

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING
APRIL 21, 2011**

A Regular Meeting and Public Hearing was held by the Planning Board on Thursday, April 21, 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 Kathleen Sullivan, Boardmember Jamie Cameron, Boardmember Eva Alligood, Boardmember Rebecca Strutton, Village Attorney Marianne Stecich, Building Inspector Deven Sharma, Deputy Building Inspector Charles Minozzi Jr., and Deputy Village Clerk Mary Ellen Healy

I. ROLL CALL

Chairperson Speranza: Well, you might have noticed that we have a new Planning Board member here. So first of all, let me just thank Fred Wertz, who was a member of the Board. His term has finished, and he has decided that he is moving on and undertaking more endeavors as related to his professional career, and writing a book, and lots of other interesting things. So Fred, if you're watching, thank you very much.

And let me introduce Rebecca Strutton, who is here as our new Planning Board member. Rebecca, maybe you want to introduce yourself to give us a little bit about your background?

Boardmember Strutton: Sure. I'm Rebecca Strutton. I served with Kathy for three years on the Village's Comprehensive Plan Committee. I'm a finance attorney by trade, and I've lived here since 2005. And I have two little kids – one about to enter kindergarten, and one in first grade.

Chairperson Speranza: We welcome you to the Board, and through your work with the Comprehensive Plan, we know that you're going to be reliable, and you're dedicated. So that's good.

Boardmember Strutton: Also, at the time that they asked if I would be a Boardmember, I thought, "Oh, that's great. I'll get to work with all these people who I love, including Fred.

[LAUGHTER]

But I feel like I have some really big shoes to fill, Fred, if you're listening, because you're a great person and a great member of this board and the Comprehensive Planning Board also.

II. APPROVAL OF MINUTES

March 17, 2011 Meeting

Chairperson Speranza: If there are any comments or corrections, we'll hear them now. None?

Rebecca, you'll likely abstain.

Boardmember Strutton: Yes, since I wasn't here.

On MOTION of Boardmember Alligood, SECONDED by Boardmember Cameron with a voice vote of all in favor, the Minutes of the Regular Meeting and Public Hearing of March 17, 2011 were approved as presented.

Chairperson Speranza: Let me just make one announcement, since it's next in my pile of papers here. On Thursday, April 28, the Westchester Municipal Planning Federation is going to be hosting a forum at Greenburgh town hall. It's called "The Housing Settlement: Progress Report, and Opportunities for Planning Boards."

It is open to the public, as far as I can tell. Certainly, all the Boardmembers got this, and it's been advertised on the Web, as well. So if you want to attend, if anybody wants more information, go to the county Web site and the information will be there.

Again, it's 7 to 9 p.m., April 28 at Greenburgh town hall.

III. NEW PUBLIC HEARINGS

1. **Accessory apartment permit renewal for Margaret Riggs – 112 Lefurgy Avenue - Sheet 29/Block 691/Lots 18-21. Waiver required for square footage.**

Chairperson Speranza: We have a couple of public hearings to hold on accessory apartment renewals. The first one is for a renewal of an existing accessory apartment at 112 Lefurgy Avenue. It's Margaret Riggs' residence.

Deven, the mailings are all in order, and received?

Building Inspector Sharma: Yes.

Chairperson Speranza: As I mentioned, this is a renewal of an application. It does require a waiver; it has had a waiver in the past. The actual square footage of the accessory apartment is 31.75 percent of the primary building and therefore requires a waiver for being over 25 percent, which is the maximum that an accessory apartment can be.

There have been minor changes to the apartment. And our Deputy Building Inspector reports that there have been no complaints in the last three years, and that there is a request for a condition on this approval that states that under no circumstances would the walk-in closet be used as a sleeping area. So if that's something that would be included – yes? OK, good – if we so decide to renew the permit.

Because this is a public hearing, I do want to find out if there's anyone here who wishes to speak on this application. No? There being no one, I'll close the public hearing and open it up to any questions or comments from Boardmembers.

Boardmember Sullivan: I just want to add, Patty, that the waiver was also added that the walk-in closets not be used as a sleeping area. And I gather that the apartment will be subject to surprise inspections in order to cover that condition.

Chairperson Speranza: Right. Good, thank you. Any other questions or comments on this?

On MOTION of Boardmember Sullivan, SECONDED by Boardmember Cameron with a voice vote of all in favor, the Board approved the renewal of the application for the accessory apartment at 112 Lefurgy Avenue, with a waiver required for square footage, and on condition that the walk-in closet not be used as a sleeping area and the apartment be subject to surprise inspections.

2. **Accessory apartment permit renewal for Ruth Grill – 10 Kent Avenue – Sheet 35/Block 714/Lots 56-57. Waiver required for parking.**

Chairperson Speranza: The next accessory apartment renewal application is for property at 10 Kent Avenue, Ms. Grill. Again, this is a renewal. There is a waiver required for parking. Mary Ellen, the mailings are in order on this one, as well? OK, thank you.

Our Deputy Building Inspector notes that there are just some very small changes, no major changes, in the past three years. The CO detector has been requested to be installed. No complaints and, as I mentioned, there would be a waiver required for an off-street parking space.

Again, this is a public hearing on the application. Is there anyone here who wishes to be heard? No? That being the case, we'll close the public hearing and turn it over to the Board. Any comments or questions on this?

On MOTION of Boardmember Alligood, SECONDED by Boardmember Cameron with a voice vote of all in favor, the Board approved the renewal of the application for the accessory apartment at 10 Kent Avenue, with a waiver required for parking.

IV. NEW BUSINESS

1. Review and approval of steep slopes application of David and Ann Pugh for the proposed additions & alteration to their house at 6 Nichols Drive.

Chairperson Speranza: The next matter before us is new business. Well, it's new business, but we did hear about it last week, or last month. And it has to do with proposed renovations to a property at 6 Nichols Drive. The parcel is on a steep slope, and it requires either waivers, or approval by the Planning Board, to undertake work because it is on a steep slope.

Deven, you have now received the building plans for this application?

Building Inspector Sharma: Yes, I have.

Chairperson Speranza: OK. Mr. Lewis, you're here. Would you like to come up and just restate what it is you're planning to do?

