

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING
OCTOBER 20, 2011**

A Regular Meeting and Public Hearing was held by the Planning Board on Thursday, October 20, 2011 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 Eva Alligood, Boardmember James Cameron, Boardmember Bruce Dale, Boardmember Rebecca Strutton, Boardmember Kathleen Sullivan, Village Attorney Marianne Stecich, Building Inspector Deven Sharma, Deputy Building Inspector Charles Minozzi, Jr., and Deputy Village Clerk Mary Ellen Healy

Chairperson Speranza: All right, we have a very long agenda ahead of us tonight so I do want to call to order the meeting of the Planning Board. It is Thursday, October 20.

I. ROLL CALL

II. APPROVAL OF MINUTES

Meeting of September 15, 2011

Chairperson Speranza: Next order of business is the approval of the minutes from our meeting on September 15. I have a couple of modifications and, Mary Ellen, thank you. We did get your memo with respect to what the substance should be for the changes to the minutes.

The first one that I have is on page 8. And Deven, in case you didn't catch it, I'll just correct this word. It's page 8, when Building Inspector Sharma is speaking and the minutes recorded it as ... the last sentence of that paragraph, "*She has also paid the declamation fee that was one of the conditions.*" It should be "recreation" fee.

OK, and then I have another one. It's kind of humorous but, again, since it is the minutes – page 35, it's the second paragraph, second sentence, and it reads: "*Most particularly and Marianne, baby, you got to help me with this.*" Much as I like you ... so why don't we just have the minutes strike the word "baby." It was probably "'maybe' you can help me with this."

Village Attorney Stecich: I'm sure that's what it was.

Chairperson Speranza: Other modifications on that page?

Boardmember Alligood: While we're on that page, I just found – towards the bottom there, where it says "XXX," I think that actually is Maya [Lin] XXX, M-A-Y ...

Building Inspector Sharma: I had that one.

Boardmember Alligood: You have that one?

And I just have one other, on page four. It's actually where Mr. Escaladas is speaking, the third paragraph. About halfway down, it says, " ... *and my 'correcting' with the town engineer ...* " I think he said "connecting."

And that's it.

Chairperson Speranza: Bruce, Kathy? Nothing?

Boardmember Cameron: I was absent.

On MOTION of Boardmember Dale, SECONDED by Boardmember Alligood with a voice vote of all in favor, the Minutes of the Regular Meeting and Public Hearing of , 2011 were approved as amended.

III. OLD BUSINESS

Steep Slopes Approval – Application of Anthony Ivezaj for the construction of a new one-family dwelling on the newly-created building lot at 12 Prince Street

Chairperson Speranza: This is an application for the construction of a new single-family dwelling at 15 Prince Street. We have heard about the application several times, and we have a report from our engineer.

You need the hand mic? So if you could just walk us through once again, the changes that have been made and the plans that we have. Everything's in synch now, I would hope. Excellent.

Tom Abillama, architect for applicant: Since the last time we were before this board, there were a few changes that were done to the plans after we did the plan distribution to the Board. The concern was that we'd like to have all the items that were discussed at the Board meeting implemented on the plans and submitted to the Board in proper time. And that's what we did.

The items that were ... that we dealt with were minor items, such as: including a riprap detail in the rear of the property for the overflow drain coming from the drywells; and some invert elevations for pipes; and a clearer detail for the trench drain. But just to summarize what we're proposing, it's a single-family dwelling on a steep slope with over 50 percent slope. There was some fill done to it, to the point where the slope was, towards the rear, over 25 percent.

We've provided the Board with an explanation of how we're going to be able to remove the dirt in a safe manner. And I think Hahn Engineering was content with the proposal, as they have reported. If you have any questions, please feel free to ask me.

Chairperson Speranza: Just to go on record, we did receive a report from the engineer that is working for the Village in the review of this application. I'll just read one sentence here. He has been back and forth with the applicant several times. *"At this time, the applicant has satisfactorily addressed our comments, therefore we have no objection to the proposed improvements."* That's the bottom line summary, finally, at what I believe will be the completion of the process

But I do want to give the opportunity for anybody in the audience who wishes to speak on the application. No? OK. It's not a public hearing.

Board comments, questions?

Boardmember Sullivan: The only comment, I want to thank you very much for working so hard with our engineer and with the Board. I think the things that you have come up with, and that are shown in your final submission are wonderful and really address the issues that we saw at that site. So thank you, and to your client, for your patience and for all the hard work.

Mr. Abillama: Thank you.

Boardmember Sullivan: You've gone the extra step, and it's very much appreciated. I think we're going to have a safe project and, hopefully, you'll have a very successful one.

Chairperson Speranza: OK. That said, may I have a motion to approve the steep slope application?

On MOTION of Boardmember Sullivan, SECONDED by XXX with a voice vote of all in favor, the Board resolved [approve the steep slope application, 12 Prince Street] XXX.

Chairperson Speranza: OK, thank you very much.

Mr. Abillama: Thank you. I appreciate it. For the next meeting we're hoping we're going to be filing for the next door house, if you'd like me to run it through very quickly.

Chairperson Speranza: Excuse me?

Mr. Abillama: The next door house for [Mariana] XXX. She's trying to expand ...

Village Attorney Stecich: The parking.

Mr. Abillama: ... on the house, as well as complying with the requirements of the Board in regard to two parking spaces that are needed. But if you don't want to look at it now, we can look at it in the future, next time.

Chairperson Speranza: How are we doing this? This is informal.

Village Attorney Stecich: But it doesn't require site plan approval.

Chairperson Speranza: I know.

Village Attorney Stecich: You may need to approve the parking area, but not the house. Because it's a single-family house.

Chairperson Speranza: Right.

Village Attorney Stecich: Does it have steep slopes on it?

Building Inspector Sharma: Does it say?

Chairperson Speranza: It does, or it doesn't?

Mr. Abillama: It does.

Chairperson Speranza: Then you've got to go through.

Building Inspector Sharma: I believe Tom had mentioned to me that there is already permission to work on that project. He just wants information.

Boardmember Alligood: No, we appreciate that. Because it's come up that that was an unresolved issue, so for the next meeting.

Chairperson Speranza: I was going to say, the problem is we have a very, very packed agenda for tonight.

Mr. Abillama: I hear you.

Chairperson Speranza: So we will hear about it, and we can hear about it. But it's got to be on the agenda, OK? Thank you. I'm glad you're doing it, though. Thank you. That was one of the unresolved.

OK, moving right along.

IV. NEW PUBLIC HEARINGS

- 1. Accessory apartment permit renewal for Linda Osborn – 17 Villard Avenue Sheet 16/Block 645/Lots 20-23 – No waivers required.**

Chairperson Speranza: We have a couple of accessory apartment permit renewals, and the first is for a property on 17 Villard Avenue – it's been before us several times – Linda Osborn. Buddy, do you want to give us the report on this? I was going to say, you know to come to the mic.

Deputy Building Inspector Minozzi: Yes, Patricia, there hasn't been any changes on this property. And the parking is as originally approved. It's been approved for right now.

Chairperson Speranza: Right. And there are no waivers required on this.

Deputy Building Inspector Minozzi: No waivers required for this property.

Chairperson Speranza: OK. This is a public hearing, so is there anyone here who wishes to speak on the application for the accessory apartment renewal at 17 Villard?

You are Ms. Osborn. Any questions, concerns – anything you want to comment on?

Linda Osborn, 17 Villard Avenue: No, we've done this many times.

Chairperson Speranza: I know.

Ms. Osborn: Nothing's changed.

Chairperson Speranza: OK, thank you. And if no one else, then we'll close the public hearing on this application. Boardmembers? Comments, issues? No?

On MOTION of Boardmember Sullivan, SECONDED by Boardmember Cameron with a voice vote of all in favor, the Board approved the accessory apartment renewal application for 17 Villard Avenue.

Chairperson Speranza: It's carried. Thank you.

Ms. Osborn: Thank you.

Chairperson Speranza: See you in three years, huh?

2. **Accessory apartment permit renewal for Janet Harris – 51 Summit Drive; Sheet 18/Block654/Lots 29 & 30 – Waiver required for parking.**

Deputy Building Inspector Minozzi: Patricia, there hasn't been any changes to this apartment either.

There was a mistake on the square footage, but it's still 14 percent – well below the required maximum. There is one waiver required for one parking space, which was originally waived. So that's the only waiver that they require for this property. Everything else is OK.

Chairperson Speranza: OK, thank you. No complaints?

Deputy Building Inspector Minozzi: No complaints.

Chairperson Speranza: OK, great. Again, this is a public hearing. Is there anyone who wishes to speak on the application for accessory apartment renewal at 51 Summit? No? Then we will close the public hearing.

And Boardmembers? Any comments or questions?

On MOTION of Boardmember Dale, SECONDED by Boardmember Sullivan with a voice vote of all in favor, the Board approved the accessory apartment renewal application for 51 Summit Drive, with a waiver for off-street parking.

Chairperson Speranza: OK, thank you.

- 3. View Preservation Approval – Application of Brian and Shelly Steinwurtzel for the enclosure and alteration of two existing covered porches to convert them to living spaces at their residence at 26 Pinecrest Drive. Also to be discussed and acted upon is the Steinwurtzel’s Steep Slopes Application.**

Chairperson Speranza: Next item is view preservation approval and steep slopes application for property located at 26 Pinecrest Drive. And we have some diagrams – that's great.

I just have to warn you, you're going to have to take the portable mic. You're on TV when you're in Hastings.

Bill Witt, architect – 26 Pinecrest Drive: I'm here to support their application, and give you a brief description of what we're proposing to do there. My clients purchased this property back in March with the intent of doing some minor expansion, minor renovation. It is a lovely old home. They fell in love with the community as well as the house and the view.

