

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING
OCTOBER 18, 2012**

A Regular Meeting and Public Hearing was held by the Planning Board on Thursday, October 18, 2012 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 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 Ballantine

Chairperson Speranza: Good evening. It's October 18th, and I'd like to call the meeting of the Planning Board to order. Roll call, please.

I. ROLL CALL

II. APPROVAL OF MINUTES

Chairperson Speranza: The first item on the agenda is the approval of two sets of minutes, and I guess we'll talk about whether or not there are any changes.

Meeting of July 19, 2012

Chairperson Speranza: The first set of minutes was from the meeting of July 19. Are there any changes or comments to that set of minutes?

Boardmember Alligood: I have two minor edits. The first one is on page 58, in the first paragraph where I'm speaking, they have "XXX." I guess they couldn't hear what I said. So the word should be: "*We've been concerned about over-paving our ...*" "lots" is the word that's missing. You got that? OK.

And then the next page, 59, at the very bottom where I'm speaking, the third line it should just say "*... hash through 'our' thinking,*" not "*'out' thinking.*"

And that's it.

On MOTION of Boardmember Cameron, SECONDED by Boardmember Alligood with a voice vote of all in favor, the Minutes of the Regular Meeting and Public Hearing of July 19, 2012 were approved as amended.

Meeting of August 16, 2012

Chairperson Speranza: Next are the minutes from the meeting of August 16. That was our long meeting. Any changes, any modifications that people wish to make? No?

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 August 16, 2012 were approved as presented.

III. NEW PUBLIC HEARINGS

- 1. Accessory Apartment Permit Renewal – Application for Jill Shellow – 21 Flower Avenue – SBL 4.20-2-2. Waiver required for square footage and off-street parking.**

Chairperson Speranza: We have some new public hearings on the agenda for tonight, the first being an accessory apartment renewal, and it's for property at 21 Flower Avenue. And the applicant is Jill Shellow. If you could just wait one minute, let's have a report from our Building Department with respect to the application renewal.

Deputy Building Inspector Minozzi: Ms. Chair, how are you tonight?

Chairperson Speranza: Good.

Deputy Building Inspector Minozzi: On this accessory apartment renewal everything was fine. There were no complaints or no changes. But there was a mistake in the application three years ago. It is 9 percent over the allowed 25 percent square footage. So we're going to need a waiver for 34 percent of the square footage, and for one off-street parking space. OK?

Chairperson Speranza: Thank you. And no complaints.

Deputy Building Inspector Minozzi: No complaints.

Jill Shellow, 21 Flower Avenue: I'm Jill Shellow. With me is my son, Aaron.

Chairperson Speranza: Learning the process, eh?

Ms. Shellow: Thank you. And we're just here, and available to answer any questions. We've had a wonderful time, and our tenants enjoyed having our apartment. And it's all worked out well. Right, Aaron?

Aaron Shellow, 21 Flower Avenue: Right.

Chairperson Speranza: OK. Questions? Then can I have a motion for the renewal of the accessory apartment located at 21 Flower Avenue, with a waiver for excess square footage and a waiver for parking.

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 21 Flower Avenue with a waiver for square footage and another for off-street parking.

Chairperson Speranza: And Ms. Shellow, why don't you stay here because the next one here is also yours.

2. View Preservation – Application of Jill Shellow for the installation/erection of two tall giraffe sculptures in the front yard of her home located at 21 Flower Avenue.

Chairperson Speranza: The next action on the agenda is for view preservation to erect two tall giraffe sculptures in the yard, again at 21 Flower Avenue. Now, being someone who walks the Aqueduct frequently, I know exactly where this is. If you would like to just walk through it, there's people at home that don't have the application and people in the audience who might be interested to hear what this application's all about.

Ms. Shellow: Well, the first part of this is to know that we're down to one giraffe. The application was originally for two, but we modified it so that we're only requesting permission for one giraffe. And that's the smaller of the two. So this is the 10-foot giraffe.

Chairperson Speranza: The mom?

Ms. Shellow: The mom. Dad is really big – he's about 17 feet tall – and he needs a good home. So if anybody knows a place in Hastings for Dad to live, we would be more than happy to facilitate his arrival in Hastings. But that's perhaps for another evening. I'm going to actually let Aaron read to you a statement he made last month.

Chairperson Speranza: And this is Aaron.

Mr. Shellow: I'm 11 years old, and I go to Farragut Middle School. The giraffe that we will be discussing is mine. The story behind the giraffes is a fascinating one. The sculptor is named ...

Ms. Shellow: (whispers) Slow down.

Mr. Shellow: ... Robert (Cumson) XXX. He started out as a farmer, and started in 1983 and decided that he couldn't make enough money off that. So he decided to sculpt instead. One day, Robert brought his sculptures to a fair that my grandparents were at, and my grandfather decided to buy two giraffes for my grandmother. When she died, one of those giraffes was sent to my mother and me.

After that giraffe was set up in our yard, we looked for another one. I think it would be a good idea to let the sculpture be close to the property line because people already love looking and taking pictures of one giraffe. I think they would love two giraffes even more. The giraffe that we have is cemented into the ground and can't be knocked over or stolen. The new giraffe will be 10 feet tall, and the old is only 6. The new one will weigh much more than the old one, but we still cement it into the ground.

All in all, I think it would be a great idea to have the new giraffe close enough to the property line so that people can enjoy it as much as we will.

Chairperson Speranza: Thank you, Aaron. OK, now what we do ... and you were at the Zoning Board meeting, where you had the variances heard? Is that it?

Ms. Shellow: Well, yes. We were at the Zoning Board hearing last month, but we have to go back again next month.

Building Inspector Sharma: Next week.

Ms. Shellow: Next week, we come back again. And actually, Aaron will be back. I will be traveling in California, so Aaron will be here with a lawyer to represent him.

Chairperson Speranza: OK.

Ms. Shellow: Do you have any questions for us?

Chairperson Speranza: Just so people are aware, the reason this application is before us is because the property is in a view preservation zone. This would be considered a structure, and so the structure does need to go through the view preservation process. There's also a request before the Zoning Board for a variance on this, and we can weigh in on that.

Kathy, I know you had some questions earlier in the week with respect to the actual location, particularly of the fence line. And it relates to the Aqueduct.

Building Inspector Sharma: From within the front property line, we did check and confirm that.

Chairperson Speranza: OK, so that's confirmed. It's along the property line.

Building Inspector Sharma: Yes, a certain distance from the property line; not where the fence is or the apparent property line, but where the real surveyed property line is. So a certain distance in, less than what it's supposed to be. Confused you?

Chairperson Speranza: But is the fence on your property line?

Ms. Shellow: I believe that the fence is ... I'm never really sure that I know the answer to that question. I have the survey, and I'm happy to provide it to somebody who can read it better than I can. The fence was erected before I bought the property. I've not moved the fence. I believe that at an earlier point in time, many years ago, either the Aqueduct Authority or the Village had the fence moved, or required that the fence be moved, and it was moved. But that all predates my ownership of the house. So how's that for not answering your question?

Chairperson Speranza: It's OK. I recall, too, when the fence was moved.

Ms. Shellow: The giraffe will be inside the fence.

Chairperson Speranza: Right.

Boardmember Sullivan: Like all good giraffes have to be.

Ms. Shellow: Actually, I was thinking that we perhaps need a sign on the fence that says Please Don't Feed The Giraffes. That's a different issue.

Boardmember Cameron: It's the 10-foot giraffe, so it's pretty hard to see how it would extend over your house.

Chairperson Speranza: Absolutely.

Boardmember Cameron: The only question I have is, does the giraffe keep deer away?

[laughter]

Ms. Shellow: Ask me this question this time next year, and perhaps we really can find a ...

[laughter]

... people will be lined up for the large one.

Chairperson Speranza: OK, are there any other questions or issues with respect to the application?

Boardmember Strutton: I just want to say I walk by your property all the time, and I love your dog.

Ms. Shellow: Oh, thank you. We're grateful we don't need either a variance for the dog or some other kind of ruling other than his regular registration.

Chairperson Speranza: This is a public hearing so the application is open, the floor is open, for anyone who has any questions or comments about the application. Yes?

Michael Ambrozek, 16 Sheldon Place: I happen to be a near neighbor of the applicant. Firstly, I am very much in favor of artwork and sculpture in Hastings. I mean, we have the wonderful Jacques Lipchitz statue out here in front of the Village hall, which he very generously donated to us, "Between Heaven and Earth." I also like some of the sculpture that is already in the property and in around other properties in Hastings. So I understand that sometimes there are variances needed or Planning Board approval required, but I think this is a very laudable application and I hope that it can be approved. Thank you.