Michael Lewis, Michael Lewis Architects, PC: Yes. The alteration really consists of interior work primarily, along with a new trellis over an existing paved terrace. And refurbishing the terrace, but no changes whatsoever to the site, drainage conditions, or

anything else that really would be of concern under a steep slope application in the work itself or in the construction processes that could be reasonably foreseen to execute the primarily interior work.

So we've respectfully requested that the general requirements for the steep slope review be waived. We understand that the notification of adjacent neighbors cannot be waived, so we've processed that requirement and I have the proof of mailing here.

Chairperson Speranza: OK, thank you. And you'll turn that over. You should give the proof of mailing to the Building Inspector.

Building Inspector Sharma: This is typically an application that does not really require ... you know, it's totally procedural, the work, the code, the way it says any construction. And that's the reason why this application's here. Otherwise, none of the ground is being disturbed. The footprint remains the same.

It's actually just doing some work on the first floor, additional work. As I've proposed before, we should have a way to not have such applications come before the Board. There should be another way of dealing with these kinds of applications. But that is, unfortunately, how it is. The code says any time a permit is sought for any kind of work on a lot that has steep slopes.

Chairperson Speranza: Right. And as we talked about at the last meeting, one of the ways to minimize the cost to the applicant is that when your office takes a look at the plans, you make your recommendation to the Planning Board that the requirements be waived. And the only thing that we can't waive is the notice to the adjacent property owners.

So it was very good that Mr. Lewis came in last month to just brief us on what it was that was being proposed. Was he able to get on for the Zoning Board meeting next week? Yes? OK.

Building Inspector Sharma: I didn't know that they needed to go to the Zoning Board for something.

Michael Lewis: [off-mic]

Building Inspector Sharma: I wasn't here, so I'm not aware of that last month.

Chairperson Speranza: OK.

Boardmember Cameron: He's going to tell us that he suggests that we waive all ...

[cross-talk]

Chairperson Speranza: Yes.

Boardmember Cameron: And then we can proceed.

Chairperson Speranza: I was going to say, we kind of gleaned that. But why don't you tell us, then, that this is something that you think; that we should waive all of the requirements that would normally be required under the Steep Slopes Law. That's your recommendation.

Building Inspector Sharma: Currently, yes, it is my recommendation. And I could have perhaps sent you an e-mail. It says on the application I should bring it to you, and we can do that. I think I would love to do it in the future.

Chairperson Speranza: This is fine.

Village Attorney Stecich: I just had one question about what refurbishing the terrace involves because I could imagine that affecting drainage.

Mr. Lewis: Right. The existing terrace is concrete slab above a garage. And the proposed work is to put blue stone on top of the concrete slab. It's impervious now, and it will remain impervious. There's no real change to it.

Chairperson Speranza: I have to say, I've never been on Nichols Drive before. I've never had occasion to be up there. It's an interesting little street.

OK, then our action is that we ... Marianne, help me here. Our action is to ...

Village Attorney Stecich: You still have to give an approval.

Chairperson Speranza: Right. It's approval under the Steep Slopes Law.

Village Attorney Stecich: You still need the approval, right. Or you don't waive the approval, you just waive the submissions.

Chairperson Speranza: Right. So the action is still the approval of the proposed construction.

Village Attorney Stecich: Right.

Chairperson Speranza: OK, then are there any other comments from Boardmembers?

On MOTION of Boardmember Cameron, SECONDED by Boardmember Sullivan with a voice vote of all in favor, the Board approved the steep slopes application for the construction of a trellis over an existing paved terrace at 6 Nichols Drive.

Chairperson Speranza: OK, that's all.

Mr. Lewis: Thank you.

VI. DISCUSSION ITEMS

1. Preliminary review of a memo from Ed Young for the realignment of a property line between two adjoining properties that he owns.

Chairperson Speranza: A discussion item is a submittal, a letter, that we received from Mr. Ed Young, who owns property on both Villard and Whitman. And my understanding, Mr. Young, from your letter, is that you are looking to kind of combine, but divide at the same time; redivide, I guess, the two parcels.

So why don't you let us know what your plans are, and we'll figure out a way to see if we can accomplish it. Do you want to say anything?

Building Inspector Sharma: I reviewed what he was proposing to do. There are some nonconformities on both the lots, and conformities. They may not necessarily get bigger, but they get changed in a kind of conformity. However he divides it up, realigns the property line, the conformities will still be there.

Chairperson Speranza: OK. Mr. Young, you want to put that on the easel? You can put it on the easel, and then Deven can give you the mic.

Ed Young, 3 Whitman Street/12 Villard Avenue - Owner: Hello, I moved into Villard Avenue about '75, '74. And then this house became available. At this time, I started to have a family. So I bought up this piece in '97. This piece of property on Villard has what used to

be a horse barn. And the horse barn has a feeding area that was jutting into this piece of property.

Then this piece of property has a shed that goes into Villard. Seeing as I own both of them, it never was a problem. What I used to do is, living here, I crossed the patio to get into the barn that was converted into a studio. Now I have this one, where I live now, and I rent it out – this is a two-family house – into two apartments.

So I walk from this area. I have to go all the way over here to get into here. Although they're very close, it's a walk. I'm reaching an age that I don't really need two pieces of property anymore. Since I'm living here, I want to work here. So I want to combine this particular piece to this so I can eventually maybe sell that one. Perhaps to actually close this in, and open up a door over here so it would be a lot easier for me to enter.

The way I have it planned – up until now – I have this area being paved, with a garage. It's actually with a driveway coming into the garage. I had this area all paved about four years ago. Then I continued to have this area being paved. It has a driveway all the way in. In this area, I have two trees and I left it pretty much dirt area.

So what I'd like to do is to combine this area to here so that this can be an entity in itself. That would solve this problem and make it a lot clearer. Then it will be clearer for me to actually be free to use this area. This is where the property line is right now, but what I'd like to do is move it to include this area, as well. This is about 20 feet, 30 feet in area.

So Deven brought up the point about the size of the property. But both number 8 and ... number 12, number 14 ... both 8 and 14 are much smaller than even this area. So I don't think that would be relevant.

Chairperson Speranza: OK, so it seems like this is a reconfiguration of the lot lines. It's going to be a subdivision. So that's the motion, that's the action that we would be taking, a subdivision approval.