But it does have a kitchen that's in the basement; it does have kind of substandard, by today's standards, bathrooms – plumbing, master bathroom, per se. So the things that they wanted to achieve as part of the proposed expansion was moving the kitchen from the basement up to

the first floor into the main living space, as well as creating a new master bedroom suite, including new bedroom and a new bathroom.

Very early in the process, with the understanding that this was in a view preservation district, we came to the conclusion that the most logical place for these additions would be in the back of the house, basically filling in what are presently existing covered porches. It would allow us to kind of seamlessly blend in again with the 200-year-old house and, at the same time, preserve potential views from neighboring properties as well as adjacent owners.

So that's basically how we came up with the solution, the reason for it. We're adding approximately 800 square feet but, as I said, that's entirely within the existing footprint of covered porches in the back of the house. There is a proposed side deck just to better access the side property. If you notice, there's a pool to the left. And the only way of accessing that pool right now is coming from the basement, up out of the ground. So once we move the kitchen upstairs, we'd like to just do a small side deck – not large by any standards – just allowing them to better utilize the side property.

Again, based on the topography of the existing site – and I drew a section here I hope the Board can see – we are well below neighboring properties that would be up the hill on Pinecrest and fairly removed from ... it's quite a sizeable piece of property, but fairly removed from the adjacent properties, with the exception of number 43, which it is directly in front of. But again, the property section shows that it's about 36 feet difference in first-floor heights. So I don't anticipate – again, being that the additions are to the back of the house – that this would have a negative impact on any of the neighboring properties.

The second reason why I'm in front of this board, as you know, is for steep slope. It came to our attention late in the game, unfortunately. But fortunately for us, I suppose, is that the proposed additions, since they are not increasing the foundation or expanding the impervious surface of the property, are within the existing footprint. The existing house and the entirety of the developed portion of the lot is within a level portion of the lot. The Steep Slopes Law – they exist and they are severe – are to the back of the property, going down to Warburton.

So we feel fairly comfortable that the proposed additions would not have a negative impact on either the environment or the steep slopes that exist. And I would be happy to take any questions you have. I do have photographs if the Board would be interested in seeing them.

Chairperson Speranza: Let's see if there are questions on the application. No?

This is a public hearing. Is there anyone who wishes to comment on the application? No?

Mr. Witt: Here's some photographs of the existing house just to give you a sense on how the property is level on the sides. This is taken at the street, so you can see the neighborhood properties. Up the hill is about an 18-foot rise. I've taken pictures of just all the adjacent properties so you could get a better understanding of how they would not be affected by what we're proposing.

There were a few items on the steep slope application that we did request at least a waiver, one being the landscape plan. Simply because we're not increasing impervious surface, we just thought it would be an undue hardship for my clients to have to go ahead and do a landscape plan. The site plan that I did present to you does have all substantial trees shown on the property, and we're not proposing that we remove any of them at this point.

Chairperson Speranza: I just want to say I think your application is very nicely done, and I appreciate it. Thank you.

Mr. Witt: Thank you.

Chairperson Speranza: In terms of the zoning analysis and the steep slopes analysis. No questions or comments? And no public ... we already went through that.

We've got a couple of actions before us, so we'll take them in order. First has to do with the steep slopes approval of the steep slope application for the property. I'll need a motion for approval of that.

On MOTION of Boardmember Strutton, SECONDED by Boardmember Dale with a voice vote of all in favor, the Board approved the steep slopes application for 26 Pinecrest Drive.

Chairperson Speranza: And the second action is the recommendation to the Zoning Board of Appeals for view preservation.

Boardmember Cameron: Just one comment. You are much lower than the buildings behind. But if you stand right on the corner quite close to that other house on the property and look across, because you have not filled in that porch you still have a great view.

Mr. Witt: I agree.

Boardmember Cameron: That's a spot which really does have a great view looking down on the water.

Mr. Witt: It should be preserved at this point.

Boardmember Cameron: Preserved. And the words I was focusing on was this point, and we really need to be confident that no one's going to try to fill in those walls. Because if they do, they'll lose a very nice view that looks down on the river. And it's one of the most gorgeous parts of the Palisades, in fact.

Mr. Witt: Certainly.

Boardmember Cameron: Which is probably why your client bought the house, and I don't blame them.

Mr. Witt: I think it is.

Boardmember Cameron: OK, thank you.

Chairperson Speranza: View preservation recommendation to the Zoning Board of Appeals. I need a motion.

On MOTION of Boardmember Dale, SECONDED by XXX with a voice vote of all in favor, the Board approved [recommendation on view preservation to the Zoning Board of Appeals] XXX.

Chairperson Speranza: OK, thank you.

Mr. Witt: Thank you.

- 4. A Special Use Permit and Site Plan Review/Approval – Application of Cuddy & Feder LLP on behalf of New Cingular Wireless PCS (AT&T), for review and recommendation to ZBA for the construction/addition of, or modifications to, existing antennas and associated equipment on the roof of the Municipal Building at 7 Maple Avenue.**

Chairperson Speranza: The next item on the agenda is a special use and site plan approval for the application by New Cingular Wireless. And it's also view preservation and

recommendation to the Zoning Board of Appeals. It's for modifications to the antennas on top of this building.

Daniel Leary, attorney – Cuddy & Feder LLP: We represent the applicant, AT&T Wireless, in this proposed upgrade to its existing personal wireless service facility which is located on the rooftop of this building here at 7 Maple Avenue, the Village hall. And more specifically, we are proposing to add three LTE antennae, one to each sector of what exists now currently on the building, along with six new RRH, or remote radio head units, which will be installed on the interior of the parapet wall and will not be visible at all from the street or the exterior; a GPS unit; and a new equipment cabinet, which we are going to stack on the existing cabinetry.

So that's our proposal. We need an amended special permit and site plan approval from this board, and we also need your recommendation on the view shed preservation component. We're before the ZBA next week on that. It is in the view shed preservation district. We submitted a number of items to you – the special permits, an RF exposure report, a structural analysis, and a visual evaluation showing both existing conditions and proposed conditions with the new antenna installed. And as I said before, the only antennae you will see will be the three new LTE antennas, which are basically the same dimension and size that's there now.

There'll be no increase in height. We believe that what we're proposing fully conforms with your personal wireless facility law and your zoning code. And we're seeking your approval tonight, and we're here to answer your questions and any questions from the public.

Chairperson Speranza: OK. I have one question, and then I know we do have some issues that we want to go through.

Mr. Leary: OK.

Chairperson Speranza: You mentioned the antennas, and we know the antennas. You also mentioned what's going to be installed on the inside of the parapet. Can you explain what that is?

Mr. Leary: The remote radio head units. I think what I'll do is, our RF engineer is here, [Stefan Guilabear] XXX. He can explain to you better what their purpose is. Dimensionally ... I wish I had my litigation bag here.

Chairperson Speranza: I'm glad you don't.

Mr. Leary: They're basically the sides of that. He can explain it to you, and what their purpose is.

Chairperson Speranza: OK, perfect.

Mr. Leary: It's a little bit different from the antenna itself.

Chairperson Speranza: I guess my first question is, do we have any up there now?

[Stefan Guilabear] XXX, RF engineer: No, we don't. Right now we are using like two different technologies; one is GSM and one is UMTS. The antennas are connected directly to the equipment, which is on the platform. But for this new technology – we call it 4G or LTE, Long Term Evolution – basically the electronics are going right next to the antenna. It's what we call the RRH, radio head unit. This piece of equipment you are asking about is just basically some electronics and electronic cards for the transmission and reception of the signal.

Mr. Leary: They're depicted on the plan. You can see where they're located on the anterior.

Chairperson Speranza: Yes. I just never heard of them.

Mr. Leary: Three or four months ago I'd never heard of them either.

Boardmember Sullivan: How much do they weigh?

Mr. [Guilabear] XXX: Do you have a weight?

Chirag Patel, Tectonic Engineering: [off-mic] honeycombs. They're pretty small

Chairperson Speranza: You have to come up to the mic.

Mr. Patel: The RHs, they don't weigh that much. They're usually 20 pounds and they have fins. That's why they look big. They have solar fins around them for cooling and working efficiently.

Chairperson Speranza: OK, thank you. Now, we know that there are some issues with respect to process that we want to go through and, again, there are a couple of steps. One of the first things is that we do want to make sure ... because we're entitled to, under our professional piece, to be able to hire a consultant to review the information. As you can tell,

we're certainly not experts in this, and this is additional equipment going into the roof of our building.

But there were some issues with respect to the application that you were concerned with, Marianne?

Village Attorney Stecich: Yes, there were a few. I went through it, even though it hasn't gone to our consultant yet. I went through it fairly carefully. Some of the things you may be able to answer. One of the things is, there's supposed to be a coverage map. I assume you didn't include the coverage map because you're not changing coverage, you're just changing equipment.

Mr. Leary: That's correct.

Village Attorney Stecich: OK. Now, the structural report is really incomplete. It's a real issue. There is a ton of equipment up there. And I spent some time on it, seeing if I could put everything together to get what the additional weight's going to be. And I can't. The structural report does not state the weight of everything up there, so that really has to be done.

Now, I'm not sure. I think that probably would be ... I'm not sure whether our RF consultant would look at that, but certainly we need to. The Village needs to look at that, the Planning Board. In addition, this is going to have to go to the Board of Trustees for a lease amendment.

Mr. Leary: Yes, I understood that.

Village Attorney Stecich: And I said we can't amend the lease until they get the special permit. But you'll need that information. But not only the Board of Trustees, I think the Planning Board needs to do it. I seem to recall, on one of the last applications it was coming pretty close to how much more that roof could take.

Chairperson Speranza: That was my recollection.

Village Attorney Stecich: And I think at least one of the things you're putting on there weighs 480 pounds or something, if I read the thing right. Some of the stuff's really heavy.

Boardmember Cameron: Seven-fifty.

Village Attorney Stecich: So you definitely need a lot more information on that before we could call the application complete.

Mr. Leary: All right. We are certifying that it has the capacity.