Chairperson Speranza: Thank you. OK, anyone else? If not, then I'll hear a motion. Or what we do is, we actually recommend to the Zoning Board of Appeals the approval of the

application for view preservation. So can I have a motion, then, for such a recommendation to the ZBA?

On MOTION of Boardmember Cameron, SECONDED by Boardmember Sullivan with a voice vote of all in favor, the Board approved recommendation to Zoning Board of Appeals for view preservation on the proposed installation/erection of one 10-foot giraffe sculpture in the front yard of dwelling at 21 Flower Avenue.

Chairperson Speranza: OK, just one more board you go to, next week. Thank you.

Ms. Shellow: Thank you.

3. Accessory Apartment Permit Renewal – Application for Joseph and Kathleen Dragan – 40 Clunie Avenue – SBL 4.150-154-2. Waiver required for square footage.

Chairperson Speranza: Next on the agenda is another accessory apartment renewal, and this is for an application at 40 Clunie Avenue. Buddy, if you want to bring us up to date on this one?

Deputy Building Inspector Minozzi: Again, Madame Chair, there hasn't been any changes or complaints on this accessory apartment in the last three years. They are, however, requesting an overage by 4.8 percent of allowed square footage, and there is off-street parking. So this application will require one waiver for 4.8 percent.

Chairperson Speranza: And have there been any complaints about the application?

Deputy Building Inspector Minozzi: No complaints, no.

Chairperson Speranza: Is the applicant here, and do you wish to comment on anything?

Joseph Dragan, 40 Clunie Avenue: No.

Chairperson Speranza: Then is there any member of the public that wishes to speak on this application? Again, it's the accessory apartment at 40 Clunie Avenue. No?

If not, may I have a motion from the Board, or a discussion from the Board? If you're ready to move it, then we'll move renewal of the accessory apartment application, with the waiver for the square footage.

On MOTION of Boardmember Sullivan, SECONDED by Boardmember Alligood with a voice vote of all in favor, the Board approved the accessory apartment renewal application for 40 Clunie Avenue with a waiver for square footage.

Chairperson Speranza: See you in three years.

- 4. View Preservation and Site Plan Approval – Amendments to previously-approved application of Moonraker Acquisitions LLC for the addition of two stories and other needed alterations to convert an existing single-story building at 400 Warburton Avenue into four townhouses. Said property is located in the MR-O zoning district and is known as SBL 4.70-56-9 on the Village Tax Maps.**

Chairperson Speranza: Next on the agenda we have view preservation and site plan approval. This is actually for a property that we have seen before, located at 400 Warburton Avenue. My understanding is that there's a new proposal on the floor.

Ah, Christina. Hi, how are you?

Christina Griffin, architect for application: Good evening. I'm here to submit an amendment to a site plan approval. This is for a different design for the townhouses for this property. We're planning to slightly change the footprint, but maintain the sight lines that were approved previously.

This is just a previous sketch that was not in your package. These are the drawings that were prepared by a different architect that was approved. I brought them with me just to show the difference between our plans and the previously-approved plans. These are the plans that you saw before, and the blue area is what we're actually adding. We're doing this so that we can provide decks on the second floor to take advantage of the views over the building across the street. Below those decks, we're extending these units forward, under the decks. We're also filling in this little triangular shape that's in the existing building. And that's just simply so we can get enough room for elevators.

This is the section of the building that was approved before, and this is our new section below. The areas that we're adding ... this is the area, this is the deck over the living room below. And this is in blue. This is the difference between the previously-approved and the new scheme. We're also planning to put solar panels on the roof. These are in blue here, and this is still underneath the sight line. This is the sight line that was approved before. I simply matched that line to make sure that these changes fit inside now.

The reason why we're extending it slightly is, we would like to make use of the foundation wall that's there. The previously-approved plan actually had a slight 1-foot setback on each side. I don't know the reason for that, but if we bring our building right on top of that wall we'll be able to use it. Our new wall is actually right in line with the old foundation wall below.

On the lowest level, we will have the same number of parking spaces that we had before. There is room for seven, with one very small compact space; we have four units. We have a different treatment on the façade, so we have setbacks at every door. We have a fairly similar layout, where we will have a study on the lowest level and then two bedrooms above. Each unit has an elevator, and we have made them slightly wider just so we can really fit everything – the stairs and the elevators – where they would like to have them. We have a center driveway that goes back into the garage on the lowest level.

On the second-floor level, the blue here is representing the extension of the units on the sides and in the front, which is underneath the decks. And then on the third floor – this is this blue area – it's showing the new decks that we've added to the units. We're maintaining the same setback that we had in the back as a previous plan. This is our section. I looked at the history behind this, I have listened at the meetings, but I know there was once a sight line approved and was dropped 2 feet. So the sight line we're using is the one that was approved.

Do you have any questions?

Chairperson Speranza: Boardmembers?

Boardmember Cameron: You do seem to have plumped out the building from where it was, for what we approved. I guess, from my perspective, it's not just the sight line coming over the buildings; it's sight lines on the side of the buildings. You've pushed out both the northern side – that's the north, yeah – and it seems to me that you've actually done more than filled in the piece on the south side. I may be wrong. I'm doing with a set of drawings which was distributed before.

So I'm a little puzzled. Because I think it was a very close call whether this be approved or not with the size of the building as it was, and you seem to have pushed the building out and come back with another alternative.

I don't look upon that single sight line you pointed to as being the only markers. It's one of the markers of what people see, including walking down the trail down the hill and what have you. They were long and hard discussions. I hope you reviewed the many, many times it was presented to us, and the discussions we had. I'm actually quite surprised to see you back with this, personally. I know I speak for myself.

Ms. Griffin: The reason for going over the wall is just so we can make use of the wall below on this side, but not on this side.

Boardmember Cameron: Well, there was an offset on that, higher up on the building on the top floor.

Ms. Griffin: I see.

Boardmember Cameron: And that seems to have disappeared to the north. I'm, quite frankly, very surprised to see you back. But you're a new architect.

Ms. Griffin: I haven't been here in front of you with this.

Boardmember Cameron: I know you haven't. Is it the same owner of this property?

Ms. Griffin: Yes.

Boardmember Sullivan: The same applicant.

Boardmember Cameron: But it's changed. Because he was an architect.

Ms. Griffin: Yes, but I'm representing the owner of the property. He had an option to buy, and I think it didn't work out. I'm representing Lou Zazzarino, who's the owner of the property.

Boardmember Sullivan: But I think the previous application was under Moonraker, as well. So it's the same.

Boardmember Cameron: Same company.

Ms. Griffin: I see.

Boardmember Sullivan: See, that was my question. Is this a new application, or are we talking about amending something that's already been in front of us? And my assumption is that it's amending what two boards have already talked about for multiple months and already approved it. Is that correct?

Village Attorney Stecich: It would be an amendment, yes.

Boardmember Sullivan: So it's an amendment. There's a negotiated ...

Village Attorney Stecich: But under the code, an amendment to a site plan is to be treated as a new site plan application. So it is an amendment to what was approved before.

Boardmember Sullivan: So this is a new application.

Village Attorney Stecich: I'm not sure how it was put in, and I'm not sure why it would make a difference.

Boardmember Sullivan: Well, a special use permit was part of it.

Village Attorney Stecich: But I assume that the special permit was contingent on the fact that you got a special permit for that particular approval. So I think everything would have to be amended, including the special permit.

Boardmember Sullivan: OK. So there'll be some other items that the Zoning Board will have to take up.

Village Attorney Stecich: Yes, I'm not sure that's in the notice. Since it's changed, all of the approvals were for that plan. Once it's not that plan anymore, everything has to be amended.

Chairperson Speranza: Right. I'm just curious. Do you have any idea why this change?

Ms. Griffin: Is Lou here?

Chairperson Speranza: Because it did take quite a long time for him to get the approval.

Village Attorney Stecich: He was at the meetings, though, not just the architect.

Ms. Griffin: Lou was supposed to be here tonight, but he told me he wanted a different design. It was a situation where the architect was planning to buy the building. He wants, aesthetically, a different façade. But I'm really open to making sure I understand why you made the decisions you did. Because I think I'd be open to bringing it back to where it was, I suppose. I mean, the idea was simply to add the decks and the solar panels, and to use a structural wall so that we could build on top of it. But I'm open, of course.