Village Attorney Stecich: But the point that Deven raised, and Mr. Young said Deven raised, is important. To subdivide, you can't make any of the lots nonconforming. I would want to know, we need to know, that lot size. I mean, the other lots may be smaller, but I have a feeling that that lot, the Villard lot, could be small.

What zoning district are you in?

Mr. Young: What?

Village Attorney Stecich: Do you know what zoning district you're in?

Building Inspector Sharma: He's in R-10.

Village Attorney Stecich: R-10, OK. Well, that's the only thing. And if it's the case, it doesn't mean that it couldn't be subdivided. But it means they would have to get a variance first.

Chairperson Speranza: Right. OK.

Village Attorney Stecich: So he might have to, but without having all the details and dimensions ... I mean, still, as Deven said, there are nonconformities. Like that house clearly doesn't have a side yard setback or front yard setback. But the subdivision isn't affecting that.

Chairperson Speranza: Right.

Village Attorney Stecich: It doesn't make any difference. It could, the rear yard. But, again, without the dimensions we can't tell.

Boardmember Cameron: Does the shed need a setback from the new property line?

Village Attorney Stecich: A shed would have to be set back like an accessory building, yes.

Boardmember Cameron: Right.

Boardmember Sullivan: The existing barn.

Boardmember Cameron: The existing barn. What's the new property line on? There's a question of whether it can be right next to the barn, or whether it has to be farther in.

Village Attorney Stecich: Well, any accessory building has to be set back 8 feet. So that could be a nonconformity that would be created by this. It's not conforming right now, what it's on. But it's a different nonconformity, and any of those would need variances.

Building Inspector Sharma: By the way, you mentioned some area being paved on both sides of Villard's properties.

Mr. Young: This one, number 8, is only coming to here. It's just a house and maybe an alleyway. It doesn't even have a front.

Building Inspector Sharma: On your property, you say some area's been paved?

Chairperson Speranza: I think it has been paved. It's already paved.

Building Inspector Sharma: I thought you mentioned some area he paved some four years ago, and some area is in the process. You're paving it now?

Mr. Young: No. It was already paved before. It was with a product, an asphalt kind of brick. That was all breaking up when I bought the house so I just tore it all up and then paved it with brick.

Building Inspector Sharma: The reason I was saying that, you're not supposed to put any kind of paving in any of the required yards. And we were not aware that you were putting it in, except for the driveway. You're not supposed to be paving any of the required yard.

Mr. Young: Well, that was paved before. It was all grown in. It was one of those products that's made for Hastings.

Chairperson Speranza: But to move forward this kind of an action, I think, Mr. Young, you have to sit down with Deven and go through ... and Deven, counsel him with respect to the size, what you've already noted would be the variances that would be required. And it will require a formal submission for subdivision, possibly to the Zoning Board of Appeals as well as to the Planning Board.

Mr. Young: You mean for the paving?

Chairperson Speranza: No, to reconfigure the two parcels. Not for the paving. The paving's an existing condition at this point.

Building Inspector Sharma: By the way, I had advised him that he would need to go through a subdivision process, but he can come to the Board to get a feeling as to ... you know, you can see it and see how viable it may be, whether you will consider it, that kind of thing. That's the impression he gets. Then he will go on to do the formal application for subdivision.

Boardmember Sullivan: I guess, too, with this subdivision, when we had something in front of us a few months ago there is also a fee that's involved in some fashion. Something that came up with the Prince Street property?

Chairperson Speranza: Right, the open space.

Boardmember Sullivan: But that fee was because they were creating two lots for one so there was a rec fee. He would not be subjected to that. Just wanted to make that clear.

Building Inspector Sharma: Truly, it's a realignment of the dividing line, not creating a new lot.

Chairperson Speranza: Right.

Boardmember Sullivan: So that won't come into play in this case then.

Chairperson Speranza: Right.

Boardmember Sullivan: OK, good.

Mr. Young: If the size is a problem, perhaps if that is a problem, it could actually be that kind of configuration?

Chairperson Speranza: I think that's something that you can work out when the dimensions are all provided. You know, you've got the survey. If you have a formal set of plans done up, try to figure out which is the most optimal configuration that requires the least amount of zoning variances.

Mr. Young: OK.

Chairperson Speranza: But I don't know. Are there any other issues that Boardmembers might have with the reconfiguration of these lot lines?

Boardmember Sullivan: No, I think everyone's covered the different options – setbacks and access – and I look forward to seeing it again. I think it's very doable, based on explaining it. But just like Patty mentioned, we just would like to know exactly how many variances are going to be set up, and just be comfortable with that.

Mr. Young: So it will be advisable for me to go and get the surveyors and get the whole thing drawn out to find out whether the size is ... yes, OK.

Village Attorney Stecich: If he can mark out the barn, and then he adds enough land and doesn't need a variance, OK, that's one issue. The thing is, if he's going to need a variance in any event it might be helpful ... and clearly, if he notched out the barn it would be a smaller variance that he would need for this.

So it might be good to have a sense from the Planning Board whether you would prefer that he not chop the barn, or have a straight line. I mean, generally, just as planning, it's just generally better to have straight lines. In any event, you're going to have to go in for a variance for the barn because it doesn't meet the setback. But that might be helpful, both from Deven, in talking with him and deciding which way does he go. Because he's going to have to hire a surveyor, and does the Board prefer the straight line or the notch out.

Chairperson Speranza: My opinion is straight line. I mean, I can understand that you're supposed to go for the minimum amount, but to have something that becomes a very odd configuration I think creates nothing but trouble for future property owners.

Boardmember Sullivan: A little bit like the feeding thing that's going over one area, and the shed that's going into the next. We already have lot lines that are not sensible.

Boardmember Alligood: I do have a question for Marianne procedurally just to refresh my memory on this approval process. Is there a site plan review component of it?

Village Attorney Stecich: No, there's no site plan. Only subdivision.

Boardmember Alligood: But I'm just saying, as subdivision there's no looking at the site plan. It's just simply looking at how ...

Village Attorney Stecich: Oh, you mean not looking ... oh, yes, you don't look ...

