivers that are required, although originally, I take it, there were two bedrooms in the apartment and the Building Inspector found that one does not comply with mandates for a bedroom so it will now be a one-bedroom accessory apartment. It is in compliance with building codes. The apartment is 13 percent of the square footage of the building, so there's no waiver required for the size.

Anyone wish to speak to this application?

3. Margaret Kalanta - 333 Warburton Avenue - Sheet 4 Block 10/P1 - No Waivers

Chairperson Speranza: The final application -- and, again, it's a renewal -- is for 333 Warburton Avenue. This is an application that does require a waiver. Excuse me. I'm sorry. The application from our Building Inspector shows that no waiver is required, meets all the code requirements, and no complaints have been received related to the apartment in the last three years.

Maybe I did my math wrong, but I look at the square footage of the apartment. It's 675, and the principle building's 1,495. So wouldn't it be 0.45, or 45 percent? If the Board is inclined to approve this renewal, then let's do so with a waiver for the square footage.

Boardmember Dale: Is this supposed to have a second page?

Chairperson Speranza: It's on the back. The one that came in our package did not have a second page.

Boardmember Dale: Right, you've got it.

Chairperson Speranza: Does anyone wish to speak on this application, 333 Warburton Avenue?

**Mary Shuluk-56 James Street-Sheet 39/Block 732/Lot 10
Needs Waivers for Sq. footage (continued)**

**Margaret Kalanta-333 Warburton Avenue-Sheet 4 Block 10/P1 - No
Waivers (continued)**

Chairperson Speranza: Then we'll close the public hearing and we will go back to the accessory apartment renewal for 56 James Street. Do any Boardmembers have any questions or comments, or do I hear a motion for action on the application?

Boardmember Wertz: They seem fine. I'm just wondering about the square footage on the 333 Warburton one: why it wasn't caught; that the percentage is that high. And I'm just wondering if there's any way we can verify the square footage so we're sure that this free calculation is correct, and that if they need a waiver for that then we're on solid ground. I'm just wondering. It's strange that it doesn't state that a waiver is needed. That's almost always an order. So I'm wondering what went wrong here. Not that it's that significant an issue, but is there any way we could verify it?

Boardmember Alligood: Not tonight.

Boardmember Wertz: And we don't want to hold it up for that. But I'm just looking at the floor plan here and seeing it. But I think the math is probably a little too complicated to perform on the spot.

Boardmember Dale: Well, the problem with the diagram is that it doesn't show the full square footage of the other floor. It appears to be approximately equal to half of the floor below, so it would be about a third. It could be that the calculation was done incorrectly.

Boardmember Wertz: I'm just wondering if the 1.495 might not be the total, but be all but the accessory apartment.

Chairperson Speranza: That's possible.

Boardmember Dale: I think that's correct. It should be 2,000 square feet.

Boardmember Wertz: Right. That's what I'm thinking, and then it would come out differently.

Boardmember Dale: Exactly. I think that is the case.

Boardmember Wertz: That's what I was thinking it might be.

Boardmember Alligood: Yes, because this is a fairly new building and it would have been built to make sure that it complied, that it didn't need a waiver, I'm assuming.

Chairperson Speranza: That, I don't remember. This was built after the accessory apartment law was passed many years ago, and it is one of the affordable housing units on Warburton Avenue. I know -- we were speaking of this earlier -- that we do know that there were some actions taken to make sure we could have an accessory apartment in this structure.

Boardmember Dale: So by approving this, we're approving what was originally approved when they built the project.

Chairperson Speranza: Right.

Boardmember Dale: So I have no problem with it.

Chairperson Speranza: With a waiver, or without a waiver.

Boardmember Alligood: Right. And I know one of these came before us before. I'm not sure why they didn't have the same time, because I'm assuming they were built at the same time. Maybe because the ownership changed.

Chairperson Speranza: That could very well be.

Boardmember Cameron: Or someone wasn't using it as an accessory apartment. They're living in the whole thing, then they changed it.

Boardmember Alligood: But I'm sure they didn't let it lapse because then it's more difficult.

Boardmember Cameron: To me, by looking at the two diagrams, I think the numbers are probably accurate. If that's the worst case, then I'm ready to approve the worst case.

Boardmember Dale: So maybe that's the way to go there.

Chairperson Speranza: Then let's take action on that one first, then: 333 Warburton Avenue. And we would be approving the renewal, with the waiver for square footage. Okay.

Boardmember Dale: If necessary.

Village Attorney Stecich: Even it were the 675 or 1,495, plus 675 is still over 25 percent so it's going to need a waiver.

Boardmember Wertz: Thirty-one percent. I just calculated it. So they need a waiver anyway.

Village Attorney Stecich: They need a waiver in any event.

Boardmember Wertz: It would come out at 31 percent, then. Is that what you got, too?

Village Attorney Stecich: I didn't do the math.

Boardmember Dale: It's 675 over 2,180.

Boardmember Wertz: Right. I think that's 31 percent.

Boardmember Dale: It's a little more. It's no problem.

Boardmember Wertz: So it would still need it. Okay

On MOTION of Boardmember Dale, SECONDED by Boardmember Cameron with a voice vote of all in favor, the Board resolved to approve accessory apartment 333 Warburton Avenue with a waiver for sq. footage.

**Mary Shuluk-56 James Street-Sheet 39/Block 732/Lot 10
Needs Waivers for Sq. footage (continued)**

Chairperson Speranza: The other application is 56 James Street. Again, this is either discussion or action on the renewal, which would be for renewal of the accessory apartment and waiver required for the size of the apartment.

On MOTION of Boardmember Logan, SECONDED by Boardmember Wertz with a voice vote of all in favor, the Board resolved to approve renewal of accessory apartment 56 James Street.