Chairperson Speranza: We would like to get an independent opinion of our own.

Mr. Leary: OK. And there's no in-house ...

Chairperson Speranza: We don't have an ...

Mr. Leary: OK, but that's not RF, though. That's structural integrity.

Village Attorney Stecich: Yes, that's not RF. We'll take care of it. Maybe the Building Inspector can do it. If he can't, he'll have somebody else do it. OK.

We also need a calculation. See, your lease is for 140 square feet. You've got things here, here, here. Give me a calculation of the total amount of square footage covered. I don't think it's 140 square feet.

Mr. Leary: No, it's not.

Village Attorney Stecich: But we need that calculation.

Mr. Leary: OK.

Village Attorney Stecich: Now this, I think, is really significant. And this would probably need ... before it goes to our RF guy. Your exposure analysis measures exposure on the roof and it measures it on the ground. And if I'm reading it right, on the roof there's a couple of spots where it exceeds the limits, like right near the equipment.

Mr. [Guilabear] XXX: No, it doesn't.

Mr. Lear: No, no, no.

Village Attorney Stecich: All right. It looked kind of high to me. But in any event, I think there have to be measurements done inside this building, especially on this floor. Because there's a lot of people working in this building and I think they need to know what the exposure is of the people working underneath. Because there's a huge amount of equipment up there.

Mr. [Guilabear] XXX: I think we're comfortable that it ...

Village Attorney Stecich: You probably are, but your analysis only deals with the ground and the roof. It doesn't take the inside of the building, which I think is important. I would assume the Board would want to know that.

Chairperson Speranza: Since we're here every month.

Mr. Leary: Could we be heard on that?

Village Attorney Stecich: OK, but let me just go through my list.

Mr. Leary: Oh, you want to go through? OK, fine.

Village Attorney Stecich: There's just two more things. Now, the view preservation photos you put in didn't show the equipment cabinets. Is that because they have a little parapet?

Mr. Leary: Yes, they're below. Right? I think they are, right?

Village Attorney Stecich: Because the ones on top ...

Mr. Leary: They're not going to be visible, will they?

Mr. Patel: No, they won't be. That's actually shorter than what you have existing right now.

Boardmember Cameron: Well, we only have one that shows right now. You can see it.

Village Attorney Stecich: But you said this is going on top.

Mr. Patel: On top of the existing ridge you just mentioned they installed recently. It will go on top of it. So combining both of them, I don't know the total off the top of my head. But it doesn't go beyond what we have right now. So it will be lower than that.

Village Attorney Stecich: I don't understand that. If it's on top of what's there, how can it not be going beyond what's there?

Mr. Patel: There's multiple cabinets. The one we're going on is the short one.

Village Attorney Stecich: Oh, I see.

Boardmember Cameron: Well, they have one tall one, which you can see quite clearly from the parking lot in the back.

Mr. Patel: The one we are proposing now is only 2 foot 6 inches tall, and the existing which is there right now it shouldn't be more than 3 feet. So you're looking at around 5 feet 6.

Village Attorney Stecich: Five feet six?

Mr. Patel: Total.

Village Attorney Stecich: So you would see it. Just draw it in on your view preservation drawings. All you have is the antenna, so I think we have to see the equipment cabinet.

And then the last thing is, this board is supposed to refer it to the ARB before you decide. So if it gets referred to the ARB right away, hopefully everything will move along fairly quickly on this. It will go to the ARB, they'll get back to you by next month, hopefully, the consultant will get back to you next month or whatever. But it's not a complete application yet so the Board can't really take a vote tonight.

Boardmember Cameron: I have one thing. To give us greater confidence in your statement of noninterference, you should probably have data to actually include the frequency of what you're going to install. It only cites installation of other things you've installed in the past and it doesn't actually talk about the one we're having installed here.

It cites all these things and then it says the police department and fire department is typically less than 800 megahertz, but it doesn't actually cite the fact that your new one is 700, which is also less than 800 the last time I checked. But you don't actually have the frequency. So it looks like somebody had cut and pasted this document, but they forgot to put the right numbers in there.

Mr. Leary: So you would like the frequencies added?

Boardmember Cameron: Well, I'd like someone to certify to the actual one you're putting in and the ones that you've put in lots of other places in the past.

Mr. Leary: OK.

Boardmember Cameron: It would be useful.

Village Attorney Stecich: And you should do that, really, on the soon side. Because it makes no sense for this to go to the consultant until they've got all the information.

Mr. Leary: Well, we can get that together. Do you have a consultant retained?

Chairperson Speranza: We have one that we use. Is he under retainer now? Yes, he is.

Village Attorney Stecich: You would just do it on each application.

Chairperson Speranza: Yes, Doug Fishman.

Mr. Leary: So what I'm hearing, I think, is that you have to refer it to the ARB anyway. So if you refer it to the ARB, and you can refer it to the consultant ...

Chairperson Speranza: And a structural engineer.

Mr. Leary: ... and the structural engineer ... and we can, during the intervening period, provide them with these added information bits and make sure you're aware of what we're doing ...

Chairperson Speranza: Yes.

Mr. Leary: ... that would be a good way of moving forward, I think.

Village Attorney Stecich: Yes, make sure Deven and I are copied on that.

Mr. Leary: I would make sure you were copied on that.

Village Attorney Stecich: And the most important thing, you got to post an escrow.

Mr. Leary: OK. Do you know what that's going to be?

Village Attorney Stecich: It's usually \$5,000. You'll get it back at final inspection. And that has to be posted before it can be sent out to the consultant.

Mr. Leary: OK. We are ... I'm sure you hear this all the time, but we do have time sensitivity to this. It's a relatively minor installation. I know you want an independent look at it, but we're just hoping we could keep this on track. So we need to post an escrow amount of \$5,000? And then I will touch base with you who it's getting referred to, and get the information?

Village Attorney Stecich: The Board does process these things quickly. It could go to the consultants right away, except we don't have all the information.

Mr. Leary: OK. Well, this is ... we filed this weeks ago, and I'm hearing now ... so we'll address it.

Village Attorney Stecich: Yes, but you filed it with a letter "please put this on the agenda for October 20."

Mr. Leary: OK. Well, we hear what your issues are, and we're ready to move forward.

Chairperson Speranza: Great. There may be more discussion. Jamie, did you have something else?

Boardmember Cameron: I do.

Chairperson Speranza: And it is a public hearing also.

Mr. Leary: OK.

Boardmember Cameron: When this company was last here, in May 2009, and wanted to put three new antennas in – which you have subsequently done – we discussed the fact that we wanted you to take down your old antennas to the extent that new technology was available to make them smaller because this is a view preservation problem. We received a qualified yes, and I'd like to know back from you, maybe in your next submission, whether you did substitute those old antennas for new, more modern equipment, which is probably smaller. And that was the question.

We're trying very hard. As you guys obliterate the top of this building – excuse the phrase – with antennas, eventually you're going to find us very unwilling to let you put more antennas up. So it's to your advantage to put the smallest, slimmest antenna you can on this building as quickly as possible moving forward.

Mr. Leary: OK. Thank you.

Chairperson Speranza: And it's something we're asking of every applicant who wants to do something. Because we know technology is changing, and if you can switch out your old equipment everybody's ...

Boardmember Cameron: We're also asking that they put the lightest equipment they can on the building because we are going to run out of weight – and we could have run out with you except your engineer thinks it's OK – and then there'll be no more space for anybody to put equipment.

Mr. Leary: OK. But working with your consultants will establish those things.

Chairperson Speranza: Yes, exactly.

Mr. Leary: You know that the weight load and the weight of the proposed installation and the dimensions of them are the best we can do. Hopefully, we'll be in accord with that. OK.

Chairperson Speranza: Right. This is a public hearing, so I do want to open it up to anyone who wishes to speak on the application. I did receive one comment that I'm just going to read. It's from Michele Hertz, 62 Euclid Avenue. It'll be on the record, but I could also give it to you.

"I would like to ask that the Planning Board not make any decisions tonight regarding the changes in cellular equipment that are going to be requested by AT&T or Cingular Wireless.

The reason for this request is that there is a great deal that we, as a community, do not understand about the technical aspects of cellular equipment. I would appreciate a small amount of time to research exactly what this cellular company is proposing to do before a decision by the Village is made.

I would also request that the Village get the entire request in written form," – which we have – "so that it can be reviewed. It might be that AT&T would like this proposal to be decided tonight, but it is in the best interest of Hastings to understand the proposal before agreeing to anything new. There are two questions that I would ask if I could come to the meeting tonight, however both questions might be better answered once we know what AT&T wants to do."

"Question one: Could the cellular company explain the difference between a GSM signal and a CDMA signal, and which does their equipment use? Two, is the electrical equipment being proposed by AT&T UL – Underwriters Laboratory – approved? All electrical equipment in Hastings should be UL-approved, as shown below in our Village codes."

So those are two comments into the record. I didn't know if you wanted to respond to them now, but they are certainly expressions of one of our residents.

Mr. Leary: Would we be able to get a copy of that?

Chairperson Speranza: Oh, yes. You can take this.

Mr. Leary: OK, so we'll look at that.

Chairperson Speranza: That's fine. Anything else?

Boardmember Sullivan: I had two questions, or comments, regarding the structural issues that folks brought up. I agree with what Marianne said about needing another look at the structural work.

My concerns are the fact that you're adding multiple antennas to the parapet wall. The structural didn't really address that these now are going to be fairly close together. There's the 1-1/2 foot distance on center. So my concern is, looking at not just the single addition of an antenna, but looking at how there's going to be sort of an array of these side-by-side. That was kind of my question with your other piece of equipment that you're putting on the inside of the parapet. You're looking at an assembly now that is interrelated to me, and should be looked as a unit rather than just the single information.

And the other thing is, looking at the letter that commented on the [dunnage] XXX that's up there already and just talked about, well, this is fine if it was installed by code. We really need to know what loading the [dunnage] XXX can contain, and if this new equipment – the 750-pound equipment – would exceed that or come close to what that [dunnage] XXX was originally designed for. And that should be something that an engineer could figure out.