Boardmember Alligood: The reason I'm asking is, with this question of whether the paving is conforming or not, that will enter in. Because we are concerned, as a Planning Board, that we don't have a lot over-paved because of the runoff issue. So it just opens up that question.

I'm asking, is that something that we would be reviewing. It does matter to the Planning Board. If it's something we're looking at, it will matter to us because there's a reason why we're concerned about it.

Village Attorney Stecich: I guess it would somehow have to relate to the subdivision. I could imagine situations where it might. It's probably not on this one, but since there is a limit on coverage ...

[cross-talk]

Boardmember Alligood: Right. That's why I'm asking.

Village Attorney Stecich: No. The truth is, on this, it's not going to ... there's going to be the same amount of coverage. On paper, though, it might be more conforming if the lot were bigger – if one of the lots were bigger – so that percentage-wise there's less coverage. That's the only difference I could see, if you wanted to go there. I mean, it is something that maybe should be looked into.

Chairperson Speranza: Well, when the formal set of plans, subdivision plans, come in, it will show the existing characteristics of the properties. So the plans should show the paved area. And then you're right. Knowing this area, everything's going downhill, everything's going to the side of one property, the rear of the other property in terms of runoff.

But just as the amount of coverage, knowing that it's existing, is kind of like the house that doesn't have a side yard that's existing. You see what I'm saying?

Boardmember Alligood: You're saying it's grandfathered in because it's already existing.

Chairperson Speranza: I don't know how relevant it would be in terms of dividing the lots under existing conditions, but it's certainly something we can talk about when we see the plans.

Boardmember Cameron: I think we should look at that. I prefer the straight line like you do, but on the other hand I'm not sure if the only piece of dirt in this lot isn't the little keyhole out there. And I think everything else may be paved. I did peer over your fence, excuse me, but it looked like most of it was paved.

On the other hand, it's pavement which doesn't seem to be cemented. It seems to be pavement which is set. I didn't look at it that closely. I think a two-family house surrounded by pavement is not ideal. And I think we need to look at where there's a greenspace for something in this property for kids to play. So that would make a difference to me.

Chairperson Speranza: And maybe a compromise is to see two different schemes sketched out. Not a full set of drawings for each one, but maybe to have them ...

Village Attorney Stecich: An alternative scheme.

Chairperson Speranza: Yes, an alternative.

Boardmember Cameron: But another alternative which would be cheaper – because I'm not sure how much of a rush he's in – is that maybe Deven and his deputy could go look at the property and come back and report to us at the next meeting, and we could go from there. And nothing needs to be prepared until we get a better sense of what we're looking at.

Chairperson Speranza: Well, that's an option, too.

Boardmember Cameron: It would be confusing for him to do two sets of plans and come in, and spend money.

Mr. Young: This area not being paved is because there are a whole bunch of trees here. And this is a pretty big apple tree.

Boardmember Cameron: What I'm talking about is the fact that I'm not sure how much of the rest of that property is not paved.

Mr. Young: Oh. This is a garden.

Boardmember Cameron: That's not paved, all right. Well, that's a big piece of property. I think you're safe on that one. I'm more worried about the other one.

Chairperson Speranza: So if that's a good way of proceeding, I will invite you on behalf of the Building Inspector to sit down and do some of the outlying, the parameters, with respect to the site and the existing buildings.

Mr. Young: OK.

Chairperson Speranza: And then come back to us with the findings and we can give you a better sense of how we like one over the other. Deven, you look perplexed.

Building Inspector Sharma: The reason why I asked him to come to this meeting was if he should incur additional expense here. So we are saying don't do it yet until we have had a chance, Buddy and I, to look at it and form some kind of idea and relay it to you. And then maybe they'll be in a better position to tell you whether to go ahead.

Chairperson Speranza: With a straight line.

Boardmember Alligood: What we're asking, Deven, is you know what kind of information we're looking for. So to save the gentleman some time and aggravation – not just money, but gathering things that he's not familiar with – go ahead and get that information for us. Then we can be better informed when we look at it next time, and then we can make a recommendation about what we think would be a better route to go as a next step.

Village Attorney Stecich: Unless I'm missing something, I don't think it would cost a whole lot more. All you need to do is have an extra measurement of that notch. The surveyor's out there anyway. It's just whether the notch is on the large lot, the Whitman lot. It's just whether the notch is on one or the other.

My concern is, until we have measurements of this you have no idea whether this lot's conforming, or close to conforming, and how big the variances he needs. The paving's a separate issue. And I know what you're saying. You may want to insist that there be more greenspace on one lot or the other. But if a surveyor's out there, it's not going to cost more money to have the notch measured. That's the only extra measurement is the notch.

Boardmember Cameron: And the other thing is whether we want to have any setback from the studio on the new lot. In other words, make the new lot even smaller by having a straight line. But the straight line is not right flush up against the building. That's the other question I have.

Chairperson Speranza: That's certainly something, when we take a look. And the first submittal is kind of the preliminary subdivision plan that we then can suggest the movements, moving some of the lot lines around. That is a good point. You're going to have somebody who's going to have to go out there in advance anyway.

Mr. Young, I know you've heard a lot. You've heard a lot of discussion from us. You're planning ahead, right, with respect to these two properties? It's not something that you're looking at doing next month?

Mr. Young: No, no. I would like to do it fairly soon because I am looking at more issues than just the house. That's why I asked whether I could see you tonight instead of next month. So if anything is going to be held up because I have to wait another month for you, to see you again, I'd rather that Deven could see it and advise me what to do.

Chairperson Speranza: OK. Do you realize, as part of the approval process, we do need to have a set of formal plans that are developed by an engineer, an architect ...

Mr. Young: Then I would just go ahead and do that.

Chairperson Speranza: So do that. Then you come back to us when they're complete, either next month or the following month. We may still have some comments and need to make some recommendations once we get all the zoning parameters and the sizes put together.

Mr. Young: OK.

Chairperson Speranza: So it's probably a couple of months. And we will have to have a public hearing on it, OK?

Boardmember Cameron: Maybe we could tell him what we'd like the surveyor to tell us, which would be how much square footage is in this square, and then how much would he have if you took 8 feet off from the back of the studio and made the studio complying by having it 8 feet, at least, from that wall. And maybe Deven could help him do that.