Boardmember Alligood: I have a question about that. Because I didn't think what we approved was tearing down what was there. But what you're saying, it sounds like you're saying the drawings showed that ...

Ms. Griffin: They were set in 1 foot from the edge of the wall, yes.

Boardmember Strutton: How did that happen? Because he told us the whole reason was that he wanted to use the existing footprint. So unless the wall was in poor condition and he was talking footprint foundation. The foundation was wider than the wall was.

Boardmember Cameron: He even has the wall drawn in the old drawings, which I have in front of me, which you undoubtedly have. It's right there, and it's in the same spot.

Ms. Griffin: No. I think if you look carefully ...

Boardmember Cameron: Well, I see the dotted line. And just inside of that, I see the wall.

Ms. Griffin: Look at the floor above.

Boardmember Cameron: Well, I'm actually on the third floor. And on the second floor ...

Ms. Griffin: No, here you'll see that there's a 1-foot dimension.

Boardmember Cameron: He's drawn the walls as being 1 foot in from the property line, the best I can tell. And I think you've also pushed it out over here, too.

Chairperson Speranza: Right, it was a 12-foot.

Boardmember Cameron: Twelve-foot, and you've changed that.

Ms. Griffin: You know, I also ... I am working with a survey. And unfortunately, it was slightly different, too, the survey that I have. And I looked at these very closely to try to

understand why. But I was trying to really match exactly the survey that we have, and get the wall right on top of the old wall.

Boardmember Cameron: Yeah, and the indent which we're talking about on the northern side occurs on the third floor. It doesn't occur on the first and second floor, which sits on top of the wall, but it occurs on the third floor. So you could still build on top of the wall if it is where he said it was, but you still would have to have the indent on the third floor, as we discussed.

Chairperson Speranza: I'm wondering how the Board feels about the decks on the front of the structure now. I mean, that's something that's a completely new element. Again, sometimes these afterthoughts are very troubling. You have them here – I'll just open them up. I don't know that we have ...

Ms. Griffin: I didn't have this when I submitted the drawings, unfortunately.

Boardmember Sullivan: What's the dimension from the property line from to previously-approved drawings? What are the dimension from the property line to the main plane of the building, and then the dimension to the pop-out for the living room and the decks?

Ms. Griffin: The previously-approved?

Boardmember Sullivan: No. I'm looking at the previously-approved plan, so I'm curious what's the dimension from the property line to, I guess the third floor, the furthest back?

Ms. Griffin: There's 16 feet on the previous plan.

Boardmember Sullivan: And what is it on yours?

Ms. Griffin: And mine, we're going to have 10 feet.

Boardmember Sullivan: So you're 10 feet to where?

Ms. Griffin: To the deck, to the face of the deck.

Boardmember Sullivan: And what we had was 16 feet from the property line to the living room, the second floor. And then 14 foot 6 inches to the third floor which protrudes. So these are quite a bit closer to the front property line.

Boardmember Cameron: Right.

Boardmember Sullivan: Which is going to impact in the corner – on the north corner, Jamie – where the cut-out was. Because you're now pulling that closer to the street, and it will catch less of an angular view from some of the neighbor's property that we were trying to be responsive to. And I think, then, the side towards the trail we were fairly cautious about that setback, as well.

Boardmember Cameron: Yeah. And you seem to be closer, I think.

Boardmember Sullivan: I believe so.

Ms. Griffin: You know, this is not done just to make the units bigger. When we lay out a bathroom and a stair and an elevator, these are so narrow that it's almost ... these are very schematic. But when we laid them out in a little more detail, it just was very hard to get the last unit to work because it was cut off. So that was why we did that.

Boardmember Cameron: Quite frankly, I always thought they were too skinny. A suggestion was made that you actually have two sets of flats on only one floor. You have the ground floor, you go up to the second floor you have a much bigger area now. That's the only thing they have, and they can have windows in all the rooms. Do that on the other side, the same thing off the bottom.

But we're not in the business of designing the building. And people seem to like townhouses, even though the far more logical layout is the two sets of flats and not what you're proposing, at least from my perspective. Because you've got these narrow little slots, with the windows only at the end with the two middle units.

Chairperson Speranza: Christine, so you are aware, that was one of the concerns: that there was a sense that there was just too much being asked of this property and the structure.

Ms. Griffin: I see.

Chairperson Speranza: Particularly considering that we do want to have some sense of relief as you're walking by the trailway. I mean, it is a mass.

Ms. Griffin: Maxed out.

Boardmember Sullivan: I don't remember. I remember Jamie mentioning it, but wasn't there a stair provided by the applicant in a previous plan, down to the trailway?

Boardmember Cameron: Yes. There's also an agreement for a stair going down from your building down to the trailway on Warburton if you're building right down to the trailway. It was one of the conditions, as I'm sure you've seen.

Ms. Griffin: You know, since you've put so much thought into it I'd like to go back and talk to the client and discuss these things. Since you actually look at ... I wasn't sure how much analysis was done on the side. I think we should, of course, put that stair in. But I guess you have already looked at the building from the sides of the building, too, and how that impacts that trailway.

Chairperson Speranza: Well, we are open to that.

Ms. Griffin: OK, we will look at it. I would like to come back and think about your comments.

Village Attorney Stecich: Patty, I have one question and one comment. The question is, Christina, are the solar panels fixed or can they open?

Ms. Griffin: They're at an angle.

Village Attorney Stecich: I know.

Ms. Griffin: Are they open? Yes, underneath.

Village Attorney Stecich: No, but can they go higher?

Ms. Griffin: You know, it's funny. If we want to put a certain number of them, and keep them within the sight line, we can only tilt them so much. If you get the optimum tilt we might not get to that if we want to keep it within ...

Village Attorney Stecich: I know. But my point is, can they be tilted? Or once it's in, it's in? Let's say you got an approval, because it's all going to be under this sight line, and then they tilt them up so they can get better sun.

Ms. Griffin: Maybe we should put a measurement on the drawing. Because most of time they're fixed; they go in at a certain angle. I know you can get them ...

Village Attorney Stecich: I know. They tilt up, so that's an issue.

And then the other thing, is – Kathy, Deven just pointed out to me – on the question about whether they need a new special permit. They may not because the special permit is for the use, and the use was for four more dwellings. It might, though, if there was a change in the open space requirement. Because there is an open space requirement, and I'm not sure that that changed. It looks like it may actually have gotten bigger because of the deck. I just wanted to clarify what I said before.

Boardmember Sullivan: That makes a lot of sense.

Chairperson Speranza: And honestly, that was one of the things I was curious about. Are the decks simply there now because of the open space requirement?

Boardmember Sullivan: No, there were patios in the front and back in previous plans.

Chairperson Speranza: But these are not different.

Village Attorney Stecich: And if there are no patios this could be smaller. If it's less open space, then they would need a modification of the special permit.

Boardmember Sullivan: I think that's one thing that would be helpful. You're hearing some things like previous thoughts and discussions that kind of compromises it. But it was frustrating to get something that was a revision to a previously-submitted application and not have something that clearly laid out what the changes were, be it dimensions, whatever. I understand the plan's now got a central driveway instead of a driveway to the side. But a lot of these things we were talking about made it hard to be able to be comfortable that I understood what the change was.

Ms. Griffin: Do you know the change now? Do you understand?

Boardmember Sullivan: No. We have just talked about open space in comparison to what was approved. You know, if you make a change you make it better, make it less. It would be useful to have that kind of comparison. I don't know if others feel it might be helpful, as well.

Ms. Griffin: You know, I'd like to take into account your comments. And then next go-round, I'm going to do this kind of analysis so it's quite clear, the difference. There are a few things that are very important about this new design. What we'd like to do is just come up with a shape or something that ties in a little bit with the street. There are a lot of these angular bays on the street. I'm going to talk about the decks. But if the deck is going to affect view going over what was previously accepted as the max, then we could probably

eliminate that. But this is something we might want to maintain in this design only because we want something that's a little softer, picks up on some of the ideas that were already on the street.

Boardmember Sullivan: I think this setback from the front property line was important to us. That's what I'm saying. There was sort of a bulk that was already talked about.

Ms. Griffin: Right.

Boardmember Sullivan: And it would be very good to know why there are deviations from that. Because that would help us understand if that's something that would fit into the discussions we were having about preserving the views for the neighbors as well as addressing sort of how this will fit in with the rest of the street. So that's just a suggestion, I think, that would be helpful.