Mr. Leary: Right, OK.

Chairperson Speranza: Right. And our engineer will be doing that.

Boardmember Sullivan: Again, how it gets addressed, I think, based on the structural concerns, those are my two comments. So they do need to be addressed by someone.

Boardmember Strutton: I have a couple other questions. So first, I'm just curious how close these antennae can get to each other as our roof gets more populated going down the road. Once these are in, how many other companies have available square footage for their own upgrades? Are we foreclosing that ability for them?

Second, I noticed on your proposal that there's some antenna or some fixture that's being put on the parapet, on the front of the building. Is that right? So when you're facing the building, it's up above the ...

Mr. Leary: There's going to be one antenna added to that sector.

Boardmember Strutton: To the outside on that wall.

Mr. Leary: No, on the inside.

Boardmember Strutton: On the inside, OK. I was just concerned that it was on the outside.

Mr. Leary: No. The RRHs will be on the inside of the parapet, but they're not going to be visible.

Boardmember Strutton: And then I guess this is just one for us, but on the SEQRA application I saw that the letter from the Department of the Interior is from 2001. So it's 10 years old. And then the one from New York State is from 2007. So I just don't know how up to date those need to be; whether anything would have changed in the last 10 years.

Chairperson Speranza: Good question. And that's something else because we will have to declare ourselves to be lead agency. Well, no, the Zoning Board has approval on this, as well.

Village Attorney Stecich: Yes. You know, it's probably not a bad idea. You could do that tonight, declare your intent to be lead agency. And then when it's before the Zoning Board I'm assuming they'll agree. In addition to which, actually there's a third agency, the Board of Trustees. Because they have to approve the lease. So if you vote to declare your intent to be lead agency I'll circulate it to the other boards at the next meetings, since I'm at all their meetings. Find out whether they're OK with it. At least that step'll be done.

Mr. Leary: Well, just on SEQRA, I think it's an unlisted action. So it would be not a coordinated review. So each ...

Village Attorney Stecich: It doesn't have to be. Yes, that's true.

Mr. Leary: And so each one could be their own lead agency. Otherwise, if you do a coordinated review one can't act until the other one ... and I think in this case it's unlisted. It could be ...

Village Attorney Stecich: Although it's most likely ... it's not a big issue here because this is probably the first ...

Mr. Leary: Oh, well, that's true. That's true, but I'm just saying that ...

Village Attorney Stecich: He's right. Sometimes it could be messy, although ...

Mr. Leary: Yes, I don't have any ... I'm just saying with an uncoordinated review ...

Village Attorney Stecich: He's right, yes. You know what? He makes a good point. It means that you'll each make a separate SEQRA determination.

Chairperson Speranza: OK, so we don't need to do a lead agency.

Mr. Leary: No. Because I think you'll be in charge of the amended special permit and site plan component of it. You're automatically lead agency over that.

Chairperson Speranza: OK, that's fine. I'm just reviewing this letter from 2001. Well, it wouldn't hurt to get ... since we're going to have time to see if we can get a more recent one.

Mr. Leary: OK.

Chairperson Speranza: I don't know of any newly-endangered species in here.

Mr. Leary: I think that kind of governs ... I don't know if we're going to be able to get a new letter. I'm not ... we can look into it.

Chairperson Speranza: Why don't you. Right, they may not. But it can't hurt to try, since we have this.

Mr. Leary: We'll look into it, yes.

Chairperson Speranza: Fine. OK, then, so you're clear on where we are on what we need in terms of completing the application, getting information – or actually funding an escrow – for us to be able to then hire the radio frequency reviewer and our structural engineer.

Mr. Leary: I'm clear on like the larger picture, but I think it would make sense for me to reach out to Marianne tomorrow to get more of the details. And then the question is, can we continue this to a certain date, then, with all that we can get the public hearing continued until we ...

Chairperson Speranza: Oh, sure.

Village Attorney Stecich: It automatically does.

Mr. Leary: OK. Do you know what that date is?

Chairperson Speranza: Our next meeting's November 17.

Mr. Leary: OK, so we'll be on that?

Chairperson Speranza: We'll see. As long as there is material, like the consultant's report, for us to review.

Mr. Leary: OK. And you're not the ZBA, but I guess the question is we're before the ZBA next week. I guess I could open it and continue it? They're not going to be able to act.

Village Attorney Stecich: If it makes any sense. You might want to adjourn it because you're only before the ZBA for view preservation.

Mr. Leary: Correct. And they're not going to have the ...

Village Attorney Stecich: They can only act on view preservation until they have a recommendation from the Planning Board.

Mr. Leary: Right.

Village Attorney Stecich: So I would suggest you just adjourn it.

Mr. Leary: OK. And with the ARB now? You refer it to the ARB?

Chairperson Speranza: Right.

Mr. Leary: All right. Do you happen to know when that date is?

Chairperson Speranza: The first Monday of the month.

Mr. Leary: OK. So this will be continued 'til the 17th, we have to go before the ARB, and we'll work on the details with your staff.

Chairperson Speranza: Great.

Mr. Leary: Thank you. Have a good night.

Chairperson Speranza: This is the e-mail from Michele. They can have that because I have it in my e-mail.

V. NEW BUSINESS

1. Steep Slopes Approval – Application of Alan Sanseverino for the construction of a driveway as part of a new two-story, single-family dwelling on the vacant lot next to 78 High Street.

Chairperson Speranza: OK, next item on the agenda is steep slopes approval. This is for an application for construction of a driveway attached to a two-story single-family dwelling on a vacant lot next to 78 High Street. Again, steep slopes approval.

Is there someone who wishes to speak on the application? You need the mic. There you go. Just state your name and what it is you're intending to do.

Alan Sanseverino, applicant - 65 Prince Street: I'm the contractor, the so-called buyer of the property. Talking about the driveway? I thought this is about steep slopes tonight.

Chairperson Speranza: Just the way that the agenda reads.

Mr. Sanseverino: OK, I'm sorry.

Chairperson Speranza: It's a steep slope approval. It's an application of Alan Sanseverino for the construction of a driveway, as well as part of a new two-story single-family dwelling. We don't approve the driveway variance, just the steep slopes.

Mr. Sanseverino: Yes. We're coming here tonight because we have over the 15 percent grade, which is here shown. What we have is a special hardship exception we're looking for, due to the fact the lady had owned the property for a long time. What happens is, we're at 21

percent grade. We're taking up more than 35 percent of the property of the so-called steep slopes you're allowed to build on.

So you can see, we're trying to minimize the land. We're removing one, two, three, four trees. This retaining wall, which is already there, we're looking to put a new one in. Here is all basic ways of holding the water from running back. Sorry, I'm not good with this. This new wall is to replace the old one that I just showed you. This 41 percent of the property will be untouched. It has trees and a lot of shrubs and flowers there. What happens is, the property's taking up 59 percent of the surface here, which is way above the 35 percent.

What happens, the new retaining wall – this wall here – is 5 foot here, and that's to zero. And coming this way, you'd be down to zero. This here is a trailway. All this area here is swale towards the back, which is into the gardens where all the drywells are, and another swale coming this way to catch all the water. So we get 100 percent of the runoff, if any runoff, with all the shrubbery. This is the land design, architectural design, here. Hopefully everything is to your liking.

Chairperson Speranza: OK. There's a couple of things with respect to our steep slopes ordinance. One of the issues – and I've been grappling with how to approach this – your application, the letter that you submitted to us, 59 percent of the steep slopes over 15 percent is going to be disturbed, as opposed to the 35 percent.

Mr. Sanseverino: Yes.

Chairperson Speranza: And that's the maximum amount in our code. Now, our steep slopes code requires ... and you're right. We can grant a special hardship exception, 249-8, which states that the Planning Board *"may grant a special hardship exception to an applicant who can't meet the requirements of this chapter, provided the applicant demonstrates that the lot cannot be developed without disturbing more than the percentage limits."*

I understand what it is you're proposing, and this is probably the kind of a structure that you would like and arrays out very nicely for you. We just have to have some indication that the property cannot be developed without disturbing more than 35 percent of the steep slopes.

Mr. Sanseverino: What we did was, we kept the house forward a little bit more. Well, not forward, but we were going to the variance of the driveway to keep it from setting back, to make the pitch. See, there is no way. We went over it seven ways with the architect and engineer. We were thinking of coming in ... even to come in on a paper road and do something with the driveway around here, you're still going to have to affect.

There's no way you could build on this without affecting more than 35 percent of the property. Then it's just vacant land. The house takes up 8,200 square feet. You have to have some sort of grade to collect all the water. You just can't ... it's not possible.

Boardmember Cameron: Well, the house can't take up 8,200 square feet. One of the confusing things in your letter is, it says the dwelling will disturb 8,195 square feet. And maybe that's the challenge.

Mr. Sanseverino: No, it's 8,200.

Boardmember Cameron: Yes, but maybe that's the challenge.

Mr. Sanseverino: It is an oversized lot. It's 13,000.

Boardmember Cameron: I understand that. But as Patty was saying, you're not disturbing 59 percent of the lot. Now, the house itself and the driveway does not sit on more than, say, 2,500 square feet, or 3,000. It's just that you want to redo the whole lawn while you're at it.

Mr. Sanseverino: Then you take into consideration, I mean, way down here you got rocks cropping up. If you don't bring grade up to put filtration systems in the proper way, then you'll have issues.

Boardmember Cameron: Well, I'm just suggesting, from Patty's comment, maybe the problem is that you're asking for a variance for 8,195 square feet, or 59 percent. And I'm not sure you need that much in order to build a house on that property. And that's our problem. Our problem is that if you need more than 35 percent you've got to show hardship. And I'm not sure 8,200 square feet is beyond hardship.