**Christine Bullen - 26 Pinecrest Drive - Sheet 3/Block 606/Lots
3,4,5B,5E,59-61 - No Waivers**

Chairperson Speranza: And the last one is for 26 Pinecrest Drive. Again, it's a renewal. That's it; no waivers required.

On MOTION of Boardmember Dale, SECONDED by Boardmember Wertz with a voice vote of all in favor, the Board resolved to approve renewal of the accessory apartment at 26 Pinecrest Drive.

Chairperson Speranza: Okay, that's that.

IV. DISCUSSION ITEM

1. Election of Chairperson

Chairperson Speranza: The Board of Trustees, and in particular Trustee Armacost, has taken on the responsibility of organizing, and putting forth procedures for, the . . . I believe she said 26 boards and committees within the Village. So I don't envy her that task. One of the things that we have been asked to do -- each board, each committee -- every year, to elect a chairperson. So being that this is the first meeting of the year, we do so tonight.

The process is nominations, and then vote. So I'm ready to entertain nominations.

Boardmember Alligood: I nominate Patricia Speranza.

Boardmember Wertz: I second that.

Boardmember Barr: I would like to make a comment, though, that I think three-year terms make much more sense for any functioning organization. Because if you were to have the chair turn over in a year, for all these committees, there's a learning period and I would recommend going back to at least two-year, and preferably three-year, terms.

Boardmember Logan: And you speak from experience.

Chairperson Speranza: How many years?

Boardmember Barr: Having served for about 10 years. Turnover's good, but I think annual elections would not be advisable if I may go on the record as saying.

Boardmember Dale: A bit much.

Chairperson Speranza: I mean, it may be that there are organizations or committees that meet more frequently than once a month.

Boardmember Cameron: The problem with electing a new chairman for three years, you might not like the person afterwards.

Chairperson Speranza: Any other nominations?

On MOTION of Boardmember Alligood, SECONDED by Boardmember Wertz with a voice vote of all in favor, the Board resolved to re-elect Chairperson Speranza Chairman for another term.

Chairperson Speranza: It's embarrassing.

Boardmember Cameron: All right. Now we find out whether she'll accept it.

Chairperson Speranza: Now that that's out of the way . . .

Boardmember Alligood: My comment is, thank you, Patty. You're doing a great job, and we appreciate it.

Chairperson Speranza: Well, thank you. Sometimes it's fun, and sometimes it's . . .

Boardmember Cameron: She might not have accepted it if it was a three-year term, Rhoda. That's the problem.

Boardmember Alligood: How long have you done it?

Chairperson Speranza: It's been five years, and it flew by as, Rhoda, I'm sure you know. The years go by just really quickly, as we know.

Village Attorney Stecich: Have you been off five years, Rhoda?

Chairperson Speranza: I had to go back to the minutes for something, and yes, 2004. So it's almost six years.

Boardmember Cameron: Didn't you stay on after you ceased to be chairman?

Boardmember Barr: Yes, I'm an alternate. And I think it's been quite a number of years.

Boardmember Cameron: But I thought she was on the Board not as chairman, and became chairman. So that's why you think it's longer.

2. Groundworks Hudson Presentation

Chairperson Speranza: A couple of things. Stormwater meeting. This weekend, Saturday, 8:30 a.m. at the Irvington public library, one of the presentations . . . it's being held by what's their name now? Groundworks Hudson. It used to be Groundworks Yonkers, now it's Groundworks Hudson.

Our very own Sandeep Mehrotra is one of the speakers, or is the keynote speaker at the forum on Saturday morning. It is free, so if anyone is interested in going please sign up. There is a registration, and I'm sure for those of you at home, go to their Web site, again it's Groundworks Hudson, and you'll get the flier.

3. Greening the Village Code

Chairperson Speranza: We were just speaking a little bit about this before we started the meeting. We did have a Pace University student who was coming up with alternate ways for us to be able to incorporate the new energy and stormwater and all sorts of different ways that we could possibly change our zoning requirements or our building codes to better plan for sustainability in the Village. My understanding is that the student finished her work and passed it on to her professor, so we are trying to get a copy of it. Maybe she would be making a presentation to the Village or making a presentation to us.

We have not let that drop, and will be following up with that. Because if, somehow, things did not happen or it's a great student effort, it is something that we do want to proceed with. So we will keep going and keep moving on that. And if we have a meeting of this length in February, I want to spend some time really focusing on that.

A. Fence Provisions

Chairperson Speranza: The fence provisions that we had sent on to the Village Board, I do want to have a conversation with Mayor Swiderski, particularly about the provision that we all felt, I think, fairly strongly about with respect to having the finished side of the fence face the public street, or right-of-way. For those of you who walk the Aqueduct frequently -- Jamie, you might have noticed this -- if you go up by Zinsser, you can see a fence that was put up with the unfinished side facing the Aqueduct. The next fence has the finished side facing the Aqueduct, and the next face has the unfinished side. It's pretty interesting because they're right next to each other. They're adjacent property owners. It just looks kind of strange.

So, again, I will pick up, have a conversation and see if it helps for us to go to a Board meeting and make the case, and figure out how to move forward with that.

Boardmember Cameron: One comment. I did go and look around the town, and there are a fair number of people who actually have put up deer fences. If you go around on Summit, and what have you -- and it's worth going around and looking at it -- there seems to be a pattern. I mean, the houses up there are fairly large so people, I guess, have more money than some people. Because on the street, they've put up these metal fences with vertical rods going up to, I have to say, 7 feet, 8 feet tall. And then around the back side of their properties they have the deer fence wire mesh which is, traditionally, about an inch wide and 4 inches high -- box-shaped, you know -- going up on thin rods.