Building Inspector Sharma: However he does it, he should consider the structure on the lower part of Villard Avenue. So the setback from this to the new property line should not be less than 30 feet. It requires the rear yard to be 30 feet. So in a way, a new nonconformity would also be generated by moving the line from one side to the other.

I can do some approximate right of way calculation as to the area, this way or that way. I believe the idea this time is, this is the scope of what we're looking at and whether the Board feels comfortable with different ways of doing it as doable. Then the Board will perhaps approve it. With that assumption, he can go ahead and spend the money.

Chairperson Speranza: Right. And I think we are saying that.

Boardmember Alligood: Yes, we aren't saying we can't imagine approving a subdivision here. We're not saying that.

Building Inspector Sharma: So once he engages an architect or an engineer or a surveyor, I'm sure they can look at some of the possibilities. If they bring that to me I can suggest, based on paving or not, what other scenarios there are they could look into. And then this Board will also have a chance to look at that, and then suggest some other modifications so he can come back in the following meeting.

But for now, I guess the understanding we are giving him is that he should proceed with hiring experts, professionals, to do the surveys and the formal subdivision application for review by the Board at the next meeting. When you bring me that application, at that time I'll also be able to tell you about the different variances you may have to go for before the Zoning Board, as well.

Mr. Young: OK.

Chairperson Speranza: And also, since Jamie brought up one specific permutation of the subdivision that's something that should be looked at at this point, too, by the architect, by whoever develops the plans.

Boardmember Alligood: But I also want to say, Deven, that if you're saying that just by creating an 8-foot setback behind the shed that we're creating a nonconformity in another way, then I'm not sure it's worth it.

Boardmember Cameron: Well, how many feet is it from the back of the porch to the shed? That's the question. It's not 38 feet, in other words, you're saying.

Building Inspector Sharma: I don't understand.

Chairperson Speranza: You know, I think without having the plans we've done as much as we can for tonight on this.

Building Inspector Sharma: The way I looked at it, the way we discussed it preliminarily, we are not increasing the nonconformities on the site as it is, with the way the alignment is right now. They're going to be realigned. The nonconformities become different, but not necessarily bigger. That's how I saw it. There is nonconformity there, and the nonconformity would still be there.

The new nonconformity might be on the size of the lot, that this lot might become smaller than it already is. You know, it needs to be 10,000 feet; it may be less than 10,000 now, and might become even smaller. So that's something you're going to have to work with.

Chairperson Speranza: So yes, we will consider it.

Mr. Young: OK.

Chairperson Speranza: Thank you.

2. Village Wireless Antenna Application

Chairperson Speranza: We have a number of follow-up items from the last Planning Board meeting, and I confess to not being able to get to a number of them. One of the things, though, that I do want to make sure that people have is a copy of the personal wireless facility map which we will, in fact, get completed in a more formal manner.

Boardmember Cameron: Is this the same as the one that was handed out?

Chairperson Speranza: This is what we got from Rafael.

Village Attorney Stecich: I didn't get it. Was it in the packet?

Chairperson Speranza: No, it wasn't in the packet. That's what I'm doing now. It was never formally developed.

Village Attorney Stecich: What do you mean, never formally developed?

Chairperson Speranza: This is adopted. But compared to the zoning map that we have, it didn't go through the formal printing process, I guess we'll call it.

Village Attorney Stecich: Exactly.

Chairperson Speranza: So this is what we have as part of the personal wireless facility overlay.

Now, not long after our last meeting, Marianne, you did receive a letter from T-Mobile. And weren't they talking about being part of this meeting? They wanted to hold the application still open for consideration on April 21?

Village Attorney Stecich: Because there's this Federal Communications Commission shot clock rule. It's a new rule that if there's an application it has to be decided in ... so he keeps every month sending me a letter, saying, "Hey, listen. I'm waiving the shot clock." Don't bother. You didn't even start because you don't have a complete application yet.

The reason he's saying that is he wants us to, once he does come, be bound by this shot clock rule. My position on behalf of the Planning Board is it didn't even start running because we don't have a complete application. Because they haven't even applied for a variance for being outside the district.

But I actually called him. Because I guess I got his letter roughly the same time that it was on the news – I forget which – that they were buying another one and whether that affected it. And it didn't. I said, "Is this why you're not moving forward?" He said, "No, that has nothing to do with it." That's just on the corporate level, and wouldn't affect what they're doing at all.

So I don't know what he's doing. Didn't let on to me.

Building Inspector Sharma: Marianne, I was thinking and was going to ask you. I did send him a letter about one of the applications, since he had not come back with the required information that the Board had asked for. He has been deferring being before us for several months. So we're not going to put him on the agenda until we specifically hear from him that he wants to be on the agenda and wants to bring some new material to us.

I was wondering if it would be OK to send him a letter saying that we can support this application being abandoned because no new material has been submitted to us as requested by us, or otherwise, in response to our RF consultant's letter. Since there's no action, we consider these applications abandoned. Can we do that? And then whenever they're ready they'll start with a new application.

Chairperson Speranza: That's a question I can't answer.

Building Inspector Sharma: What other choice is there, Marianne?

Village Attorney Stecich: You can. I'm not sure what's accomplished by doing it. I'd just as soon not give them anything else. I mean, I've taken a position we don't have a complete application.

Chairperson Speranza: Well, that's right. There's no complete application, so there's nothing really for him to abandon.

Village Attorney Stecich: Exactly. That presumes a complete application. In addition to which, when it's off the agenda for this long you have to re-notice it anyway. It would have to get re-noticed because it's been off the agenda for so long.

Building Inspector Sharma: Yes, I did mention that.

Village Attorney Stecich: You know what? Let sleeping dogs lie would be my approach on this.

Building Inspector Sharma: If I abandon the application I can get rid of the all the paperwork we have on the application, too. We'll start fresh.

Village Attorney Stecich: Oh. You just want to clean off your desk.

Building Inspector Sharma: The thing is, if they don't come back with anything new for ... because it's already been like a few months. So I guess they abandoned the idea. But that was just an idea I thought I would check with you.

Boardmember Cameron: I guess I have a couple questions. One is, we were talking at their last meeting about whether or not they have actually presented adequate proof that they need this particular location. And I think we should be looking at that because they do have other facilities.