Chairperson Speranza: And I think, too, there could be clarification with respect to the 1-foot difference; that the existing walls were being used.

Boardmember Sullivan: I suspect the previous architect might have been a little concerned about them being used, so he pulled it in and put this new structure on the side.

Chairperson Speranza: And that's a perfectly acceptable explanation; the rationalization for the changes, I think.

Boardmember Cameron: And also, as you see the prior drawings, on the south side – when you look up at the second story of the building – there was a pull-in of 12 feet there. And that gave a much better ability to come down the trail and see the sky and what have you. It's an important part, as you know, in this town, to have that trail. And that's from where the front of the building was. You've pulled the front of the building forward.

Ms. Griffin: This corner, yeah.

Boardmember Cameron: So it would have to be even more than 12 feet in order to be in the same spot. But you'll be able to see it from the older drawings.

Ms. Griffin: I'm going to go look at the site, and look from the sides to better understand what you're saying. I don't think I picked that up, really, from the minutes. But I'm going to put some thought into it, and I'll come back with some different ideas.

Thank you.

Village Attorney Stecich: Patty, there's somebody from the public on this. This is a public hearing. I think there's somebody from the public on this one.

Ms. Griffin: Oh, is there?

Chairperson Speranza: I'm sorry, yes. This is a public hearing. Are there are comments or questions from the public on the application? Yes, sir. I apologize. I'm usually really good about that.

James Strages, 2 Marble Terrace: I'm just east of 400 Warburton. The sight line, I have a question about. Is that from street level, my house, or the Aqueduct? Because that seems like a pretty steep sight line. When we did have this okayed a couple of months ago, the building was supposed to be a flat roof; nothing on it. There were not going to be any obstructions, there were not going to be any additions. And now we're talking about solar panels.

You were talking about elevators again. Were the elevators going to be above ground for the lift, or below?

Ms. Griffin: They're not going above.

Mr. Strages: OK. Because I'm very concerned with that. I've been enjoying my view for over 35 years, and it does affect the value of my property, as well. And I do have vacant land behind yours. Maybe I should look into having that leveled or maybe even built on. Thank you.

Chairperson Speranza: Thank you. Anyone else wish to speak about this application? OK, then we'll hear back?

Ms. Griffin: Thank you for your time.

Chairperson Speranza: OK, thanks.

5. **View Preservation and Site Plan Approval – Application of the Estate of Eva Mandrick for the renovations/alterations to an existing three-story, multi-dwelling building at 52 Washington Avenue to convert it to a three affordable housing unit building.**

Said property is located in the MR-1.5 zoning district and is known as SBL 4.70-53.5 on the Village Tax Maps.

Chairperson Speranza: OK, next on our agenda is view preservation and site plan approval. This is for property located at 52 Washington Avenue. It proposes an affordable housing building.

Sue Smith, chairperson - Affordable Housing Committee: I come on behalf of the Affordable Housing Committee. We've had the opportunity to renovate an existing building at 52 Washington which has been vacant for a number of years; was closed down by the Building Department and the Fire Department.

It is in a great location. Our proposal is for three apartments for three families, which is what it had been zoned for and what's on the assessment roll. So that is the plan, to reuse the existing footprint. We had a meeting with the neighbors last week to inform them about our plans. It's another way to find property in Hastings. We've never done a renovation before. And we haven't wanted to dislocate people who are already in a place. But when some place is vacant, it's an opportunity for us. This is a bit of a departure from the kinds of things we did before, but we thought it was really a wonderful opportunity to make a building that had become a public nuisance in some ways, to improve the neighborhood.

It would be ownership units, three ownership units. And the architect will explain the layout. I think, having sent out the certified letters for this public hearing, I realize there are an awful lot of absentee landlords in the neighborhood. And I think it really would be a boon to the neighborhood to have ownership also.

I will turn it over to the architect, Ed Vogel, from Warshauer-Mellusi-Warshauer.

Ed Vogel, Warshauer-Mellusi-Warshauer Architects, PC: Excuse me. May I take a moment and just set up?

Chairperson Speranza: Sure. I'll just explain the process for those who may not be familiar with it. The application is for view preservation. That's an action that we take, recommending to the Zoning Board of Appeals. The final decision on view preservation approval is Zoning Board of Appeals. The Planning Board would approve site plan. That's another action that is on the agenda for tonight. This is a two-phase project; two actions before this board.

Mr. Vogel: Madam Chairman, members of the Board, good evening. My name is Ed Vogel. I'm with Warshauer-Mellusi-Warshauer Architects, and I'll walk you through the place that Ms. Smith just described.

To begin with, we have here just an overall satellite image to give you some bearings on where the project is located. To the north, the top of the sheet, Warburton Avenue will be to our west. And then Washington Avenue runs west. The Aqueduct segments close to the property, and there's also Draper Park. The subject property is on the south side of Washington Avenue. It's number 52. And it is a preexisting structure. It has been multi-family for most of its history until recently, where now it is vacant. There are some context photos we have provided down at the bottom, and they're pretty much row house style with some bays in the front. And they're all walk-ups. The lots are all relatively narrow.

Here's a rendition of the site plan. Washington Avenue is to the left side of our sheet. North would then be working to the left side. The property shares a driveway, and there is a right of way deed agreement for that shared use. The proposal here is to maintain the existing structure and the front porch, and to renovate the interior into three affordable units. And they are for ownership. Part of the requirements we have is parking, and that would be two per unit for a total of six. The site cannot afford that, but we have managed to fit in three spaces to the rear of the property and they are slightly undersized.

There is also stormwater management that goes along with the increased impervious, and that would sit in the parking field and below the parking field. It would then take in the increased impervious that we have, plus some additional. So its going to be a benefit to capturing whatever we can in this area.

I'm going to move now to floor plans.

Boardmember Sullivan: Can I ask one question?

Mr. Vogel: Sure.

Boardmember Sullivan: What modifications were there to the actual building itself? I know you did a thorough renovation inside, but anything added or changed on the exterior of the building?

Mr. Vogel: On the exterior of the building it would be re-sided; windows, doors relocation as per layout. In the rear, there was a pantry, or entry of sorts, that was then enclosed. Due to the parking configuration, that little pantry addition will be removed. We're just going to have a cantilevered shed roof as a covered entry in the back.

Boardmember Sullivan: Thank you.

Mr. Vogel: So the bulk, as we know it, remains as is. And that's part of the view preservation for discussion. The units are three. They're all walk-up, they all touch down to grade, so they all have individual entries. The first floor, which is here, would gain entry off of the front porch and is a flat. The flat extends all the way to the rear of the property, with a second entry into the unit. The second floor and third floor house two duplex units. Entry into what we call unit two would be off of the front porch, as well. There's a stair that takes you up one level, where you have living, dining and kitchen, or the public spaces of a home. And then this stair continues up to the third floor which has, then, three bedrooms.

Unit number three, which is also a duplex, would have its entry off the rear. You rise up to the second floor, similar to unit number two, with the public-living-dining-kitchen area, and then the bedrooms up on the third floor. So the duplex units are three bedroom; the flat on the first floor is a two-bedroom unit. All three units will have access to the basement – there is an existing basement – and we've just divided up the space down there for mechanicals and storage that relate to the units.

The façade in the front will remain the same. The porch will be reestablished. We've articulated a bit through material selections the bay that is there now. It's a full-frame bay, and the window configuration is remaining as it is presently. And then on the side elevations, we've reconfigured to represent use of the new layouts on the interior. And then in the rear, as mentioned before, by the two doors there was a pantry-type entry. It seems to be an enclosed space. That is now just a cantilevered shed roof, with the two doors that are there.

Chairperson Speranza: OK, thank you. Questions, comments? And this is a public hearing so you can certainly have that. Yes, sir?

Anthony Constantini, 54 Washington Avenue: I represent those of us who live at 54 Washington Avenue. We share the driveway. I want to discuss the site plan; mostly the parking space that they've proposed.

Originally, in its inception – since my family made the agreement with the owners of 52 Washington – the driveway was for a right of way which, as it was, was walking for the boarders to go in and out. They're saying that it's a shared space, but it was originally a footpath kind of deal. So we hadn't used our backyard until ... like 1940 – for a garage – is when we put the building permit in. And it got approved, so then we made the space so we could park.

As it stands, when we pull in ... I actually have a few pictures if you wouldn't mind looking at them. Where are they? This is typically how it goes. The first picture is my car and my cousin's car backed up right against the driveway. There's also a garage shot showing my uncle's car when he pulls in behind us, which we sometimes have to do because of the limited parking on the street. So when you look at it this way, it's quite hard to see how cars can fit into 52.