There are actually a decent number of those. We might put that in our thinking. Maybe the answer is that next year's culling will take care of this, but I have this doubt in my mind. We just need to look at it. I just thought I'd mention it as something else which I don't think we actually thought about -- at least I didn't -- in the course of what we put before people.

The nice thing about these fences I've just described is you can really just see right through them. So they solve the safety issue which a lot of police and fire departments have of wanting to be able to see people's homes while, at the same time, protecting them from the deer, which some people are concerned about.

And I think also would be useful to go through the minutes which were distributed to see what the real objections were of the people. Because in some cases I think it was they didn't fully understand what we'd written. But there were a lot of comments about the deer, which alerted me to the fact that this was something that other people had seen, which we had. But I just think we should take a look at that before we go to that meeting, and tell them we put a lot of effort into this and don't sit on it, tell us something.

Chairperson Speranza: And there are some issues.

Well, maybe we'll include that in the packet for next month, just a re-read.

Boardmember Dale: There were also issues around the fill.

Boardmember Cameron: That's right.

Chairperson Speranza: So I'll make sure we have those before the next meeting, before we get the packets.

B. Comprehensive Plan - 2009

Chairperson Speranza: I also did go through the correspondence that I had sent to Kathy Sullivan at the end of last year for the Comprehensive Plan. Because that committee also asked for the charges for each of the boards and committees in the Village. It's always interesting to re-read something you wrote a year ago and, boy, were there a lot of things that we had said we were going to do last year, 2009. We did start a lot of things. *Ordinances pertaining to excavation grading and retaining walls.* Okay, so we did that. *Exploring ways to green our code* -- and we will keep that process going.

Inventorying our pathways, trailways, paper streets, etc. to determine how we can formally protect and add it to the Village inventory. I think that's something we try to find a way to get that done. I know, at one of the Board of Trustees meetings recently, someone was proposing to buy essentially what's an alley between two of the buildings on Warburton Avenue in the downtown. The thought was that this was part of that informal trailway or informal walkway for people to get down the hill to the railroad station.

Generally, if you recall, we're supposed to take action on those and declare it to be of no value to the Village. They did not pass it on to us because they felt that if it was part of a walkway, or should be, then they had no interest in putting it up for sale. But, again, that raised the issue of trying to inventory all of these informal pathways and walkways that we know exist but, over the years, there has just been no map of them developed.

Boardmember Cameron: Actually, I do have a map of a lot of them. About 15 years ago we had a trailways, or a pathways, committee, and we actually had someone on the staff here go through all of our records and look at every right-of-way we had, and figure out what we did own and what we didn't own. Now, people have looked for that box since then. But this was several years ago. It may still be found. I actually have a copy of some of the records because I'm a lawyer, I hold on to those things.

Chairperson Speranza: So you have a big basement.

Boardmember Cameron: Well, it's not as big anymore. But I can come up with some of the reports we did to the Planning Board and to the Trustees. I think I have a map which has a lot of the markings on it, and I can produce that.

Chairperson Speranza: Oh, that'd be great. Was that the work that was done as part of the vision plan? Abba Tor's . . .

Boardmember Cameron: Abba Tor was the person who got the pathway thing going. We could check his basement, too.

Chairperson Speranza: *Collecting tools to preserve our village character. Working with the Historical Society to inventory structures and spaces.* That was something else that we had spoken about. And that's something that we can maybe dovetail with the Architectural Review Board, which has put forth design guidelines. I know they were looking at doing things. So we can certainly have a conversation with them and see how far they're taking it.

Boardmember Dale: Because they had the proposal for a [landmark] XXX.

Boardmember Cameron: So we can get a quick view of what the Historical Society is thinking about from your first list, which they presented, which had all those buildings listed in it.

Village Attorney Stecich: They actually just submitted a brand-new set of design guidelines, a revised one, within the last few weeks. The Board set a work session on it, I think, or they were going to set a work session on it. But it just came up at this past Tuesday's Board meeting.

Chairperson Speranza: All right, good.

Boardmember Cameron: They invited us to the last one, if you remember.

Village Attorney Stecich: You know what? I don't think it's probably been set up yet. They just said, "Okay, we got this. We should have a work session on it."

Chairperson Speranza: I'll see if I can get a copy of those.

Lighting standards -- which we've spoken of many times. *Strengthening our lighting standards, working with property owners, and, again, looking at Village-owned facilities.*

Boardmember Logan: I think there may be some overlap of this with the greening of the code language, and I think we ought to dovetail that. There are standards out there, some of which there's some debate about whether they're appropriate or not; and there are higher standards. I was at a green conference in Phoenix a couple of months ago and met with some people from the Dark Sky Society. A lot of the standards are written by the Illumination Society of Engineers of America. He feels they're a lobbying arm of General Electric or other people who manufacture light bulbs, and the standards are way too high in terms of the amount of light permitted as far as the minimum threshold.

This, I think, takes a little bit of digging. And I think we ought to listen to what the greening-of-the-code student says and some of the other reference standards. But this is something we should definitely drill down on, especially when it comes to new construction and what happens on the waterfront.

Boardmember Cameron: The *New Yorker* had a terrific article . . .

Boardmember Logan: Several years ago.

Boardmember Cameron: Yes, several years ago. Actually, I have a copy of that. I could bring that in.

Boardmember Logan: And there's an issue of the *National Geographic*, as well. It says "The End of Night." It has to do more with just objectionable light coming from your neighbor. It has to do circadian rhythms of all the nature around us and how those are interrupted by light levels.

So it's a big topic. I think our code covers us up to a certain point, and Deven has enforced a couple of the provisions. I think, in three or four cases, he's made owners change the lights on the buildings, the apartment buildings, on Broadway. So I think we've made some good steps, but I think this is an important issue and we have to press forward with this. I'll do whatever I can, but I would like to wait to hear about this greening of the code thing. Maybe some other people would like to be involved. Jamie, I know you have an interest in this, as well.