And I guess we discussed at the last meeting whether or not places from outside of Hastings would count on whether they could adequately provide a signal into that valley. I think we need to look at that more firmly.

Village Attorney Stecich: Yes. I would say that, clearly, if there's someplace that exists now and they're getting coverage from it, well, then they got the coverage or whatever. But I actually raised that question. I was a speaker at a ...

Chairperson Speranza: Oh, the Planning Federation?

Village Attorney Stecich: Yes, a planning thing. And one of the speakers, [Les Steinham] XXX was talking about the personal wireless law – I mean, just generally, the telecommunications law – and I asked him that question. The answer was, "It's a good question."

And I actually do read – I'm not sure I catch them all – but I do read most of the cases on this. I haven't seen that issue come up. But what I will say is, the cases that I've seen recently – not New York, but federal court cases in other districts – have focused, really, on this need thing, on the need prong.

The applicant will come in and say, "We need it for coverage." Yet, people from the area come in and say, "My coverage is fine." So there has been some focus on that, and you have to weigh the showings.

Boardmember Cameron: Right. I guess from my perspective we're trying to make one of our things that they're supposed to be able to get coverage in the area. And the cheapest way of providing coverage might be a way which actually doesn't work very well for this town, like putting a telephone pole in the middle of a residential district. And if they could, even if it's more expensive, use a facility just outside of the district to provide the signal, I would think that cost was not the determinant of whether they get to do it in our residential district or not.

And I think we should find out whether there are other places nearby where they could get that signal from, since they're unique among all the suppliers who've said they've got to put an antenna right in the middle of a residential district.

The second thing that I think we should be exploring is that we learned at the last meeting that when they came to see us some time ago to put more antennas on the Andrus Home building we discovered that 10 years ago they had put up antennas and they had not lived up to their obligations, which was a condition to actually paint them so they blended in with the building. And we made a big deal out of that.

And evidently, they've gone and put up their new antennas on the Andrus Home without painting the old ones. Maybe I'm wrong.

Chairperson Speranza: Deven, do you know if the ...

Building Inspector Sharma: They haven't put up new antennas yet.

Chairperson Speranza: Oh, good.

Building Inspector Sharma: They did not get the permit to do antennas. There is some other work going on, re-pointing, construction, things like that. So I checked specifically. Obviously, we haven't issued them a permit for it. That work has not been done. And if and when that work is done, be rest assured if it needs to be painted it will definitely be painted. Otherwise, they won't be able to use it.

Boardmember Cameron: The old antennas. They have to paint the old antennas, the ones that have been there for 10 years.

Building Inspector Sharma: If that is the condition of our approval, then they would paint that, too.

Village Attorney Stecich: No, no, no. I think what Jamie's saying, it was a condition of the old approval. So it should be enforced right now.

Boardmember Cameron: Right. And it was a condition of the new approval that they go back. They nodded their heads and said so. We've got it written into the document that they would paint the old ones as a part of the condition of the approval for the new antennas.

Building Inspector Sharma: OK.

Boardmember Alligood: I remember them saying, "Yes, you're right. We should do that." And they haven't, so that's a problem. I think Jamie's absolutely right. They should not be able to say that publicly and just have it sit there for months and not do anything.

Building Inspector Sharma: The cost and effort was, it really is not a whole lot to do that. When that work was done it was before my time, and now that it's brought to my attention I'll definitely make sure – whenever they get the permit to do the new work – I'll make sure that they paint the other antennas, as well. But if that's what they are supposed to do, I'll get them to do it now.

Boardmember Cameron: Because they've been anything but willing to spend money. I mean, they keep trying to cut us off: not give approval for the first contractor to review their work, and not being willing to put up the money. So I think they're a tad on the thrifty side, to use a Scottish term. And I think we should put their feet to the fire and get them to do what they promised to do.

Building Inspector Sharma: Will do.

Chairperson Speranza: OK. And with respect to the need, that's what they're supposed to be submitting to the Zoning Board of Appeals. And they haven't done that. You're absolutely right, Jamie. They haven't submitted the application yet. And that shows their reasoning, be it insufficient coverage, or cost, or whatever they want. We don't have that.

I take it we still have a contract with the consultant. That hasn't expired yet? He's still there?

Building Inspector Sharma: We do have a contract, and he had sent me an e-mail and asked me what was happening. And I told him nothing, but in the meantime he could go ahead and bill. I don't even know if he's billed us for it.

But, you know, some of those questions, the need issues, we definitely can have a consultant advise on it.

Chairperson Speranza: When we get the application, right.

Building Inspector Sharma: When the time comes whether the facilities around the Village are adequate, or can economically, viably be enhanced, done something to, to do whatever, they need to put antennas here in the Village – we can definitely ask our consultants to advise us on it.

Boardmember Cameron: Because one of the questions I would ask our consultant is that since both T-Mobile and AT&T use the same GSM technology – and I'm stepping off a cliff at this point in time when I say that – he might take a look at where AT&T has their antennas and try to figure out how AT&T can evidently service the Saw Mill River Road area from where they are and these people have a difficulty doing that. It would be a useful comparison.

Building Inspector Sharma: Yes, we have AT&T antennas up on our roof, as well.

By the way, Andrus Home is not T-Mobile. It's Nextel, Sprint. The T-Mobile people are not there on that building.

Chairperson Speranza: Right. It was a different applicant.

Boardmember Cameron: Oh, a different applicant. All right. OK, I've been beating up the wrong person. Sorry. Same comments apply.

[LAUGHTER]

Chairperson Speranza: Deven, one of the questions that came up at the last meeting was the structural ... whether or not we're maxed out on this building in terms of the structural capacity of the roof.

Building Inspector Sharma: See, it's a determination to be made by any new application for structural engineers. I wouldn't think so. It's not so much the loading of these things that really matters. I mean, the way they're supported, they're supported on the two corner walls. And two other corners are taken.

So there are two or three more corners that conceivably can be use to put their tonnage on and put some new equipment on. But you know, there are a lot of antennas upstairs up on the roof. But a whole lot of them are our police antennas.

So whatever new applicant comes in with a proposal to do something else on the roof, we certainly can look at it at that time. To say at this time that there is no more room to do anything more on the roof, I can't say that.