With the backyard, as it stands, I believe they mentioned it had one parking space existing, which it doesn't because it was never used in that way. And the proposed three parking spaces are quite small, and I don't see cars being able to maneuver as they are. And so part of that maneuverability then winds up leading into our yard. Since we fully use the space, it more or less says that we cannot, in the way that we currently are, which then puts us out and puts us out as it stands. And as it stands, the property that is the driveway has been paid for by my family, maintained by my family almost, what, 90 years or so out of the house's 98 years of existence. So it more or less puts us in an imposition and we're quite uncomfortable with it.

Chairperson Speranza: OK, thank you.

Mr. Constantini: Thank you.

Chairperson Speranza: Anyone else wish to speak on at application? No? And you can feel free to chime in again.

Boardmembers? Let me read a letter that we did receive today, and it's an interesting letter.

"As neighbors to this project, we were shown the proposal by the Affordable Housing Committee and their architect last week. It is our view that the proposed off-street parking is completely unworkable. Not only are there legal issues about using the right of way for vehicular access, but also we find the maneuvering area totally inadequate except for perhaps the tiniest of cars.

We would support the provision of no off-street parking or, in other words, maintain the status quo. This solution would allow residents to use the south-facing rear garden for that purpose, one of the really valuable amenities of the site and surely more important than parking three cars."

And this was signed Baldwin & Franklin Architects. I'm just wondering if that had been considered: understanding that everybody would like to have a place to park a car. This is such a great location with respect to the downtown and with respect to the railroad station. Is that something that could be considered for this?

Ms. Smith: I think we felt it was an obligation to show you and the Zoning Board what the possibilities were. Limitations are certainly there, we understand that. But to show you what it would be like if we did put whatever we could put on the property. But as we said, the Zoning Board is going to have a number of variances that would apply to parking.

We do have a copy of a deed which indicates a right of way. It doesn't say for walking or for vehicles. It was from 1930. But it is a narrow drive, and it is the reality of trying to get out and get around. We understand that it's difficult, but we felt we needed to give it the best shot there was, short of stacking the cars up somewhere.

Chairperson Speranza: Right. Eva?

Boardmember Alligood: I want to say that I fully support the use of this property as affordable housing. I believe very strongly that it should be that, and our town should be continuing to develop affordable housing. And I think it's a lovely project. I don't think we should squeeze three parking spaces in the back. I understand why the neighbors have concern. And I think even just without that complaint I would have concerns about it.

We've had this conversation, actually, with other properties in the downtown and said we feel that there are times when we should just waive the requirement because it doesn't make sense. So that's my feeling about it. I'd like to see the project go forward.

Boardmember Cameron: Just a question. Are you renovating these walls and floors, are the rooms being kept? Or what is the layout?

Mr. Vogel: This is a full renovation. The interior bearing walls, to center of bearing wall, that will remain intact. And so will the exterior. The interior spaces were small and confining to today's lifestyles, and the layouts just wouldn't have fit before you remove most of the walls anyway.

Ms. Smith: I could make a comment here. The building had, over the years, "degenerated" – I think would be an OK word to use – into a single-room occupancy location. Really, the upper floors are a warren of small rooms. They also were very abused. And so there is not much left of value, unfortunately.

Also, there were seven rooms on a floor, on the two upper floors. So a total of 14 people, plus the owner, who was on the first floor who was older and not well. There was a density of population in the building before. I don't know that they had cars. They probably didn't. I don't know who they were or what they did. But certainly, in terms of neighborhood density and the kind of housing it was, this is far removed from that and a great improvement. But also, fewer people in the building probably. It would be families.

Boardmember Cameron: You're designing the building. I like the development. I think it's a great idea. But since you may end up not parking a car behind, depending on what happens here, maybe the people who are living in that unit don't want to walk down the alleyway to their new home.

I'm not an architect, so I'm free to say this. Maybe you have one floor on the second floor for a family unit and one on the third floor for a family unit, and they all go up the front stair. I can never understand why people – particularly that last one we just had – have so many stairs in the building. I know people like walking one floor and then they're in their living room, and then they walk to the other floor up and down to the bedroom. Maybe that is the answer. But you're going to need to figure out I think, if that happens, how to bring everybody in the front door. But you're the architect and I am just sitting here.

Chairperson Speranza: That was one of the questions I was going to ask also. If there is no parking in the back, what do you do about the second floor? Because why would someone want to walk around the back of the building to access?

Boardmember Cameron: Except they'd have a great yard all to themselves.

Boardmember Strutton: Could you put one parking spot back there or two parking spots back there and still make it work? I think the way the house is divided up makes sense. Because then the person on the ground floor has no noise above them during the night, right? Everyone goes upstairs to sleep, and then they have a couple living rooms. You have a nicer living arrangement.

So if you could put one parking spot back there, and then half of it grass and it was easy to get into and it didn't interfere with the neighbors ability to park, although I guess it actually isn't really clear from the photos, doesn't look like that works. But if you can still preserve it.

I actually want to ask an unrelated question. So the bit in the back that is currently enclosed and now is just going to be a cantilevered cover, is that exactly the same square footage, or has that changed?

Mr. Vogel: We're slightly smaller. We are 2 feet shallower, with only a 4-foot cantilever.

Boardmember Cameron: The other thing is, if you didn't have parking in the back maybe you could get rid of this wall-mounted light that you have on the back of your drawing, shining in the parking lot. Because I think one of the things we're looking at, as the Planning Board, are people projecting light onto other people's property. That wall-mounted light, with the shed roof glow, means it's pointing in this direction, which is not very pleasant for the other neighbors.

Boardmember Sullivan: One small comment. I think it would be interesting to look at trying to provide, on the west side, a pathway from the front to the back; a walkway, not for car access, but just for someone to be able to get from the front of the building to the back. And maybe look into giving up something with the property to the east, just turning and following the suggestion in the letter that we received: have the backyard be a garden, and not provide parking for this particular piece of property.

Village Attorney Stecich: I just wanted to point out that if you did eliminate the parking spaces in the back you'd double the recreation and open space because there is a recreation and open space requirement for multi-family buildings. And by doing that, I think you'd be doubling it right? Doubling the amount of open space. Because right now, what's existing is 1,050, and what's there under your proposal is 448. So I guess it would go back to the 1,050 if the parking spaces were eliminated, which is something else you might want to consider.

Boardmember Sullivan: I had "open space equals parking" when I was looking at it, and it's swinging all the way to ...

Mr. Vogel: What are we ...

Village Attorney Stecich: But interestingly, it is actually a special permit requirement that there be open space. So there's a high value to the open space-recreation requirement.

Boardmember Alligood: And the other benefit has to do with our discussion which we're going to have after all this, which is it's much more green to have the open space. Because when you pave it over, you're putting in measures to try to deal with the stormwater runoff. But we're really, as a planning board, trying to find ways to prevent the occurrence of added stormwater. So I think from many perspectives it makes sense to allow the backyard to be greenspace.

Chairperson Speranza: OK, we have a couple of items, a couple of things to determine. View preservation. This is an existing structure. You're not doing anything that's going to make a change to the impact that this has on anyone's views, at this point.

Mr. Vogel: Correct.

Chairperson Speranza: We could certainly recommend to the Zoning Board of Appeals that, based on this application where the structure remains intact as it is on the site, we would recommend that they approve view preservation. Well then, let's have a motion. We're all in agreement on that one. Is that good?

On MOTION of Boardmember Sullivan, SECONDED by Boardmember Strutton with a voice vote of all in favor, the Board approved recommendation to Zoning Board of Appeals for view preservation on the proposed conversion of an existing three-story, multi-dwelling building at 52 Washington Avenue to a three affordable housing unit building.

Chairperson Speranza: With respect to the site plan approval, you've heard our comments. I'm not sure – we're certainly not going to approve the site plan before us with the parking in the rear. You've heard, obviously, that we would prefer to have something ... provide no parking, and you'd get our support for the variance to the Zoning Board of Appeals.

So therefore, we wait until we get ... is it prudent for us, then, to wait to do a site plan approval for when we get a revised plan? I don't know what conceivably would happen when it goes to the Zoning Board. Marianne, do you have any thoughts on that?

Village Attorney Stecich: There'd be two ways to do it, and this is the Board's choice. One would be to ask them to come back and, when you look at the revised plan, grant site plan approval or not. Or if you're comfortable with everything except you don't want the backyard changed, I think you could grant site plan approval subject to their eliminating the parking in back. And then they wouldn't have to come back.