Mr. Sanseverino: You got 41 percent of the property would be untouched. And really, you're talking almost 50 feet from here to that wall. I mean, to make the property usable, for gardening, terracing, to have a 20 percent slope of the yard is kind of ...

Boardmember Sullivan: Can I ask a question? Isn't this a three-story house? I looked at the basement. The basement appeared to be ... more than half the height of it was above grade all the way around. So I think it's really a three-story house rather than a two. This came to me when I looked at the elevations. I think it's actually a very lovely-sited building. I was a little skeptical of any site that comes in that's not been built on, wondering what I'd see. And it seemed that the front part of the property was fairly level, more or less.

But what I see happening is that the house is being designed so it has a high first floor, and that just starts triggering a lot of decisions. And I think it's really a three-story house, based on the definition. And I think the terracing, to Jamie's point, just exacerbates the problem of disturbance of the slope. I really believe you can design a lovely home on this site and not go to the extent of having to do all the terracing. The sense, Marianne and Deven, it's a little bit of a reverse of the Prince Street house, where there we had a lot of fill being removed that we were being concerned about.

There's a tremendous amount of fill being brought in here on this site. I mean, you have 5, 6 feet from top to bottom of wall. That's just a lot.

Mr. Sanseverino: Well, this wall is already there.

Boardmember Sullivan: I know, but you're leveling it off and making another terrace. So I just see it as a lot of disturbance of the steep slope, and I think there may be other ways to getting to the result. It's a lovely piece of property, great size.

Mr. Sanseverino: It definitely is. But, like, this original wall was here. We're just continuing it to the edge, to there. And, pretty much, it is an old wall. The only new wall, this is pretty much of a placement.

Boardmember Sullivan: But that existing wall's in pretty bad shape.

Mr. Sanseverino: Yes, that's why it's a replacement. We're continuing through also to catch any runoff, if there is any, of the property. That's the only reason this wall is there. I mean, basically, that wall is there; we're just adding like 20 feet on this side, and whatever it takes to continue over here. And actually I'm just adding one retaining wall. You don't even see this because it's so far back. You just see one row of block.

Boardmember Sullivan: You're adding a retaining wall. But just the wall you're adding is 6 feet high, the one closer to the house. I looked at your bottom- and top-of-wall elevations on your plan.

Mr. Sanseverino: This one is supposedly 5, and this one's 6.

Boardmember Sullivan: That's a lot of soil we're bringing in. And I guess I'll just repeat myself, but it's a really buildable lot without this kind of terracing going on.

Mr. Sanseverino: The only reason the house is up a little is because otherwise you won't be able to get a garage in because you won't be able to make the pitch. Because if you want to

make the pitch, then you have to push the house back. And if you push the house back, you disturb more of the natural land. That's why, in the later date of going for the variance of the driveway, it's because if I step back then it's just more disturbed. And that was really the whole thing. I don't want to disturb anything I don't have to.

Boardmember Sullivan: Yes you have, though.

Mr. Sanseverino: What?

Boardmember Sullivan: You have. I mean, pushing your house a little bit to get a better slope.

Mr. Sanseverino: This is an original wall here that we're just replacing. This one wall is 6 foot.

Chairperson Speranza: OK, so we know there's a couple of issues right now. Jamie?

Boardmember Cameron: Yes, just to follow up on Kathy's point. This is a very steep slope, as you know. And I think maybe the way you need to look at this property is that it's an 8,000 or 9,000 square foot property. There's 5,000 that's totally unusable, and nothing to do with what kind of house you can build and what you can have as a back part and what you can have as gardens. It's just not usable, and that's the whole idea.

And I think you're conceptualizing this thing as a 13,000 square foot property, in which you're going to put 8,500 square foot of stuff on it. And I just think that is ... and I understand the instinct to do that. I mean, I would probably do the same thing. But you know we have this rule because we don't want that land disturbed, not because we want you to figure out a way you can gerrymander it and so forth.

Mr. Sanseverino: Then you'd prefer we move this wall and swale everything into this area here? Is that it?

Boardmember Cameron: I do agree with you in having a garage, and I'm very much in favor of that because we have a problem with people parking in their required front yard. So I'm very happy that you're putting the house closer to the road. Why it's that close to your neighbor I don't know, but that's a different question.

Mr. Sanseverino: This side here is the trailway, and it's all nice. Basically, if anything, if you took this out and we can grade this all in you wouldn't have a 6-foot wall. But this is what we came up.

Chairperson Speranza: And that's a possibility, rather than flattening it all out.

Mr. Sanseverino: I'll ask the Building Inspector before I would make that suggestion. Would that be a possibility? They're looking for not so many walls.

Building Inspector Sharma: The thing is you really can't disturb up to 35 percent of the slope. By removing the wall and leaving some of the grade the way it is, that's probably the hazard.

Chairperson Speranza: And it may be that this board would be amenable to something more than 35 percent, but not as much as what is now being proposed through this application. Because we do have this clause in here that says it can't be developed, meaning it can't be developed at all without leaving 35 percent. Now, I happen to believe that I would rather do something that works better for the site and it goes to 37 percent or 38 percent, if need be.

Mr. Sanseverino: If this retaining wall's removed, and then we swale everything in a nice orderly fashion here into this drywell area and happen to have a larger terrace garden, then I guess ...

Chairperson Speranza: That's an option for you. This is a public hearing, so I do want to see if there's anything. Oh, actually it's not a public hearing, I'm sorry. But, of course, the public can speak. Our Steep Slopes Law is kind of odd. There's always public notice.

Village Attorney Stecich: Notice is given to the neighbors. It doesn't have to be a public hearing with all the notice, but you did want the public notified.

Building Inspector Sharma: Only the adjoining property owners.

Chairperson Speranza: And it's actually the other clause that exempts it from having to be a public hearing. Anyway, the public can speak. The public can always speak here.

John Gonder, 135 James Street: Can I come up? I live adjacent to the property, east of it.

I only made four copies, so maybe you could share? I'll start with photograph one. That's the vacant lot next to 75 High Street, looking east. You can look at the slope going toward my property, which is down the hill. Then the second picture on page one shows the vacant lot with red arrows. And you can see there's quite a slope. And then my property is fairly flat, and then it slopes a little down.

Now if you go to page two, the stone wall by the red arrows is mine, the fence is theirs. Again, that slope is coming down – and we're looking west – and the red arrows show "property line, Gonder, and vacant lot next to 75." Look at the slope on that property. The next picture on page two, looking west, the red arrow shows the property again. And it shows more of that slope, and another wall of mine down lower and the slope. I get runoff water from that property every storm that runs 2 to 5 inches in a day or two. My basement gets wet and my garage gets wet. I have a two-car garage. The southwest portion of my house is always running water when a big storm comes. A lot of it, you can see the debris comes through the fence, over the wall, into my property.

I looked at the prints in the office, and there were some problems with what I read. All gutters and all leaders to storm drainage or drywells, that's sheet one of six. And then general notes on the print says all leaders and drains to draining into drywell or drains, if available. It seems to be contradicting it, and that confuses me. It's a beautiful piece of land. I was hoping that I'd be dead and buried up in Mt. Hope before they built, but somebody bought it and is going to build something. But you have to protect me and my neighbor.

"Maximum slope of one vertical, one-and-a-half horizontal on all grades, such slopes to have adequate ground cover and erosion control devices." I'm not sure. I talked to Mr. Sharma before. I don't know what size these are: *"drywell detail three-quarter with gravel."* Mr. Sharma explained it to me. I think you need a moat there, and you have to pump the water back up to High Street because it comes over onto my property quite a bit. Thank you.

Chairperson Speranza: Thank you. Any other questions or comments from the Board? Because my sense is that we're going to be asking you to take another look at how you would propose to develop on the property so that it becomes closer to the maximum of 35 percent.

Mr. Sanseverino: You know, you're still going to have 59 percent of work done. Because if you're doing a retaining wall, repairing this one, you're still disrupting that area. And doing this, there's 100 percent absorption in the area. We have four houses in Hastings. They all get water. I'm sorry, but we're working to do the best we can. I mean, these walls have 6 inches of gravel all around them. So if there is any, it would have tore it down to the base. This here is all swale. There's going to be 100 percent taken here. Maybe, if there's need be, another drywell. But it was all calculated for the rainfall and everything.

This is the least destruction, I'm telling you, just because we have to do this retaining wall. So once you go there, you're still disrupting this land. Even if you don't like this wall, we lower it. But it's still the same situation.

Chairperson Speranza: It's not just the wall. It's the fact that it's going to be 6 feet and it's going to be level to an extent that it's not now. And that's a big difference. Now, the drainage system, the drainage calculation, will have to be redone with a revised plan which is not 59 percent disturbance. You have to show, to the Board's satisfaction, that the lot cannot be developed. And it doesn't say developed with a big house or a small house. It says cannot be developed without disturbing more than 35 percent.

So my reading from the Boardmembers, certainly my reading, is that standard has not been shown to us if you go back and you do the calculation. And, of course, when the drainage calculations are done, one of the reasons we have steep slopes is to protect the adjacent property owners. And the drainage calculations and the engineering, it could end up being that this will be better for your property because now the drainage structures will be in place.

Mr. Sanseverino: Twenty-percent, it's downhill. It's a no-brainer there.

Boardmember Sullivan: But that's a little misleading because of the scale. Marianne?

Village Attorney Stecich: Just the other thing, I think he's got to address the height. Kathy was right, it's too tall. And what your measurements all show is that at various points it's 35 feet. But there's two requirements. Is it 35 feet, or 30 feet?

Mr. Sanseverino: One's the original grade.

Village Attorney Stecich: But there's two components of the height: the height, which is 35 feet, which you seemed to have just squeaked under but that's fair. But in several points I think it's three stories, and you're only allowed two-and-a-half stories. So you should have your architect take a look at that.

Mr. Sanseverino: On the height of the roof?

Village Attorney Stecich: On the number of stories. So height incorporates feet and floors, stories.