Boardmember Cameron: Yes, I do.

C. Planning Board Checklist

Chairperson Speranza: *Compiling a checklist of those items which we feel are important when we review plans.* I know this was a big thing, and well worthwhile I think, to undertake. We can start, potentially, with the information that was sent out by the county planning board in terms of a checklist. And maybe we make it as our own as we are looking

at a development, so that things like lighting do not get forgotten or overlooked because we might be focused on something that's really, really offensive and horrible. I mean, we end up forgetting about some of the more detail-oriented stuff.

Boardmember Dale: There's also the forum that White Plains gave out at the conference I went to.

Chairperson Speranza: Okay, so we'll take that out. Because this is the year we'll do all of these things, you know.

Coordination with Village boards and committees. Yes, we absolutely want to do that. Frankly, I think the Board of Trustees has been doing a really good job in having work sessions where they have invited the boards to meet together. I think that's very good, and that's something that I think should continue.

This is something I've always wanted to do. *Develop a user-friendly manual:* so that when someone comes in to the Village hall and says, "I want to put a deck on the back of my home -- what do I have to do?" that it's set out. I know Marie Oelkers, and Deven I'm sure, are giving the best guidance. But to have a piece of paper, or a checklist, that someone can take home with them and realize what it means when you have to go to the Zoning Board of Appeals for a variance, which can be intimidating. You know, "What do I really need a building permit for?" Some of the things that we've talked about with respect to what is a structure: "Am I building a structure if I'm building a deck?"

And then: *Working with the Affordable Housing Committee.* That was something, Bruce, that I think you were really promoting to make sure that we can . . . at the time, it was the county's goal, the county's target, for Hastings of 100 units of affordable housing.

Boardmember Dale: With the settlement, it's intensified. We actually met. Peter Swiderski came to the last meeting of the Affordable Housing Committee and made a recommendation in terms of changing the language of the Affordable Housing Law on the issue of the preferences and how to work with that under the problems that the settlement creates.

Essentially, the proposal was to, one, increase the percentage that has to be affordable from 10 percent to 15 percent, with the second 5 percent being ostensibly working housing, working families' housing; an increase from 80 percent to 120 percent of median income for that 5 percent band. That the selection criteria be removed from the law, where it currently exists, and be replaced by something that says that the selection criteria to be determined by the Affordable Housing Committee. So we would then have the choice of waiving those conditions if the financing didn't permit a preference, which is seemingly going to be the case with any financing from the county. And then impose the preferences on any other project that didn't have restrictions in the financing.

Chairperson Speranza: That's an interesting approach.

Boardmember Dale: So to have the flexibility. I think you'll see that. Marianne should see it soon.

Boardmember Cameron: We'll, have to be careful where you're not being arbitrary in the enforcement of the provisions.

Village Attorney Stecich: It would seem to me, on that one, that you're better off having them and say "unless funding is provided by the county." Because Jamie and I both looked at each other on that one and smiled.

Boardmember Dale: Well, there needs to be a discussion about that. There's discussion within the Affordable Housing Committee, and some people have trouble waiving the provisions under any circumstances. They're basically saying don't accept the financing if they come with a condition.

Boardmember Alligood: Bruce, wasn't part of the issue that was being addressed by the settlement that the local preferences were leading to what seemed like discriminatory practices?

Boardmember Dale: Well, that's the debate.

Boardmember Alligood: You're preferring your own town's residents, and if your town isn't very diverse you're essentially not making it more diverse through your affordable housing.

Boardmember Dale: I totally agree.

Boardmember Alligood: So there's a reason for that.

Boardmember Dale: My understanding of affordable housing is based on New York City, where I work and it's been my career. I have always looked at the suburbs using preferences as a way of avoiding diversity.

There are people in Hastings who strongly disagree with that and feel that the preferences are in place because of need. So there is discussion and debate within the Affordable Housing Committee on that issue.

Boardmember Alligood: But it's something to be mindful of.

Boardmember Dale: I fully agree. I think the fact that the settlement excludes preferences intentionally is HUD's response to the issue.

Chairperson Speranza: Yes. Okay, so we'll see some changes with respect to affordable housing.

One other thing that I know is going to be happening in 2010. The Comprehensive Plan Committee, of course, has been hard at work for a number of years now. Their work in terms of certifying a document is really coming together. Fred, maybe you want to talk a little bit about the presentation we were happy to attend last night by one of the county

planners, which was just phenomenal. What you can do with technology these days is incredible.

Boardmember Wertz: Maybe since you mentioned the Comprehensive Plan first I'll talk a little bit about that first because there are some things going on with that, and it is a big item for 2010. Then maybe we could move into the presentation we saw, and you could help me out with that because that was really very interesting and, I think, raises issues also independent of the Comprehensive Plan that might be of interest to this board. So we can move into that after the Comprehensive Plan.

As you probably remember, there were a series of town hall meetings in the fall, reviewing the first draft of the Comprehensive Plan. They were broken down into such themes as the downtown circulation, the waterfront, and large tracts and so on. There was a lot of good input from the community. And also all the boards and commissions and groups -- and interest groups in the Village who are related and would have a stake, would be stakeholders, in each of those various areas -- were invited to those meetings. A lot of good information was collected. The draft plan was revised. All that feedback was given to the consultants. They've been working on revising the Comprehensive Plan so the next time it's presented it's really going to reflect the community's input and really where we want to go with that.