But it's the Board's choice. I don't know if the applicant ... how badly the applicant wants to go to the Zoning Board next week.

Ms. Smith: Yes.

Mr. Vogel: Yeah.

Ms. Smith: I mean, the notice has gone out for that and all.

Village Attorney Stecich: Yeah, well, that's an issue.

Chairperson Speranza: Oh, because it wasn't for a variance for no parking. Is that it?

Village Attorney Stecich: Exactly. And the acting chairperson of the Zoning Board is going to be chairing the meeting this month because the chairperson is away. He's really very particular about stuff like that. So I'm not sure whether it would have to be re-noticed.

Ms. Smith: I understand. Well, the noticing's not a big deal. But we're trying to move ...

Village Attorney Stecich: Right. It may not need to be, but he could require it. But that doesn't affect you. That doesn't affect this board.

Boardmember Alligood: Well, I propose we do the second option, and not make them come back to us.

Chairperson Speranza: If they receive a variance from the Zoning Board of Appeals.

Boardmember Alligood: Yeah. Obviously, we can't grant that ourselves.

Village Attorney Stecich: Yeah, rather than the variance, they would have to come back and you'd have to review the parking plan. Or let's say they said we're not going to give you a variance for six spaces, we'll only give you a variance for three. Then they would have to come back to this board to review the parking, if they're comfortable with that option.

Chairperson Speranza: OK, do we have to do SEQRA on this? We need a SEQRA action, also?

Village Attorney Stecich: Deven just asked me that. I was thinking it myself, but I think not because the building isn't changing. You might have had to if you were going to have paving back there, but now the action you're approving is eliminating the paving back there. So I don't think you need to do SEQRA.

Boardmember Sullivan: And the back pantry porch/canopy cover seems to be minor.

Village Attorney Stecich: Yeah. I actually think the SEQRA exception is for ... this is a three-family – for one-, two- and three-. It never comes up with three because we don't ...

Chairperson Speranza: We never have three-family, right.

Village Attorney Stecich: I believe it was the one-, two-, three-. You know, if you want to be on the safe side you could just say this isn't going to have any negative environmental consequences and then do a neg dec. I'm not sure it's necessary.

Chairperson Speranza: We might as well. Then first off, we need a motion to ... the sense of the Board that the proposed conversion of the property at 52 Washington Avenue will have not negative environmental impacts pursuant to the SEQRA law.

On MOTION of Boardmember Cameron, SECONDED by Boardmember Allgood with a voice vote of all in favor, the Board resolved, with respect to SEQRA, to issue a negative declaration on the proposed conversion of an existing three-story, multi-dwelling building at 52 Washington Avenue to a three affordable housing unit building.

Chairperson Speranza: OK. Site plan approval. We'll need a motion that the Planning Board finds the site plan submitted to us approved, providing that there is no parking in the rear of the structure, and that it be maintained as lawn or landscape or a garden area. And with, also, the caveat that consideration be given to a path along the side.

On MOTION of Boardmember Cameron, SECONDED by Boardmember Sullivan with a voice vote of all in favor, the Board approved the site plan for the proposed conversion of an existing three-story, multi-dwelling building at 52 Washington Avenue to a three affordable housing unit building with the following conditions: no parking bays will be in rear of building and consideration will be given to using right-of-way as a pedestrian pathway.

Chairperson Speranza: OK. And also I think it would be good for us to go on record supporting ... making a recommendation to the Zoning Board of Appeals that they grant a variance for the parking spaces, for six parking spaces which would be required for this project. OK?

Mr. Vogel: Thank you very much.

IV. DISCUSSION ITEMS

Green Code of Hastings-on-Hudson

Chairperson Speranza: OK. And now the fun comes – 9:25.

At our meeting in August ...

Boardmember Sullivan: It seems so long ago.

Chairperson Speranza: It does seem a long time ago.

Boardmember Sullivan: It's cold, the leaves are changing.

Chairperson Speranza: It's dark.

We spent a lot of time going through the green code, going through ... and, Kathy, again, thank you for preparing the matrix. As I was going through the document again, I recalled how helpful it was in terms of being able to structure of the original content of the code that was submitted to us and then what the revisions would be; and, to date, yours marked up now with modifications since our last meeting; and then a rationale on the third column.

Boardmember Sullivan: Well, glad it was helpful, Patty.

Chairperson Speranza: Yes. And I think it'll be really good, in a helpful way, for the conservation committee to get our comments on. So my recollection was that at our last meeting ...

Boardmember Sullivan: We got through commercial.

Chairperson Speranza: Right. And we did talk about revisions to the applicability and how we're going to tailor this more in accordance with the New York State building code. That we do want to encourage the Board that this would be also applicable to Village projects. That the proposed checklist would end up being submitted with the building permit or the site plan, with no need for notarization.

We want to look at alternatives to adjust hardscapes, modifications for bike racks and charging stations. Again, not necessarily getting rid of bike racks, but just reducing what's in the original code or the originally-drafted code. Dealing with invasive plants. Deleting the need for a natural resource inventory. And then revisions to the lighting section.

So shall we pick up there?

Village Attorney Stecich: Patty, I just want to make a couple ... actually, I did find just a couple of other things. Remember at the end of the meeting I said, going through this, I wasn't aware in the beginning that we were going to take everything from the middle column. And I just wanted to compare, if we took everything from the middle column, what we were throwing out from the first column. Just make sure that we've focused on that and said we agreed to that. There were just a couple of things, and one other issue.

But in doing that, I noticed that this is a small change but everybody agreed to it. Did anyone number their pages? Page four. And this occurs several times, where we said "*if the area of the alteration exceeded 50 percent of the existing building*" we also added "*or 1,000 square feet, whichever was less.*"

Chairperson Speranza: Right.

Village Attorney Stecich: OK, that was an additional change.

Chairperson Speranza: Right, "*the lesser of 1,000 square feet, or 50 percent of the aggregate area.*"

Village Attorney Stecich: Right. Kathy, you may remember this. You may have focused on it. When we're talking about which regulations apply, it was clear what was multi-family and commercial. And the other was one- and two-family. And it's also clear that if you're building a multi-family, which set applies. What happens when you've got a one-family unit in a multi-family building?

Boardmember Sullivan: It's multi-family.

Village Attorney Stecich: I'm sorry?

Boardmember Sullivan: The ownership ...

Village Attorney Stecich: A single unit.

Chairperson Speranza: This building, like we were just talking about.

Village Attorney Stecich: Yeah, or anybody's condo or co-op. I guess we have mostly co-ops in the Village. Do you want that ... if they make changes, do you want the ... I assume it was more restrictive than the set of regulations on one- and two-family, which should apply after the building's been built. Do you understand what I'm saying?

Boardmember Sullivan: Yeah. I think what gets confusing sometimes is one family who owns an apartment that's a condominium or a co-op or something ...

Village Attorney Stecich: That's exactly what I'm talking about, right.

Boardmember Sullivan: ... versus a structure that's either a single-family attached, or ...

Village Attorney Stecich: That was clear. The townhouse things were ...

Boardmember Sullivan: One- or two-family detached, or townhouses that are single ownership, side-by-side.

Village Attorney Stecich: Right.

Boardmember Sullivan: What's complicated in applying the green code to a single apartment that's an owned apartment is that to really deal with the systems in that building – they may be shared by all the apartments, all the condominiums or all the co-ops – we'll have a central boiler, potentially. Or they may not. They may have one in their unit. So I think, in a way, they get a pass more than someone who actually owns a defined structure itself.

Village Attorney Stecich: So what happens if they're not changing the front, if they're changing the kitchen?

Boardmember Cameron: Right.

Village Attorney Stecich: Which regulation would apply?

Chairperson Speranza: Maybe that's ... oh, which are the regulations?

Boardmember Sullivan: I don't think they necessarily ... they may not necessarily fall ... be asked to follow this code. It's a minor interior renovation at that point. It isn't doing ...

Village Attorney Stecich: So why, if you're in a condo ...OK, let's say you changed it. It's 1,000 square feet: 10 West Main turns into those giant apartments, and the change might be 1,000 square feet. I don't think you ... and if a single-family owner – you know, a regular single-family house – would be required to comply, I don't think ...