Chairperson Speranza: OK. That's premature at this point. Because that was one of the concerns that we had, was whether or not we're done here. And obviously you're saying we're not necessarily done. And as we know, the equipment is getting smaller and smaller.

Building Inspector Sharma: So there's antennas on the roof, and the jungle could get a little bit thicker, you know, if need be.

3. Rivertowns Square, Dobbs Ferry

Chairperson Speranza: Next, we ended our discussion at the last meeting talking about different developments that are going on, and Rivertowns Square. Tomorrow is the last day for comments on the scoping document. May 3, while they're having a meeting, they are not having a meeting at which they are accepting public comments. We learned a lesson about complete reading.

So we have before us a letter that went from the Village. Oh, I'm sorry. No that's not it. There had been a letter drafted by the Board of Trustees that included comments on the scoping document that was prepared, that was underway, by the Village of Dobbs Ferry. I saw a draft of it. I'm not sure if it went out. I've got to believe that it did go out. This would have been Rivertowns Square.

Building Inspector Sharma: I haven't seen that letter.

Village Attorney Stecich: No, the Mayor was sending it.

Chairperson Speranza: The Mayor was sending one, right.

Village Attorney Stecich: I'm pretty sure it went out.

Chairperson Speranza: It did include comments and, most pointedly, the impact that such a development would have on the downtown here in Hastings. Which, of course, is something that if they're studying the impact on downtown Dobbs Ferry and Ardsley they sure as heck better study the impact here in Hastings.

This letter before us is actually from the River Town Preservation Civic Association. It was sent out to the Mayor and the Hastings Planning Board members, commenting specifically: "Thank you for your successful efforts to extend the deadline for written submissions to be added to the scoping document." Then there are a number of things that are included in here with respect to different kinds of businesses and the socioeconomics of the downtowns of Dobbs Ferry, Ardsley, and Hastings all being included in evaluation of potential market conditions.

So there's a lot going on with respect to this application. It is in very, very preliminary phases, since the scoping document is just getting ready to be adopted by the Village. So no doubt there will be much more on this.

But during our discussion last month, we started talking about other developments that are going on. And I know, Kathy, you took on the task of trying to map some of this for us so we could really get a sense.

Boardmember Sullivan: I did, Patty. Thanks to you I got some others.

Chairperson Speranza: Yonkers.

Boardmember Sullivan: Yes, I got Yonkers. And I can send an electronic version to be added. So the top page is a number of current things that are under development; the large sort of circles of a 5-mile radius centered on the Rivertowns Square property.

This other map shows all the developments in a bigger scale. So the red line is an approximate line of Hastings. To the north of Rivertowns Square, going down the page, you have Austin Avenue, which is the work that's being done right behind the Home Depot and Stew Leonard's; just Ridge Hill; and then the other areas in Yonkers.

And I think I got them all in approximate location: River Club and Millennium, which are two multi-family housing developments on Warburton; and then St. John's has a pavilion that they're constructing to be north of their current hospital. And then what I picked up was ESPC, which is a pediatric hospital or a pediatric clinic of some type.

Boardmember Cameron: It's huge.

Boardmember Sullivan: Well, executive park has certainly changed a lot over the last few years. So that's in development or under construction. This is just some of the things. Patty had sent me two Yonkers properties, and I had noted Austin Avenue and then, of course, Rivertowns Square.

Chairperson Speranza: And I just want to note about that one, the Southern Westchester Executive Park, there is a proposal. What I heard from Yonkers is that there is a proposal to rezone that to a planned multi-use district and that housing could potentially be constructed there.

Boardmember Sullivan: In Executive Park?

Chairperson Speranza: In the executive park, yes. And what I have is 500 dwelling units, and a 35,000 square foot supermarket and a 14,000 square foot drug store. So you're right. That executive park has changed dramatically from the campus office-type development, which it initially started out as.

Boardmember Sullivan: There's a hotel there now.

Chairperson Speranza: Yes, two.

Boardmember Sullivan: Haven't been by in awhile. What I found kind of striking about this, when you just look at the larger scale, is you just get a sense of how some of the larger development is sort of circling around Hastings in many ways. And the fact that the Dobbs Ferry sites being used for such intensive retail on the Saw Mill which is, I think, fairly unique for the Saw Mill itself, when most of the retail is ... sure there's Executive Park, or there's the A&P off a little further down, but they're off a ways. The downtown of Ardsley is off a ways.

But that's really going to be quite a different game changer on that road. I wanted to share this with you guys. I really wanted to spend some time learning about SEQRA because it's something that sort of interests me. So I've prepared sort of some points that I'm going to write as a personal letter tomorrow to get in.

But one of the things I found quite interesting was going back and looking at the Patterns of Westchester, which is the county's plan. The Saw Mill actually is considered a scenic corridor. So I wanted just to make that one of the first comments because, you know, it really is historic and, unfortunately, it's not on the register. I looked a little bit into that.

But it has a very strong place in the development of Westchester. And what's being proposed, I think a possible mitigation you need to consider is not losing that character. But it was very interesting to look at it. One of the things I wanted to propose, they're also very localized in the intersections to consider for any traffic analysis. I literally think the

intersection at 287 and even down to Cross County could be impacted with adding that kind of traffic onto the Saw Mill.

The Saw Mill's a very small road. I mean, it's not designed for the speeds that people take, as well as the traffic folks. I mean, I commuted from Hastings south for quite a while – I think you're doing that now, right? – and it's hairy. It's very hairy when you're going in the morning or afternoon traffic.

Anyway, those are just some of the other things I'd like. The last point is, one thing that was kind of buried in the Dobbs Ferry SEQRA was something that Trustee Jennings had brought up in the comprehensive plan process; that SEQRA can include climate change impacts.

And they did note that, and I wanted to pull it out because it doesn't change, per se, what you put there. But it may lead you actually, interestingly enough, to what I looked into on some of the things that we're trying to do as a community in greening the code or greening our buildings.

Those start to become SEQRA things that you can use for LEED or looking into some energy conservation or water conservation, potentially, if it affects greenhouse gas initiatives or carbon emissions. So it was just interesting.