I think the original document had a lot to be said for it, and that the refinements have made it even stronger. Probably one of the most, maybe even *the* most difficult areas, that you all know very well is with regard to the waterfront. You'll remember that we had a meeting of this board, together with the Village Board as well as the Comprehensive Plan Committee and the LWRP, particularly talking about those two documents that are each still in progress; how they relate to each other. I think one of the main things that came out of that meeting of all those boards was the obvious point. That these two documents have to be on the same page; that the Village, in its vision of the future -- and particularly for the waterfront -- can't really be saying one thing in the LWRP and something else in the Comprehensive Plan.

So I think everybody realized that a concerted effort would be needed to bring the LWRP and the Comprehensive Plan together. Those efforts began. You probably know that the Comprehensive Plan Committee asked the Village Board if we could commission our consultant to study this problem and to take a really good and hard look at it, to compare these documents, and come up with an analysis of their divergences, their convergences, and, hopefully, lay out on the table the groundwork that would enable us to lead toward a resolution, and any differences between the documents. And, hopefully, make both of them stronger. Because both those committees have done good work with regard to the waterfront. But the conflicts are also challenges.

That process of getting that document from our consultants has been underway. They have provided us with a draft of this report, which the Comprehensive Plan Committee has gone over, reviewed, and given feedback to the consultants. I think the committee was very happy with the document, but I think really wanted to push the consultants much harder to analyze deeper and to get at some of the root issues that have caused the differentiation in the two committees and the two concurs. I think it was a couple of weeks ago we finally saw the revision.

You know, I think it's excellent. I think it's really good. I was actually one of the more critical readers of the initial document, and pushed pretty hard for a deeper analysis. I feel that Liz really gave it to us. So there's a little more review of this document, but I think it's going to come out and be made public. And it's certainly a document that this board could really dig into and discuss. I think it'll be very helpful. It's very illuminating. I can go into the details, but maybe we don't need to do that now because the document will be finalized soon, everyone can read it and you can see the issues for yourself. I think that's probably better than me trying to summarize it.

But I will say generally that I think Liz really got to the bottom of things and it will really position us to be able to make some very important choices about how we approach the waterfront; not necessarily even should this be here or that be there, but how are we approaching the plan on the waterfront. Because I think it's really at the level of approach that the two committees have been different.

Boardmember Dale: Did the LWRP people respond as well?

Boardmember Wertz: In terms of process, where we are is that the Comprehensive Plan Committee will need to meet with the LWRP in order to discuss this document, which concerns both, and then to hash out the differences and come to some resolutions.

Boardmember Dale: But did they have the same preview?

Boardmember Wertz: Yes, they have been given this. There's been some difficulty bringing the groups together and finding a day when we're going to talk about all this. As far as I know, that's coming within a couple of weeks. Gee, it would be great if any of you were able to attend that. I don't know if the Planning Board is formally invited to that. I think there may have been a few too many people there the last time, with the Village Board, the Planning Board, the LWRP, and the Comprehensive Plan Committee.

Boardmember Logan: And an audience.

Boardmember Dale: That's democracy.

Boardmember Wertz: But, certainly, your input on this would certainly be valuable.

Boardmember Dale: It would be useful to read the document.

Boardmember Wertz: Hopefully, we can do that, and get it to you. And even if you want to give feedback through me, I'll certainly be at that meeting and I'll be able to represent any points or any information or any questions or issues that you would like to raise. So if we

could kind of plan to at least get that document distributed among us, if the meeting doesn't take place before we meet again this could be a very good discussion item for us at our next meeting.

But even if it does, hopefully we can read it informally and get some feedback back. Actually, the more formal that is, the better. I'd like to really be able to go to that meeting with some very definite feedback from the Planning Board. If we have to do it individually, better than not at all.

Boardmember Logan: What's the mechanism for getting ahold of this report, this reconciliation?

Boardmember Wertz: Well, it's being finalized now. So what I'll do is, hearing your interest, I'll communicate with Kathy Sullivan and let her know that this board would like to get copies of that document as soon as it's available. And that I volunteered to collect feedback if it happens before our next meeting, and if it happens after our next meeting we could discuss it when we're here.

But I think we're really positioned, with the benefit of that analysis, to be able to move forward. So that's very promising.

Chairperson Speranza: That's great.

Boardmember Wertz: Then the second item, which Patty mentioned, is the build-out study. You remember that the Westchester County planning department has been good enough to bump us up to the top of the list, and to use this really incredible planning technology to analyze various scenarios in the Village of build-out. Just last night we saw a PowerPoint presentation of this study. We were at the Community Center, and it was Patty and I and Kathy Sullivan. Chris Gomez is the county planning person.

Chairperson Speranza: And Susan Maggiotto was there.

Now, one of the interesting things about this, I didn't get the context entirely but, apparently, there have been some financial pressures at the county level, probably due to the economic crisis, that has caused them to distinguish projects that must be done from projects that would be nice to do, but that might not be feasible in the current environment. So I think we're fortunate that we got this done before those distinctions start coming into play.

The county planning department is a little bit up in the air now as far as which projects . . . this is, obviously, not one that has to be done. So there's a question about how much more energy and labor is going to be put into this. Fortunately, so much of the work has been done that it won't take too much more effort to do the things that probably need to be done. Didn't it look that way?

Chairperson Speranza: Yes.

Boardmember Wertz: Well, Patty, maybe you want to help me describe what we saw last night.

Chairperson Speranza: Again, being in the world of planning for so many years, it's just incredible how far we've come. I was talking to somebody about, years ago, when we first went out to push the vision plan we were using transparencies. I can remember doing the transparency, and overheads. And, of course, nobody uses transparencies anymore.

One of the things, of course, that we did by hand in the previous planning studies was take your chart -- I can't even call it a spread sheet from back then -- and mechanically calculate: if you have a property of this size, and the zoning is this, how many units could be developed. And then if you take out 15 percent for roads and utilities, then you only have so many more units. And then if you want to do steep slopes, you have to . . . it was very, very labor-intensive to put together one chart.