Boardmember Sullivan: Well, they aren't going to be able to make ... they can't change the electrical system necessarily. They may or not be able to change. Main has got a geothermal

system, so that's a big shared heating and cooling system. So I think you end up looking at very small things that you're asking them to deal with. And it may be such a little ... it would be onerous to ask them to have this code applied to them.

They can't change the windows, they can't change the insulation. They just won't be able to, being an apartment owner – condo or co-op.

Chairperson Speranza: All right. And they have to get a waiver, then, or a waiver for certain elements.

Boardmember Sullivan: But I think we should look to ...

Village Attorney Stecich: No, I don't think they would. Because I think what Kathy's saying is, they're not ...

[cross-talk]

She said they have a pass.

Boardmember Cameron: Well, we can't have all apartments have a pass. I mean, we'll never get the toilets changed and things like that. I think you can make an exception for shared services, but I think for individual services the code should apply to apartments.

Village Attorney Stecich: The same code that applies to one- and two-family.

Boardmember Sullivan: But they'll be very specific things, is what you're suggesting then.

Boardmember Strutton: Shared services.

Boardmember Cameron: I use "shared services." That's a loose term, I understand that. But other than that, I think it should. Otherwise, we're going to have all these apartments and what have you sinking into the past without going green. We're going to have a lot more apartments in this town. New ones will get fixed when they first get constructed. But we need to bring them forward.

Boardmember Sullivan: So that should probably be in what I'm calling the commercial section; somehow drafting a section that talks about how it applies to condos or condominiums and co-ops.

Village Attorney Stecich: The draft they provided did have something on that. They had something, but it got crossed out because we're taking what's in the second column. It was on page five.

Chairperson Speranza: Of their document?

Village Attorney Stecich: Well, page five of this thing, in their column – in the first column.

Boardmember Sullivan: It's under 1.2-D, part three provisions, one- and two-story; family, residential buildings. And it's item two, I believe.

Village Attorney Stecich: Yes.

Boardmember Sullivan: So they're talking about individual cooperative or condominium units.

Village Attorney Stecich: So somewhat along the line of what they had originally, I would think. Except you would want to say it doesn't ... well, they wouldn't change anything that's in the ... they wouldn't change the ...

Boardmember Cameron: Changing to begin with, so that's not really a problem.

Village Attorney Stecich: Yeah, so it's not an issue. So you don't have to put the exception in. So what if there were a change to – what did you call it? It was actually a good term.

Boardmember Cameron: "Shared services."

Village Attorney Stecich: Shared services. If it was something that ...

Boardmember Cameron: Or shared facilities.

Village Attorney Stecich: ... for shared services, well, then that would be regulated by whether it was part two or part three – the one that regulates multi-family buildings. But if you're doing work in an individual, it should be treated like a one- or two-family house. I think that's what we're saying.

Boardmember Cameron: Yes. So it would apply to all kitchen appliances, all toilets, stove, refrigerator, air conditioning units sitting in the window.

Village Attorney Stecich: All right. And then whoever's going to do this, on page 15 there was a language modification. It doesn't look like such a big modification, except that we've really talked about it a long time and finally agreed on this language. We moved a phrase around and added a phrase. So whoever's preparing this thing, if you don't have that language I've got it.

And then the last thing was about stormwater controls, which we left kind of open. No, not kind of open – we left it open. Because there was this sense that there's something in the law somewhere that requires you to keep all new stormwater from new work you're doing on-site. There isn't anything, other than the stormwater laws – which, depending on where you live, only kick in if the work is over a certain size – and in Hastings it's 10,000 square feet, which means most people would be exempt.

So I don't know, it just struck me that you might want to add a provision additionally to require a ... and what the stormwater regulations require is a stormwater pollution prevention plan, which is a big deal. It's very expensive, it's a lot of work, you have to hire an engineer to do it. What you might want to require is a provision for any work that's done that's going to increase the amount of stormwater runoff, that additional runoff has to be kept on-site, however you do it. Whether you do it with ...

Boardmember Cameron: You're in 2.1-C? Is that where you are, 2.1-C?

Chairperson Speranza: Page 14.

Village Attorney Stecich: Yeah. I mean, I wouldn't necessarily ... yes, I don't know that I'd necessarily take that one because it says for the one- and two-year storms. Pretty much, I thought the standard was 100; well, 25, and now everybody's using the 100-year storm because we have a 100-year storm about every year. But something like that, if the Board wanted to recommend that, rather than requiring the stormwater law to cover every property in the Village. Because there was a lot of discussion back when it was enacted about how it would be too onerous. I don't think it is too onerous, though, to say if you're creating more ... any work you're doing that's creating more stormwater runoff, you have to keep that runoff ... you have to do something to keep that runoff on-site.

Building Inspector Sharma: I think we had a trigger of 500 square feet in this area. You need to keep that water from [off-mic]. So we had put a trigger of 500 square feet, which currently is not there. Some people did a little survey among ourselves in some villages. They were asking whether we have a trigger. Currently, we don't. But we wanted to put in this threshold: if you add 500 square feet more of area, then you need to do some [inaudible]

that 500 square feet. But a stormwater pollution prevention plan is required if you're disturbing more than an acre of land.

Village Attorney Stecich: No, not in Hastings. It's 10,000 square feet.

Building Inspector Sharma: Stormwater pollution prevention plan?

Chairperson Speranza: If that's what in our code, yeah.

Village Attorney Stecich: That's what's in our code. A stormwater pollution prevention plan is required for any land development activity. And each village, each municipality, defines land development activity. Hastings has defined land development activity as 10,000 square feet. But you're right. The model law and the state law is 40,000. That's the minimum. But in Hastings, it's 10,000.

So then I would suggest, rather than just deleting the stormwater control any more, that you include a provision like we just talked about.

Chairperson Speranza: Over 500 square feet.

Village Attorney Stecich: The 500-foot threshold, maybe that's easier to monitor.

Boardmember Sullivan: Retaining on-site any additional stormwater. And then you're saying for anything over 500 square feet?

Chairperson Speranza: Right.

Boardmember Sullivan: That makes sense.

Boardmember Cameron: The one word that caught my eye in this section was to "eliminate" stormwater. I mean, I don't think there's a chance in the world that you will design a system that will eliminate it.

Village Attorney Stecich: No.

Chairperson Speranza: Right.

Boardmember Cameron: Well, that's what it says.

Village Attorney Stecich: Yeah, I know.

Boardmember Cameron: That word has to be modified.

Village Attorney Stecich: Well, no. I think I'd write something else in; not have what they have, for lots of reasons. Because like I said, the one- and two-year storm doesn't make sense.

Boardmember Cameron: No.

Village Attorney Stecich: But just something along what we just discussed.

Boardmember Cameron: You mentioned bicycle racks. We discussed bicycle racks, and one of the problems I saw with what was drafted was it said the estimated number of building users at peak periods. It might work for bikes, but certainly not for a hybrid plug-in. Because when we have restaurants and stores, like the Grand Union, we have a lot of users. But we don't necessarily want that much in the way of plug-in for hybrids and things of that nature. I was wondering whether "users" was the wrong word, but I'm not quite sure what to use there.

Chairperson Speranza: I thought we were going to recommend that this go into the point category.

Boardmember Cameron: Fine, OK. I'm in favor of that.

Chairperson Speranza: The charging stations for electrical vehicles.

Boardmember Cameron: I mean, the best place for charging stations – we all know this – is the Village's parking lot.

Chairperson Speranza: And for bicycle racks – again, I'm not going to rehash everything – but we had said that it should be as practical. OK, good.

We were then ... we had talked ...

Boardmember Cameron: I got one more item. They used the words "energy monitor." Does anyone know what an energy monitor is? I mean, it's not a defined term. Should we ask them to define it?

Village Attorney Stecich: Where is that?

Chairperson Speranza: Page 19.

Boardmember Cameron: Well, it just appears from time to time in the draft. But it's not defined in here.

Boardmember Sullivan: I looked into that, Jamie, because there are things you can buy: in 2.2-E, that was copied from the residential code, which was sort of the original focus.

Boardmember Cameron: 2.2-E.

Boardmember Sullivan: 2.2-A.

Boardmember Cameron: A, sorry.

Boardmember Sullivan: "Energy use and managing control." There are items you can get that you can use to monitor your electrical use in your home. But this is the commercial or the larger-scale projects, and it gets very complicated. In a sense, you want the owner ... the owner would need to be very interested in understanding their electrical use to moderate and change their behavior with the use of monitoring. But a single device isn't used in commercial. They have other things.