Mr. Sanseverino: All right.

Chairperson Speranza: So if you want to take it back, we'll leave the application open.

Mr. Sanseverino: I got no problem with that. Another day, another way.

Chairperson Speranza: The public hearing will remain open. It'll back for consideration.

2. Steep Slopes Approval – Application of John and Mary Jo D'Alessandro for exemption from certain Steep Slopes provisions for the proposed additions and alteration to their house at 18 Rosedale Avenue.

Chairperson Speranza: OK, next item on our agenda is a steep slopes approval for John and Mary Jo D'Alessandro. The request here is the exemption for the steep slopes provisions for additions to a home at 18 Rosedale Avenue. So is there someone here to speak on this application?

John D'Alessandro, applicant - 18 Rosedale Avenue: I think this case will be a little easier than the last two you just had. Over the summer, my wife and I learned that we had to take my mother-in-law in to live with us. She's elderly, and very ill. Our house will not accommodate her. So we have to build a small addition on the first floor to be able to bring my mother-in-law in.

Time is of the essence for us. She is currently living down at one of her daughter's beach houses, where they can accommodate her on the first floor. Obviously, it's not conducive for her being there in the winter. So that being said, I met with Mr. Sharma to try to find out how I could build what I needed to build without having to apply for any variances, and so forth. He suggested that I get a new survey done because the survey that we had was quite old. We did that. We had the architect make sure that everything was built within the setback so we would not have to go through the variance process. It's very time-consuming and, obviously, added expense.

We then learned that with the new survey it shows a steep slope. Now, steep slope – my property, 18 Rosedale Avenue, if anybody's familiar with it – my kids used to try to sleigh ride on that slope. It's not very steep but, nonetheless, the addition that we're proposing to build comes nowhere near any of the steep slopes. There's a large retaining wall that runs the length of the property and the steep slope is behind that, and everything is completely level.

The proposed addition comes not even 20 feet – it's more than 20 feet – away from any of the steep slopes. We will not be disturbing anything. No equipment will have to touch it. I've obviously discussed this with Mr. Sharma. I believe he agrees with me that there is no need for ... the requirements under 249-7 are quite arduous and quite expensive. I mean, it requires me to pay my engineer, my architect, obviously a lot more to fulfill these requirements. I have to hire an engineer. And it will greatly delay the project.

The statute, under section E, does give this board the discretion to waive the requirements, aside from the notification to the neighbors requirement. And that's what I'm here to ask the Board to do is to exercise your statutory authority and waive those 1 through 6. We have made the notifications. There's only one neighbor that's adjacent to our property. That's Joy Rose, at 14 Rosedale Avenue. I've spoken with her personally. I hand-delivered the letter to her. And just to be safe, I sent, by registered mail, letters to her house at 14 Rosedale and her new address because she's no longer living there; she's renting out. So she is notified. She has no objection. She wished me luck. She's the only neighbor that is adjacent.

And as I say, there will be no change in topography our runoff or anything like that.

Chairperson Speranza: This is a good example of why we have this waiver provision in the code, realizing that you're up against the rock face there and that what you're proposing does not, in fact, impact the steep slope.

I do want to get Board input on this. There's no one here from the public anymore, so there's no public comment. Anyone have any questions, concerns?

Boardmember Cameron: What's the meaning of "adjacent?" It can't be just the next door neighbor down the street. It's got to be the people across Nichols Drive and what have you, doesn't it? You indicated you only gave one person notice.

Mr. D'Alessandro: Yes. But I believe what the requirements are only the properties that touch your property. There's only one property.

Chairperson Speranza: Adjacent. We've had that discussion.

Boardmember Cameron: Well, I don't really want to bring that up. The other one I do want to bring up, though, is the expanded driveway area with a 24-foot cut in the curb.

Mr. D'Alessandro: No. I thought we changed that.

Boardmember Dale: What it shows on the drawing is 24 feet.

Boardmember Cameron: That's why I looked at Deven. There seems to be a 24-inch curb cut they're putting in here. I thought we changed that to 15. Didn't we change that to 12 or 15? Or did that not pass?

Chairperson Speranza: We'll find the answer.

Boardmember Cameron: We did change it.

Village Attorney Stecich: I'll take a look.

Boardmember Cameron: Because we're now having more people putting cars in their front yard.

Village Attorney Stecich: That was when we were making all those miscellaneous changes. I don't know if we ever went forward with that one.

Boardmember Cameron: We changed it where you could have two curbcuts at 12 feet each. So we're putting parking lots in the front yard, so there'll be a 24-foot curbcut.

Village Attorney Stecich: This is the change we put in, because it says "amended 2008":
A) No driveway shall exceed 960 square feet nor shall be wider than 24 feet." That was in before. "No more than one curbcut shall be permitted per lot unless there is at least 32 feet between curbcuts, in which case a maximum of two curbcuts totaling 24 feet in width shall be permitted."

Boardmember Cameron: Yes, but that doesn't mean you can have one curbcut of 24 feet.

Boardmember Sullivan: Yes, it does.

Chairperson Speranza: No, that's what she read.

Village Attorney Stecich: Yes, it does. It says it shall not be wider than 24 feet.

Boardmember Cameron: No. But you said if you have two entrances, and it's at least 30 feet apart, then you could have two curbcuts adding up to 24 feet.

Chairperson Speranza: Yes, but the first part says you can have 24 feet.

Village Attorney Stecich: Is there only one curbcut on this one?

Building Inspector Sharma: Yes.

Village Attorney Stecich: Then it can be 24 feet. I don't know what happened to that change. I kind of remember it, but you know why I think we never ... I think we discussed it, but I would have remembered discussing it with the Board of Trustees because the change would have had to go there.

Building Inspector Sharma: I don't remember 16 feet.

Chairperson Speranza: And we're still within the coverage. The coverage is good.

Boardmember Alligood: But you're also saying it's not for a garage.

Boardmember Cameron: Well, it doesn't go to a garage either. That's the question we had, the definition of a driveway. We didn't actually put the words in, but we discussed that the driveway actually had to have a destination. I like everything to do it, I really do. I have no complaints. It's just that you had a nice tree there right at the end of your driveway until about a year ago and I don't know what happened to it.

Mr. D'Alessandro: We had to take it down. It was all rotted underneath. I was afraid it was going to fall on the house.

Boardmember Cameron: And it's going to cut off the whole idea of what we say – parking in your front yard. And now that tree's gone, and now you're going to have a 24-foot curbcut. We have two cars sitting and, with all candor, it's not that attractive to people up and down the road. Now personally, people don't always talk to me. But it really isn't an attractive way of doing things. But if it's not prohibited, you can do it.

Mr. D'Alessandro: And just to address that, obviously we do plan to do some significant landscaping when this is done because we don't like that either. But it is permitted.

Boardmember Cameron: Well, it would work better if it was a 12-foot driveway which turned and then you put a hedge around it. Then nobody would see your cars.

Mr. D'Alessandro: Like I say, there are plans for a hedge and those things. Obviously, we all live in Hastings; probably 90 percent of Hastings has that issue. Some people do a great job of creative landscaping to hide that, and that's what we intend to do.

Boardmember Sullivan: I was going to say I don't think there are any issues, from my perspective, regarding steep slopes and this package.

Boardmember Dale: This is a good example of where if somebody has a property with a steep slope, but is not doing anything near it, they should not have to come for steep slope approval. There are other approvals.

Chairperson Speranza: Well, no. For us, it's just to get the waiver from the steep slope requirement so they do not have to do the calculations, they do not have to do the engineering. There's just a lot that they don't have to do.

Village Attorney Stecich: And also it was expedited because I think it came in late. The Village did everything it could to move this along quickly.

Boardmember Dale: The point is, if you're not disturbing the steep slope or creating a steep slope.

Chairperson Speranza: Then can I have a motion for the approval of the steep slope application, with the waiver pursuant to section 249-7, section 8.

On MOTION of Boardmember Cameron, **SECONDED** by Boardmember Alligood with a voice vote of all in favor, the Board approved the steep slopes application with waiver.

Chairperson Speranza: OK, thanks.

Mr. Sanseverino: Thank you very much.

VI. DISCUSSION ITEM

Continued review of amendments to Steep Slopes Law of the Village.

Chairperson Speranza: We have one more thing – surprise, surprise – continued discussion of our Steep Slopes Law. And as we can tell, we predicted that we were going to be getting more and more applications like this. And, in fact, we are getting more and more applications for development on steep slopes.

Building Inspector Sharma: You had three such applications today.

Boardmember Dale: Pinecrest was the same thing.

Boardmember Cameron: We had three.

Boardmember Dale: Pinecrest had view preservation, as well.

Building Inspector Sharma: You shouldn't have to go through the trouble.

Village Attorney Stecich: That's the point.

Chairperson Speranza: Does everybody have what was sent around in our packets?

Village Attorney Stecich: If you look on A, the applicability, you'll see exactly why these come up.

Chairperson Speranza: Right. Insert A, the applicability.

Village Attorney Stecich: *"Construction, development, paving, re-grading, or stripping of vegetation that might affect, or create, a steep slope requires a steep slope permission."*

Chairperson Speranza: So because, for instance, this application we just heard does not involve the construction, development, paving, re-grading or stripping of vegetation that might affect or create a steep slope it would not have come here.

Village Attorney Stecich: Right. It's that "affect, or create" that's significant.

Chairperson Speranza: And it's when our Building Inspector would have reviewed the plans for the new addition that he would have said, "Oh, yeah, it's on a slope. But it's not going to affect the steep slope."

Village Attorney Stecich: No, not so much that it's on a slope as there's a slope on the property.

Chairperson Speranza: Right, the slope that's on the property.

Village Attorney Stecich: Right. Because I think anything on a slope is going to affect the slope some way or another. I think even a footing in the slope could affect the slope. I don't think you could ignore it. Oh, maybe a deck on top of it might not if it didn't have footings, if it were cantilevered or something.