Well, nowadays you don't have to do that. Nowadays, with the click of a button what they do is . . . well, if you want to show the properties and potential build-out for all of the underutilized property, say, in the downtown, here it is. You know, they're all inventoried, and this is what could be potentially constructed under current zoning. If you want to pretend there's nothing here now, and what could the downtown look like in terms of commercial square footage and residential, what would it look like.

Boardmember Wertz: Yes. For instance, the program will identify all vacant lots. And then just show you, okay, now if these lots were built . . . and they don't say, maximally it's . . . Chris did not use 100 percent -- he said that's unrealistic, no one ever does 100 percent -- but 70 percent. So if these lots were built up 70 percent to capacity, according to current zoning, what would happen, what would it look like? And then all of a sudden you see everything built out, and you can see how many more schoolchildren that would add to the schools -- then you see all the implications of doing that.

Then I think he identified lots where the current buildings are less than 50 percent of what could be built there, according to the zoning, and then took all of that and showed what would happen if they were built to 70 percent capacity. You can see, from an overview, all these vacant lots; the ones that are not built more than 50 percent, and just them all over the village. And then get all these different scenarios of what would happen, given various conditions. You can add various constraints to the analysis. For instance, it looks like a lot can be done. But as soon as you put steep slopes in, then a lot can't be done. You can really see how all these various constraints will affect the potential for development.

Chairperson Speranza: And then, automatically, there are formulas. And, obviously, the county planners had to put these formulas in. If you want to look at number of dwelling units, the trips generated by those units or that that number of units, the energy use, the water

use, all of these calculations are done. And, again, they're changed as you change the scenario.

Boardmember Dale: Is this software going to be available to the Village ongoing so we could test our ideas as we move forward?

Chairperson Speranza: We're going to work this through. That's exactly what the next piece will be, is to find the way to integrate it into a computer system. It is a rather, I want to say, generic program. To me, nothing is generic. You know, it's Google Map, but it's a Google visual tool that's then added on top of it. I'm sure that Jen here would have no problem laying it all out.

But Kathy's got the presentation that he did. I think it would be great to have that here. I don't know, maybe we've got to buy Chris dinner or something, and have him come down and give this presentation.

Boardmember Wertz: He would probably be willing to do it, and I think you would really find it fascinating.

Toward the end of the meeting, we were talking a little bit about the implications of something like this. The amount of information is staggering, and what you can do with it is incredible. And it's all that impressive. But, apparently, there is a bit of a debate about it. That some people say, "You know, this is incredibly useful and it's essential and crucial, and it could be really an integral planning tool." Yet, other people say, "You know, it's impressive, but what the heck do you do with all this?"

So I think the technology is so new that people are still in the process of exploring it and finding out how useful, or just how overwhelming and non-useful, it is. We're invited to participate in that process. I think all of you, as I mentioned, at the very, very least it gives you a lot to think about. And I think the information you get, the things you see could be very valuable for this board just to have as a reference point as we move forward.

But then there may be, also, some very specific kinds of analyses that we'd want. For instance, if we are thinking about changing zoning in a particular part of the Village, this will really help you see what the implications of that would be as far as development goes.

Boardmember Dale: I think a classic example would be steep slopes, which you mentioned; the impact of that on potential development for the Village, and whether you're really hurting the Village's future, or not, by restricting it beyond a certain point.

Boardmember Cameron: I'm sort of curious how they handle . . . I mean, we have a whole section of our downtown which does meet code. So what do they do with those buildings? Do they assume that everything that doesn't meet code stays the same?

Boardmember Wertz: I think they assume that everything that doesn't meet code stays the same. But there is one build-out scenario that we actually saw, and that is the condition of things being just wiped out and built all over again. So if you do that, then what can be there would only be according to code, I think. Right?

Chairperson Speranza: Yes.

Boardmember Alligood: That could be very interesting. Because sometimes there's this pressure to make things conform. But then if we really look at what that would mean, let's say we took our downtown and really built to code. We'd have to lower our density. There would be unintended consequences that really become clear when you kind of take it to that level of seeing.

Chairperson Speranza: And visually. That's what was so impressive to me. Because when we were rezoning, doing the rezoning work for the downtown . . . and, of course, we learned a year or two later there were some parcels that we never thought about that, the next thing you knew, we had a development proposal on. So I think just being able to look at things comprehensively like that, and get a visual of one of the properties that could have been developed quite a bit, was a gas station, one of the gas stations in the Village. And you think, "Well, wait a minute. We could never do without the gas station here." But you look at the development potential under our current zoning, and you could put quite a bit there.

Boardmember Dale: That actually happened on Main Street.

Chairperson Speranza: Is that something that is good, or bad? It certainly informs the decision. And, as a matter of fact, the parcel that they used on the GIS parcel base information from the town, they married that with the "property cards." But the base, the parcel base, actually still had that gas station building on the site of 45 Main Street.

Boardmember Cameron: We would have a lot more development if we swept everything north of Warburton clean and had re-built it to code. Because we have much higher heights, we would have a ton more development. First of all, it's not going to happen.

One of the things we're dealing with is, we have a machine that makes everything happen that could happen. And yet, we all know that's not what's going to happen. I was just laughing: did they tear down all the four [sugar houses] and build to code in their computer. Because all of them, most of them, could probably take more space. Although we haven't declared them heritages, we'd probably shoot the first person who tried to rip one down.

Chairperson Speranza: That's true. And there were some of the properties that are on the steep slope along Main Street that go down several stories. Aside from the steep slope, could you do more, would you want to do more. I think that's where it becomes useful, as you look at this and say, "Well, do we really want this here? Maybe we should take some steps to address this area in some way."

But, again, it's inspirational sometimes that you see something like this that really makes you think.