But that's something that I just wanted to do personally because I think it's quite a significant proposal. Very close to home.

Boardmember Alligood: Kathy, that was some great research. And I want to say that back when Ridge Hill was being reviewed there were many of us from the river towns that went to several of the public hearings in Yonkers to bring up some of these same points that you're bringing up tonight.

And I remember going and digging up Patterns, and saying, "Our county has determined exactly what they were proposing was not a good idea." And I pointed out, from a planning perspective, how Yonkers was really flying in the face of what our county had determined was good planning practice. There's no teeth. There's no way to enforce it, which is the most frustrating thing because I think we do have some sensible planning perspective from the county angle.

And I think this is another case where I don't know what the solution is, but clearly we need to start getting some regional planning in place. Because when each jurisdiction is allowed to make these momentous decisions that have an impact on the entire region, and have no

accountability for it – let the effects spill over to other jurisdictions and let the chips fall where they may – we will end up with a county that is really not going to work, as a whole.

Boardmember Sullivan: Well, that's when this thing showed me kind of graphically what pressures are around us.

Another thing, too, was that you can ask for – and it's in here, it's in the docs, and I'm looking ahead for us at some point trying to become more knowledge – but you can ask for a cumulative impact analysis where you do look at all of these. And so I wanted to make that suggestion. That it's not just buried in each of the sections, but you really address it and identify it.

They can do their own 5-mile circle or 2-mile circle that whatever they want to do, but look at these other proposed projects and really understand if everything gets built, what's the impact on the Saw Mill, and I appreciate what people have done by bringing up the commercial and retail impacts on our downtowns collectively.

But anyway, I enjoyed making the map. Thank you for asking.

Boardmember Alligood: It's a great map.

Boardmember Sullivan: Very easy to do.

4. Miscellaneous

Chairperson Speranza: There are a couple of things we also talked about that, quite honestly, I have not done anything about. Bruce and Eva, I think you had mentioned at some point we should look at doing a survey of the affordable housing residents -- where do they work, and where they park, as well as the number of schoolchildren that are in the units, that was another one. And the development checklist, and that works hand-in-hand with the revision of the application forms.

So those are two other things, as the months go by.

Boardmember Cameron: Along the same thing as Rivertowns Square, we were also distributed by e-mail this application to expand the parking at this place on Lawrence Street, as well.

Chairperson Speranza: Yes, that's right.

Boardmember Cameron: And I noticed that the parking they were asking for would be pavement which was impenetrable pavement. I also noticed that they're only about 3 feet above the 100-year U.S. Corps of Engineers water level which, of course, I think is a phony now – the 100-year thing. We're going to exceed it repeatedly.

The whole idea that they're going to create -- and I couldn't figure out whether it was 49 new parking spots or 73 -- new parking spots by paving out a piece of that backyard. I think we should actually be making a comment on that, as well, even if they're going to put in drywells.

Boardmember Sullivan: What's the process with this particular package in Greenburgh? Is it something we comment on?

Boardmember Cameron: Well, it was sent for us because it's within 500 feet of Hastings.

Boardmember Alligood: But they applied for a wetlands permit so that they could build in a wetland?

Chairperson Speranza: And certainly we can make comment. I don't recall the deadline date of that.

Boardmember Cameron: You know, I didn't see one.

Boardmember Alligood: We can simply say we're concerned about approving that.

Boardmember Sullivan: Well, partially, you know the Saw Mill had been closed for a number of days recently. Building more pavement in any area adjacent to the Saw Mill's problematic. I mean, this isn't a huge, huge addition to the large lot.

I mean, it's a little hard to suss out exactly where the increase of area is. But that was my thought, having tried to drive on the Saw Mill with those crazy paths when it was closed. It's really an impacted watershed.

Chairperson Speranza: Does it have a date for comments?

Boardmember Cameron: No, they're just making application.

Boardmember Alligood: But my understanding of it is that it's really a convenience factor for them. Because right now, what they need those parking spots for is when they use the

party space for special events. And they actually have enough parking for that with their existing parking, but they have to apply for a special permit each time they have a party.

They want to dispense with that step. They want to just permanently make it a party space is my understanding. And in order to do that, they have to put this additional parking in, which they don't really need.

Boardmember Cameron: Well, *they* say they don't need. I mean, nobody would spend the money to put in 49 additional parking spots.

Boardmember Sullivan: But what Eva's saying's correct.

Boardmember Cameron: I know that's what it says in the application.

Boardmember Sullivan: At least that they would stop having to go and get a temporary permit every time.

Boardmember Alligood: Yes, they keep getting a separate permit. And I'm sure it's not in their interest to not have enough parking. And what they're saying is that during the times that they're having a party they're not using the space that they are required to have for the other uses.

And so right now, they're able to make do quite fine without the parking spaces because of this staggered use of the space. But because they want to make the party space permanent and not have these temporary permits, they'd have to add this additional parking which is actually not necessary. That's my understanding of the application.

And so from an environmental perspective it makes no sense to approve that. We're not the deciding body in this, but certainly if we're going to look at it from a green perspective it's one of these examples where the code is requiring you to add parking that may not be needed, and certainly could be detrimental to the environment.

Chairperson Speranza: Right. And that's certainly an entrée that we can have in here. I mean, this was the application to the town. We can check and see if Greenburgh has scheduled it. Knowing the way they hold their meetings, typically they do the work session first and then later they do a public hearing.

But I'll check on that. I can check on that in the next couple of days, and then see if there's an opportunity for us to comment.

Boardmember Cameron: Because they might decide at some future time to have both of the sessions at the same time and that's why they want to have the parking. And also, it is the same intersection as this grand plan.

Boardmember Alligood: Oh, yes, it's right there.

Boardmember Cameron: And they may be deciding to get in their application before this other thing is built because after it's built they may not be able to get it in. I don't know. I think we need to have more knowledge on that than what their lawyer wrote in the application.

Chairperson Speranza: OK. Anything else for tonight?

VI. ANNOUNCEMENTS

Next Meeting Date – May 19, 2011

Chairperson Speranza: If there is no other business before us, then our next meeting is May 19. Be sure to let me know if you're not going to make it. I'm kind of getting into the habit of just sending e-mails to confirm.

VII. ADJOURNMENT