But the point is, the way the code reads now, if somebody wants a building permit, and anyone around that lot ... you could have a 5-acre lot and one corner has a steep slope, you've got to come – and what you're doing has nothing to do with that – you would have to come in. And this avoids that. Of course, in fairness, full explanation, the one thing it does put, it does put some discretion ... it gives a lot of discretion to the Building Inspector.

Building Inspector Sharma: If you want to do interior work on a lot that has steep slopes on it, that's supposed to come to you.

Chairperson Speranza: Right.

Village Attorney Stecich: But I suppose it's the closer cases that could be a little problematic. So let's say the steep slope's 15 feet back, and what they're doing isn't doing anything.

Boardmember Sullivan: I'm not following your examples.

Village Attorney Stecich: You're leaving it to the discretion of the Building Inspector to determine whether it could affect the steep slope. Some things are really easy: interior work, we should. It's easy. And some things are easy, yes. You're building on to the steep slope, it's going to do it. But let's say the work you're doing, you're doing some re-grading that's kind of close to the steep slope. Then it's up to the Building Inspector to determine whether it could affect the steep slope.

Boardmember Cameron: Well, where does it say "Building Inspector" in the insert?

Chairperson Speranza: It doesn't.

Boardmember Sullivan: I think we're headed in the right direction because this concerns me having people come to talk about steep slopes when they're not disturbing the slope at all. This second gentleman was an example, Mike Lewis' building on the garage.

So I looked at Greenburgh's town law on steep slopes, and they actually create a steep slopes permit, which is what you're proposing here, as well. They have an interesting initial step, where they ask an applicant who has steep slopes to meet with the building inspector for an initial review. And they ask them to prepare a very good document, which is something we've seen on some of the applications. And whether you like this idea of an interim, or not, I would think the recommendation to create this sort of diagram is a clear analysis of the existing property and the steep slopes, and a clear analysis of what you're disturbing and the steep slopes that you're creating, or leaving behind.

We've seen some people do that in color – identify this is no steep slope. The one applicant tried to do it with some hatching, the architect from the Pinecrest property. And what that would allow someone to do is come in and talk to the Building Inspector, and the Building Inspector can make the determination it's not on a steep slope – or it's minimal, an interior project or whatever those things are – and then make a recommendation, put it in the file that

this doesn't need a review by the Planning Board. Or it says yes, it should go forth for a recommendation.

Boardmember Dale: Well, it establishes a record, a written record.

Boardmember Sullivan: It allows a chance for someone to have a conversation without thinking they need to go and have a civil engineer do the work. The issue of planning to do it, and making that step really clear, is what I'm asking. I understand we're trying to make this so there's some discretion so people can understand what they need to do. But I think if you make it clear ... this came from the question where the Building Inspector, just proposing, this could be a potential way of letting people get feedback from Deven.

And then Deven could put it into the file or say there is a no issue with a steep slope and everyone can rest assured that it's been addressed. Or say it should go on to the Planning Board, and hire the structure, hire the civil engineer, do the calculations, prepare the full package that we have outlined here.

Chairperson Speranza: So you're talking about just making sure. You're talking about the documentation stuff. Let's think through the process first. It's fine the Town of Greenburgh can have a permit, and we can go through that.

Boardmember Sullivan: I want to say one thing Marianne's recommending that we create a permit, a steep slope permit, in her modifications.

Chairperson Speranza: The way right now, this gentleman comes to Deven because he's proposing an addition to the house. And Deven looks at the plans, and says, "Because you have this steep slope you have to go through the steep slope process." So any kind of building permit is going to come through Deven in any case. And that's when Deven then would make the determination, if it's not going to create or affect the steep slope, it doesn't have to come to the Planning Board. That's the way that I'm reading the modification.

Boardmember Cameron: How I read insert A you have here, I think it leaves it up to anybody to make their own interpretation of what it means. They might get shot in the foot later on. But why do we have in here the words that "*in the opinion of the Building Inspector might affect, or create*"? Because then the person can go up and see Deven, and Deven could say, "No, it won't, in my view," and they can go on their merry way.

Village Attorney Stecich: Yes, you could put that in. It doesn't really add anything, though, Jamie. Because presumably the person, like Patty said, is only here because of the building permit. They're doing some work.

Boardmember Cameron: But I'm trying to give them the assurance. That they've been to see Deven, and they're working on construction plans and what have you, and they've got assurance from Deven that it doesn't have to have steep slopes. And their architect's going to come in and say, "Gee, do I need a steep slope permit, or not?" And Deven says, "Well, read dash-4, "and doesn't give the guy any ... he wants some assurances from a person who is authorized to interpret this section.

Village Attorney Stecich: Yes. But, Jamie, let's say though ... I mean, that's kind of true of like any section of the code. I mean, do they comply or not. Because let's say Deven didn't think it would affect a steep slope. If you put the language you proposed, Deven doesn't think it does. The neighbor next door comes in, sees the construction, and says, "Geez, look. This is affecting the steep slope." And so they say to the Planning Board, "Listen, you guys should be looking at this under the Steep Slopes Law." And they say, "Oh, we don't have to. In the opinion of the Building Inspector, it doesn't."

Building Inspector Sharma: My opinion could be challenged any time.

Village Attorney Stecich: So by putting that language in, you're only leaving it to the Building Inspector.

Boardmember Cameron: Trying to give you some authority. I apologize.

Village Attorney Stecich: But he has the authority to apply anything.

Building Inspector Sharma: I never use the "authority." It's "responsibility."

Boardmember Cameron: All right, responsibility.

Village Attorney Stecich: Power.

Building Inspector Sharma: Oh, for sure. [Off-mic] has the deputy sign off from the steep slopes department.

Boardmember Cameron: The Steep Slopes Department. There you are.

Chairperson Speranza: And it can be done in this situation. I mean, let's think about how this could happen if there's something that needs to be done. This applicant comes in and you would have said, "This is not going to impact, create, affect a steep slope," and it's written on the file or it's written on the plans that you've reviewed it and that this is your

opinion. Remember when we were talking about this, the steep slope permit as opposed to the building permit. One of the reasons that we were changing that was to prevent the people from adding to the soil.

Building Inspector Sharma: That's a different thing – adding soil, or changing the grades – but this is different. Building permit [off-mic] steep slopes approval, but there's not a steep slopes permit.

Chairperson Speranza: Well, this would be a steep slope.

Boardmember Sullivan: The markups that's Marianne made, she's made it into a ... that's why I just want to make it ... we're talking about creating another permit so it's not necessarily coming in as a building permit.

Village Attorney Stecich: Well, whether you call a permit for a steep slopes approval it's the same thing.

Building Inspector Sharma: We didn't issue a separate permit.

Boardmember Sullivan: That's what this says: steep slope permit application requirements. It sounds like you're creating another permit.

Village Attorney Stecich: Well then you can just call it an approval.

Chairperson Speranza: Well, we wanted to get away from the building permit.

Boardmember Dale: What Kathy's proposing could be easily ... if you have a site and you want to do some work on it, and you do the map that she's talking about that indicates the slopes – sort of like the two affordable housing projects – marked it up in color, and they did it very effectively.

Boardmember Sullivan: That was very clear.

Boardmember Dale: If you come in to Deven with a piece of paper that shows the slopes and say, "I want a waiver from the steep slope because I'm not affecting the steep slopes on my property," he approves that waiver and they don't have to come to us. But he could approve that by saying, on presentation, they're not touching the steep slope; there's no impact on a steep slope.

Chairperson Speranza: And that's fine.

Boardmember Dale: He just puts it in the file.

Chairperson Speranza: To document. But the reason that we were doing the steep slope permit was because in the situation where someone was dumping stuff on their land they didn't need to come for a building permit because they weren't building anything. But by changing it to a steep slope permit ...

Village Attorney Stecich: If you're uncomfortable with calling it another permit just call it "steep slope approval." Just where you've got "permit," you just change it to "approval." I don't see a big difference. So just change the word "permit" to "approval." It's the steep slope approval application requirement: "Steep slope approval shall include the following information." I just did it because I was taking out the building permit thing, but you can put "approval" where "permit" is and it doesn't change anything.

Chairperson Speranza: But we could incorporate the first step for any kind of permit.

Boardmember Strutton: Can I ask a question just on that part? Is that something someone's going to be able to do free-hand as a homeowner, or are they going to have to engage a consultant to show that the addition to their bathroom isn't going to affect the steep slopes? Are we asking them to incur an additional cost that we were just waiving because it made no sense to go through that step? We don't want to do that, right?

Chairperson Speranza: Right. We don't want to do that. And I think that's why the first stop is Deven. You know, when someone comes in what do they come in with? I'll use the Ravensdale as an example.

Building Inspector Sharma: For example, in this case he had no idea that he would need to go for steep slope.

Chairperson Speranza: When he came to you to talk about ...

Boardmember Dale: How did you know that there were steep slopes? You went to the site?

Building Inspector Sharma: No, we looked at the survey.

Chairperson Speranza: So they come in with a survey.

Boardmember Dale: If they come in with a survey and show you where the work is taking place and say, "I'm not affecting the steep slope," you're done. You get a waiver and you go about your business.

Building Inspector Sharma: It's usually the other way around. People come hoping not to go through any review. "Hey, by the way, looking at your plans and looking at the site, you need to go through this as well." For example this particular case, he had no idea he would ever have to come. And I said unless the code changes like we're trying to he needs to come before the Planning Board, the way the code reads. So most people do get surprised at this kind of view process. Most times, they don't have any idea what they would have to go through.

Chairperson Speranza: But when he came in – when the applicant came in – and said to you, "We need to build an addition on our house," did he come in with a sketch of what he wanted to do? I'm just wondering, because in that whole process of any kind of development on the property steep slopes review should be folded into it. If it's looking at the survey, or doing something color-coded, it becomes a part of the overall application which, in this case, is for a building permit.