Boardmember Logan: Would this tool help with this reconciliation between the Comprehensive Plan view and the LWRP view of the waterfront, for example? Like take that as a test case and build out scenarios?

Chairperson Speranza: Yes.

Boardmember Cameron: You mean houses?

Boardmember Dale: There's going to be a lot of discussion about how tall, how long.

Boardmember Logan: And with revenue generation.

Chairperson Speranza: That was something else that we talked about.

Boardmember Dale: You can calculate the taxes.

Boardmember Logan: Revenue versus use.

Boardmember Wertz: Sure.

Boardmember Logan: Ka-ching.

Boardmember Wertz: There are future possibilities, too, that they haven't launched into in Hastings yet, but that they have done in Irvington and have done, I think, in Port Chester. We saw a number of examples in this kind of work, where they can actually do 3-D imaging of various kinds of developments in a given area and you can see. Almost anything you could imagine, they can show you what it would look like. They could show you what the views look like, and you can almost like fly around and see things from different angles and get an unbelievable look, or a realistic look, at what things would look like.

Boardmember Dale: If the county is willing to entertain some future development of this process for the Village, it would seem to me perfect, for the waterfront, to give some sense of what each of these plans might produce.

Boardmember Cameron: The interesting part of doing that is that I think the county . . . that's the sort of thing the county would say, "You know, this is really important." Just looking at various of our houses, and deciding how they could get developed or not, but the waterfront is a major decision. They would respect that.

Where I would think the look would be very useful would be, if you could and you probably can, is to just go through and say, "All right, assume that . . ." and then name 20 buildings that get developed in the next 15 years, 20 more in the next 20 years and pick them out. Because I think we can pick them out without telling people which houses we're picking. And then just see what that looks like. Because that's what it's going to be. It's going to be ba-boom, ba-boom over 10-15-year periods.

Boardmember Dale: I've seen that done on Manhattan, where they build out all the vacant lots. It changes the city entirely.

Chairperson Speranza: And it's not just the physical form, but also what are the implications for schoolchildren and traffic.

Boardmember Dale: Transportation, schools.

Chairperson Speranza: As far as you can use it. And it's a model.

Boardmember Dale: That's all about formula, and you can argue whether it's the right or wrong formula.

Chairperson Speranza: So that's something that I think Kathy was going to be speaking with Chris today about, getting in a couple of other properties for analysis.

Boardmember Wertz: Great. I think what you said about the waterfront, and using it in the context of the current Comprehensive Plan, is a really good idea and I'll convey that to Kathy.

Boardmember Dale: It could have real impact on the debate.

Chairperson Speranza: Does anyone have anything else?

4. Meeting Building Conditions

Boardmember Cameron: I have one thing. I would also like, to the extent we have free time, to look around the town and see where we approve various things and we put conditions on them, do things and what have you. And then if you look around later, you find out they actually haven't done them.

I was actually passing the Sam's Club store up in Elmsford, and they were forced to put trees next to that store. It's a huge building. You can hardly see it now. They've got a huge row of trees there. You can hardly see the bloody thing. It did remind me of several things we've approved during the last few years that I've been on the Board which the person's just never done what they said to soften the impact.

Boardmember Logan: You could start with the A&P site.

Boardmember Dale: Deven did give them a letter.

Boardmember Cameron: I know, but I'd be curious to know what happened.

Boardmember Dale: As a result of that letter?

Boardmember Cameron: And the other one is, quite frankly, the parking lot over here. He's built this huge concrete wall -- beautifully done, I think, it looks like Hoover Dam -- but he actually promised to plant vines up and down that thing. If you stand down near the Tennis Club and look back up, you think you're looking at Hoover Dam. And they don't have any vines on Hoover Dam the last time I looked.

But anyway, I just think we need to find a procedure, or thinking harder about when we give someone approval like we did with this one on [KC's] Restaurant, which I'm very thrilled about. We have 15 conditions. We just have to find a way of either better conceptualizing them, or better at making sure they're actually followed. So some sort of follow-up method.

Chairperson Speranza: That's a good point. There's one property that I have issue with every time I walk by it. I say, "We never should have let them do that."

Boardmember Alligood: Or when it comes time, while it's still in the process, and the applicant comes to us and says, "Well, we tried that and it didn't work, so we're just hoping to get approval." Especially I'm thinking about when there's a retaining wall that really could use some green, and thinking of this specific one where it's just wall, asphalt, and retaining wall and it's very visible in our village, and it's just a shame. There's nothing we can do to necessarily verify that it was not possible, but I think we have to think of the consequence of when there is no green at all, what that looks like, and how can we get around it. How can we make suggestions along the way that would alleviate looking at a sheer wall of rock.

Chairperson Speranza: You're right. And if the plantings don't work, or don't take, well, okay, then let's think about another way to have something happen.

Boardmember Wertz: Contingency plan. You're thinking of the affordable housing site.

Boardmember Alligood: That's very visible from Warburton, and they came to us and said, "We couldn't do anything about it." I mean, the asphalt goes right up to the retaining wall by the parking lot, which you can see from Warburton. Very visible because it's up on a slope.

Chairperson Speranza: Then have a mural. Do a mural.

Boardmember Alligood: Maybe there could have been insets into the wall, where little vines would grow. Actually, I think Boulanger Plaza does a nice job of greening that retaining wall. So it can be done.

Boardmember Cameron: We were actually talking about this before you came. I brought it up. I think they could plant vines across the top, and they could come down.

Boardmember Alligood: That's what Boulanger Plaza does. There's a piece at the top, some room for soil, so that you can grow things that will either just be green at the top, or grow down. Either way, there's something green that you're looking at.

Village Technology Assistant Corso: I've seen deer up there on the wall.

Chairperson Speranza: Oh, my goodness. Really?

Village Technology Assistant Corso: Yes.

Boardmember Cameron: Well, there's a fence behind that.

Village Technology Assistant Corso: Yes, but there's space, about this much space.

Boardmember Alligood: Oh, so you're saying there's space now to plant.

Village Technology Assistant Corso: There's some deer up there.

Boardmember Cameron: Okay, we'll plant poison ivy then. Sorry. There's a nice holly you could plant, actually.

Chairperson Speranza: So maybe we should do that. Everybody think about coming with a long list. Or, hopefully, it won't be *that* long.

Boardmember Cameron: Hopefully it won't be that long.

Chairperson Speranza: And then we can follow up. We can talk to Deven about following up, or Fran or someone.

Boardmember Dale: The term is not to pass rules and regulations that you can't enforce.

Chairperson Speranza: Yes, but these can be enforced.

Boardmember Dale: Enforcement is an important consideration before you make laws.

Chairperson Speranza: You're right. Especially when these are things that are very visible.

Boardmember Alligood: Well, we're talking about conditions, not laws. These are just conditions that we discussed during site plan.

Village Attorney Stecich: They shouldn't get a C of O until all the conditions are met.

Chairperson Speranza: Until it's done.

Boardmember Cameron: Yes. Or not let them do it if they can't actually make it work.

Boardmember Alligood: Or come up with an alternative.

Boardmember Dale: Well, you don't know that until they try it, which is the problem.

Boardmember Cameron: I think on the A & P's, they can make the plans work.

Boardmember Dale: I think what Marianne said makes more sense, which is you hold back something.

Village Attorney Stecich: I think they were, which is why they came back to the Board. Because they wouldn't have been able to get their C of O because they weren't able to meet all the conditions.

Boardmember Alligood: So in that case, the condition of having the planting at ground level, that's what wasn't agreeable. But we could have said plant something at the top and have it grow down. We could have just said put something green there.

5. Miscellaneous

Village Attorney Stecich: Patty, can I just raise one issue? Sorry it's a lot less interesting, but I thought T-Mobile was going to be here tonight. T-Mobile is coming before the Zoning Board because they need a variance to be outside of the overlay district. The Village had a suggested spot for them and, apparently, they can't use it. And they were thinking about it. According to their engineer, it doesn't work so they're going to be before the Zoning Board.

I asked Deven and he had the Village's personal wireless service engineer -- take a look to verify that, and in fact, it can't be done there. Maybe you saw, there was a memo that Deven had sent to him that said don't do any work until you hear from us. I guess T-Mobile has raised an objection to the consultant that we've used in the past. Dick Comie is the guy we've used in the past, and they've raised an objection to him because they say his bills are too high.

So they're intending to raise that issue to the Zoning Board next week. I said to Deven, "I don't see what the Zoning Board can do about it because it's the Planning Board that directed the Village retain him. I don't think there's anything they could do about it." And suggested that if, for some reason, they have any objections they have to raise it to the Planning Board

and somebody should come tonight. I don't know, maybe Deven got sick before he spoke with them. So I don't know whether Deven ever communicated with them.

I just want to make sure that the Board's direction, when it comes before the Zoning Board is . . . what I'm saying is that's for the Planning Board to decide, not the Zoning Board. You're the lead agency on this, and you were the ones who directed that the person be retained.

Chairperson Speranza: And I have to say that if, truly, their objection is that his bills are too high as opposed to something like he's not really licensed to review these things, I don't have any sympathy for that. I mean, he's the person that we feel comfortable with, we've worked with him before. No one else has ever said, "Oh, my gosh, his bills are too high." Well, if the bills are too high, that's not, in my mind, enough to disqualify him from being our engineer.

Village Attorney Stecich: Not that it's really relevant because that's my thinking, and you know I said it at the last meeting, we should hire who we want to hire. You don't have any input on it. But Deven did, though. Deven did seek out . . . there's not a lot of people who do this. So Deven did seek out a second person who did it, I forgot, maybe from Croton he knew of him, or something. And got a price from them, or a quote from them. And it was really roughly the same; it was a little bit less per hour but, on the other hand, they charged the full hourly rate for travel, where Comie only charges, I think, half rate for travel or something.

So it's not like it's so out of whack. But even if it were, we thought this was the guy.

Boardmember Cameron: Yes, we want a high-quality person.

Boardmember Dale: There's no need for us to publicly bid this and choose the lowest bidder.

Chairperson Speranza: Oh, no.

Village Attorney Stecich: No, right. What? We're supposed to take the person that . . .

Boardmember Alligood: I remember this came up at the meeting, and I remember we -- especially you, Marianne -- were very clear. We pick who we have on retainer to look to verify the information you're presenting to us. That's just our procedure.

Village Attorney Stecich: So it's their loss. They lost a month because without that report from the Village's engineer as to whether, in fact, that location in the overlay district can't be used the Zoning Board can't make a decision.

Boardmember Cameron: Can I ask another question? Have the people we gave approval to on our roof put in their stuff yet? I was looking for the number.

Chairperson Speranza: Metro-PCS? I don't know.

Boardmember Cameron: I'll ask. Every time we give an approval someone usually says, "Well, you're going to start right away, aren't you?" And then it just doesn't happen for a long time.

Village Attorney Stecich: They were in a hurry. Even AT&T, remember? The AT&T one, they had to provide a revised lease because they had the thing in the wrong . . . I still never got that revised lease, so I don't think they're up there, either.

Chairperson Speranza: Anything else? Go home a little early tonight. Thank you.

VI. Adjournment

On MOTION of Boardmember Wertz, SECONDED by Boardmember Logan with a voice vote of all in favor, Chairperson Speranza adjourned the Regular Meeting at 9:40 p.m.