Building Inspector Sharma: He came to me several times looking at several possibilities for what he can and cannot do. Finally, when he submitted the plans and he needed a survey, I recommended a surveyor to him and he brought me the survey. And the surveyor indicated on the survey "steep slopes," and even the area of the steep slope down to some square feet. That's when I said, "Hey, there's a steep slope, and that needs to come before the Planning Board."

Village Attorney Stecich: Let me just point out something on that. In the past, and it may still be happening, there have been applications that came in that people didn't realize there was a steep slope on it because the surveyor didn't show it. I remember having one that said, "Whoa, wait a minute. How come that didn't get steep slope approval?" That was before now. But apparently, the Building Department's paying closer attention now and it's more familiar with the lots and stuff like that. But that doesn't change no matter how the law's written. Either the Building Inspector doesn't know or the person doesn't know, and they come in and say, "I think I need steep slope approval."

Jamie, you know what? On your point about where does it say the Building Inspector should make that determination, let me give you an example. Under the site plan law, it says, "*Site plan approval is required for the construction, reconstruction, alteration, renovation.*" Well, it's a call Deven frequently has to make: is this an alteration, is this a renovation? But it

doesn't say an alteration in the opinion of the Building Inspector. So it's really a very similar thing. It's just the way the codes are written.

Building Inspector Sharma: In fact, I sent a question to Marianne earlier today for a change of view that doesn't require any building permit, one business to another, current business use. Do they need to come before the Planning Board? Of course, and we'll talk some more about it.

Chairperson Speranza: Anyway, let's stick to the steep slope.

Building Inspector Sharma: Yes, let's go home.

Chairperson Speranza: So what do we want to do with this? What's the wording that you think would make you more comfortable?

Boardmember Sullivan: It's not so much more comfortable. It's just wanting to have a place where there can be a point that common sense comes into play. And we can have the Building Inspector, who's the authority in our village, say. "This is not an application that this has to be filed, this is not the type. You have steep slopes, yes, but you're inside your house, you're building on top of your garage or you're building on a flat piece of your property, and you're not even touching them."

I could get into some other little options, but that's the language I'd like to see in here. A place that's very clear, gives clear responsibility, gives clear demarcation for an applicant that they don't have to go and notice the neighbors, they don't have to hire an engineer, they don't have to wait until Deven comes back from vacation to really get set straight. So I can concoct some language and share it with people.

Chairperson Speranza: No, let's try to do this.

Village Attorney Stecich: I think this does, I really do.

Boardmember Cameron: I think this does it, too.

Village Attorney Stecich: And I'm not being defensive. This is my business, this is what I do all the time. And this does it, and it's consistent with the rest of the code. Jamie raised a good point about should we say the Building Inspector. But it's all there. It applies when you're affecting or creating a steep slope. And I think if you look at all the examples that we've had recently that belonged here or didn't belong here you could see that they would be covered, or not, by this. Otherwise, the process is the same as it's been.

Boardmember Cameron: And we do want people going in to see the Building Inspector. When they do, he'll say whether it does it or it doesn't. And they'll go on their merry way.

Boardmember Sullivan: So, Deven, with the addition on insert A: to say – I don't know now how you're going to add it, by the Building Inspector – would you have not had Mr. D'Alessandro come in?

Building Inspector Sharma: I didn't understand you.

Boardmember Sullivan: If the modification to the insert that Marianne's proposing ...

Village Attorney Stecich: No, we're not proposing the modification.

Boardmember Sullivan: Where are you putting "by the Building Inspector"?

Village Attorney Stecich: It's not going in. That's what we were just discussing.

Boardmember Sullivan: Then I really missed it.

Village Attorney Stecich: There's all kinds of provisions in the code where it's the Building Inspector that makes the determination, but you don't put in "by the Building Inspector." For instance, sorry to report, "site plan approval is required for the construction, reconstruction, alteration, modification" on whatever. It's the Building Inspector who has to determine whether that's an alteration or whether it's a modification.

It seems like it's kind of easy, but it's not. It's not always obvious whether it's an alteration. He makes that determination all the time. Yet the code doesn't say "determined to be an alteration by the Building Inspector." And there's all kinds of sections of the code like that. I just pulled that one out.

Building Inspector Sharma: Here, it would make sense "in the opinion, or as determined by, the Building Inspector's office."

Village Attorney Stecich: No. You know what the problem with that is? Then you're the only one who could make a determination.

Building Inspector Sharma: But that's what it is.

Village Attorney Stecich: No. A neighbor comes in and says, "Listen, they're doing work that's going to affect the steep slope." So that person can say to the Planning Board, "I think you should be looking at this application." And if it doesn't say "in the opinion of the Building Inspector," they can't. If it says "in the opinion of the Building Inspector," and I'm a smart enough lawyer representing that person, I'm going to argue, "Huh-uh. Your code says 'within the opinion of the Building Inspector it doesn't affect the steep slope,' and in the opinion of the Building Inspector it doesn't." That's the end of it.

Building Inspector Sharma: That should be unless [off-mic] building board and the ZBA is supposed to [off-mic] an appeal the Building Inspector's decision.

Village Attorney Stecich: Through the entire code we have to put "an alteration, in the opinion of the Building Inspector." It's just not the way codes are written. There's one person who interprets the zoning code, and that's the Building Inspector.

Boardmember Strutton: Of if you put it in in this place and don't put it elsewhere, people are going to say, well, who's ... well, you know, a court would say, "Well, here it says Building Inspector, so it leaves it open who has the right."

Boardmember Alligood: Can I just point something out? None of these applications come to us without going through Deven and the Building Department anyway. That's how it gets on our agenda. So that step, I think that there's just no way that somebody isn't going to have the opportunity to discuss it with Deven, or his deputy if he's on vacation. So I think this concern that somebody's going to accidentally make it to us without having a chance to have it waived, it's already addressed by the fact that it goes through that office to get on our agenda.

Now we're just making it clear that there's some cases where it doesn't come to us because it's not necessary.

Building Inspector Sharma: [off-mic].

Chairperson Speranza: So is this, then, the version – am I hearing – and we can certainly vote on this?

Village Attorney Stecich: Although again I would suggest substituting, where it says "steep slope permit," "steep slope *approval*." So that part's not changing. It stays the same.

Boardmember Strutton: And that's going to be a change in 249-7 and also in 249-4, right, in the insert?

Village Attorney Stecich: You know, I'll have to go through the whole thing. I think those are probably the only two places. No, it doesn't have to be in 294-4 because that just says ... oh, yes, that would be approval: "requires steep slope approval." And then it would be in 249-7, in the title and in the first line. I think that's it.

Building Inspector Sharma: Do you want to keep that exemption, number seven there: exemption from certain provisions?

Chairperson Speranza: Oh, yes.

Village Attorney Stecich: Yes, because there could be a real application that comes in.

Building Inspector Sharma: Number eight, [off-mic].

Boardmember Alligood: So in insert A, we're changing it to "approval," as well.

Boardmember Sullivan: I'd like to make a suggestion.

Village Attorney Stecich: On, I guess, "issued approval granted."

Boardmember Sullivan: I'd like to make a suggestion in section 249-7, part A, number 1, subsection D, where it says *"the existing grades in the applicant property at contra lines at 2-foot intervals and proposed grades within the area of construction or alteration."* I'd like to add something saying that site topography must be crosshatched or colored to show different slopes in each slope category.

Deputy Building Inspector Minozzi: Kathy, can you say that again, please?

Boardmember Sullivan: On section 249-7, part A, part 1, subsection D, add: "site topography must be crosshatched or colored to show different slope categories."

Chairperson Speranza: That's good. That'll be helpful.

Village Attorney Stecich: Wait. Say it again.

Boardmember Sullivan: "Site topography must be crosshatched or colored to show different slope categories."

Village Attorney Stecich: Slow down because I have to write it down. "Must be" what?

Boardmember Sullivan: "Crosshatched or colored to show different slope categories." And I just noted, I think in 249-5, you added in section and item D, "the provisions of this section shall not apply to the MR-C and CC district." And I think you state that in 249-1, letter G. I think you're just duplicating that.

Village Attorney Stecich: Yes, I just moved it from 249-4. I didn't know if there was a reason.

Chairperson Speranza: You know what? It's in G, at the top of the page.

Village Attorney Stecich: No, I know. That's funny. You see ... oh, you know why? It's because that's in "*purpose and intents*," and that's not operative language; it's just a purpose. So it doesn't have to be in G, but it definitely has to be in 249-5.

Boardmember Sullivan: So you can strike G.

Chairperson Speranza: I wouldn't do that only because G gives a little reason why, as opposed to just saying that it's not applicable. So we'll just leave them in both.

Village Attorney Stecich: Yes, I think it belongs in both.

Boardmember Sullivan: That makes sense.

Boardmember Cameron: Yes, you want to leave that in.

Chairperson Speranza: OK, so what's the pleasure? Do you want another version, or are we going to vote it out as amended, and we'll see a final version?

Village Attorney Stecich: If you vote it ... obviously, if you want to do it, I'll put in the form of a local law for the Board of Trustees and it'll be clearer. The reason I did it this way is because it was easier to see what things were getting moved. Sometimes it's easier doing that.

Boardmember Cameron: Good on it.

Chairperson Speranza: Can I have a motion, then, to recommend to the Board of Trustees modifications to the Steep Slopes Law as we've been discussing for months?

On MOTION of Boardmember Strutton, SECONDED by Boardmember Alligood with a voice vote of all in favor, the Board approved amendments to the Steep Slopes Law.

VII. ANNOUNCEMENTS

Next Meeting Date – November 17, 2011

Chairperson Speranza: OK, with that we will adjourn. See you November 17.

Village Attorney Stecich: I wanted to just talk to the Board quickly, but you should adjourn the public meeting.

VII. ADJOURNMENT

Chairperson Patricia Speranza adjourned the Regular Meeting at 10:14 p.m.