Boardmember Cameron: If you go and look at 2.2-B, where it talks about a programmable thermostat which allows for a variety of time, day and seasonal settings, that's just a few more words that gives you a much better idea of what the thermostat is. And I am not saying we want a long definition for energy monitor, but I don't think providing a reading of the energy use for the entire structure ... I mean, my meter does that. Just a few extra words to give the reader a better idea of what we're talking about.

Boardmember Sullivan: Well, given this is commercial, my suggestion as to actually have an engineer who deals with these kinds of controls help us. Because what you can buy at Home Depot or Lowe's for your home would not be the item that you would use in something that was not that scale.

Boardmember Strutton: That's a good idea.

Boardmember Sullivan: It's a great thing. For owners, it's a great way to control your energy use, when you understand what you're using in a kind of detailed way that the monitors or control systems can tell you. But I agree with you, the language isn't giving you the picture of what it is that you need to use.

Boardmember Strutton: When I said good idea I was talking about good idea to have an engineer review it, and comment as well.

Boardmember Cameron: Did we go through part three, or are we about to do that?

Boardmember Sullivan: Part three's where we're about to go.

Boardmember Cameron: OK, good.

Village Attorney Stecich: I think where we were starting was page 19. Energy: that's where we finished up last time.

Boardmember Sullivan: So 2.2.

Village Attorney Stecich: 2.2 is where we're starting.

Boardmember Sullivan: Some of us don't have page numbers. I suggest you do it.

Boardmember Cameron: I can give you the page number because I have it on the computer.

Village Attorney Stecich: By the computer, is 19 the one that has 2.2 on it? Because you could have had a cover.

Boardmember Cameron: 2.2-A is 19. I can give you page numbers.

Village Attorney Stecich: We're on the same page, as they say.

Boardmember Cameron: When our chairperson comes back, leap into action. She'll be right back. I think, actually, we can move fairly quickly because Kathy actually set it all out.

Chairperson Speranza: OK, then let's go.

Boardmember Cameron: Suggest that maybe we're at 3.1.

Chairperson Speranza: My paper clip was on the energies monitoring.

Village Attorney Stecich: Yeah, page 19.

Chairperson Speranza: 2.2-A.

Boardmember Alligood: Yes, that's where my earmark was.

Village Attorney Stecich: And Kathy had a suggestion. That's where we were. Kathy, maybe you should repeat it for Patty and then figure out how we're going to deal with it.

Boardmember Sullivan: Sure. Jamie started by saying this language was a little slim.

Chairperson Speranza: Right. What is it?

Boardmember Sullivan: This is in the commercial or larger-scale building section. Energy monitors are not really used. There are other ways of monitoring energy. And I think getting advice from an engineer who's familiar with this would be really helpful for us to make this be very appropriate to the size and type and complexities of the buildings that it refers to.

Chairperson Speranza: During the process.

Boardmember Sullivan: Yeah. You can use sub-meters or you use a building management system to gather the data. There are other choices, and those are just the ones I'm familiar with. I'm sure there are others that an engineer can help us with.

And a similar comment to thermostats. We all know what an electronic thermostat is in a home. In a larger-scale building, same kind of thing. There are other ways that the HVAC system is controlled, and it would be helpful to get advice on what might be appropriate from an engineer that does that kind of work.

Chairperson Speranza: OK, and then whole-building switch.

Boardmember Sullivan: Similar for the whole-building. Same scenario.

Chairperson Speranza: And the same then, also, with the high-efficiency heating equipment?

Boardmember Sullivan: Yeah, I got a little nervous about that because there certainly are condensing boilers and furnaces that are used on the commercial level. I just wasn't sure that that would be appropriate to say everyone has to use that. You know, it may be very restrictive, that they're so few or they're so costly. So that was just a concern. Again, these systems can get more complicated than what we're familiar with as homeowners.

Chairperson Speranza: Right. OK, fixtures and applications.

Next, the zoned heating and controlling.

Village Attorney Stecich: No, no, wait. I have a question about fixtures and appliances. The change between column one and column two is that residential was added. And I'm assuming you mean all dishwashers in multi-family buildings.

Boardmember Sullivan: You know, a pantry in an office space, that kind of thing. I just got worried about if I have a commercial kitchen that I'm all of a sudden needing to put in something that's ENERGY STAR.

Village Attorney Stecich: But aren't there? I mean, OK, I understand like ...

Chairperson Speranza: If you're a restaurant.

Boardmember Sullivan: Right.

Village Attorney Stecich: ... why a restaurant. But I can see ... I mean, why might you not want air conditioning units in an office building that are – I don't know whether ENERGY STAR, but are energy efficient. I don't know why commercial buildings ...

Boardmember Cameron: Yeah, I don't either.

Boardmember Sullivan: No, I said residential dishwashers, residential refrigerators, residential freezers, residential washing machines didn't qualify for central heating units. So maybe that needs to be two sentences. But what I added in was residential kitchen ...

Village Attorney Stecich: But do we know, in fact, that there is more energy efficient equipment for restaurants or commercial kitchens?

Boardmember Sullivan: I can't swear to you that I looked ... I went to ENERGY STAR's Web site, and I don't remember there being a commercial category. But that would be easy to check.

Village Attorney Stecich: Yeah, but maybe it's not ENERGY STAR. There may be more energy efficient ... I imagine there's more energy-efficient commercial stoves and commercial refrigerators than not.

Boardmember Sullivan: So we should get someone who is familiar with those kinds of equipment.

Boardmember Cameron: I think it would even be more likely to be energy efficient because it's such a big cost to them.

Boardmember Sullivan: So we should find someone who can give us that information.

Chairperson Speranza: And this is something, certainly, also that the Conservation Commission members may know.

Boardmember Sullivan: Yes.

Boardmember Cameron: Maybe our comment on 2.2-E is simply check to make sure that there are commercial versions which are ENERGY STAR-rated.

Village Attorney Stecich: Well, couldn't you just leave 2.2-E the way it is ...

Boardmember Cameron: Yeah.

Village Attorney Stecich: ... and just take out the ENERGY STAR? Leave 2.2-E as it is in the first column, the way they have it. Take out ENERGY STAR, and say "shall be energy-conserving."

Boardmember Sullivan: No, the reason for being ENERGY STAR, actually, is a program that helps you choose this over that. So it already pulls up all the refrigerators in the market, the ones that they deem to be energy-conserving. So otherwise there's no standard, there's nothing to apply.

Boardmember Cameron: My suggestion is, pending figuring this out, that we need to get this over to the people. We just keep their sentence, and adding a sentence saying, "Confirmation should be obtained that commercial versions are available which are ENERGY STAR-rated, period.

Village Attorney Stecich: Or it could also say, "Where there is no ENERGY STAR rating, the most ...

Boardmember Strutton: For our category.

Village Attorney Stecich: Anyway, OK.

Boardmember Strutton: I haste to waste the minute to say it, but last time Jamie raised a good point about people replacing things with second-hand appliances. And I just wonder if the word "new" needs to be clarified.: "I'm not replacing a new dishwasher, I'm bringing in a second-hand one." So should it say "new" or "replacement" or something like that, just to expand, so that there's no argument that if you ...right, it's a stupid comment. But if I were reading this, I'd say, "Oh, I bought my dishwasher on eBay and now I'm going to ..."

Village Attorney Stecich: So all new and replacement dishwashers, blah, blah, blah. And then the sentence Jamie mentioned.

Boardmember Cameron: Well, it says that in 2.2-D.

Chairperson Speranza: Right. When I gasped, it was thinking, "Omigosh, do we have to go back through the document again and qualify 'new' with 'new and replacement'?" But I think this is maybe the only place.

OK, zoned heating and cooling: new construction we're working on. You just qualified that it's new construction and the work area, right.

Boardmember Sullivan: Work area and additions. So just really taking what they had and making it fit in with how it was being defined.

Village Attorney Stecich: Kathy, could you explain what ... I know it was earlier, but I don't remember. How does *"and where work area includes an addition ..."*

Boardmember Sullivan: That's in existing ...

Village Attorney Stecich: Why that, instead of just additions?

Boardmember Sullivan: Because if you have an existing building and you define a work area – and that could be within the ...

Village Attorney Stecich: I'm sorry, I didn't hear you.

Boardmember Sullivan: That's OK. I'm sorry, I'll speak a little louder. If you have an existing building, you can define the work area to be within the building if it's just a renovation of some type. Or the work area can include an addition. So it was just using the same identification: identify that the work area has to include the addition.

Boardmember Cameron: But why is worded "*and additions which are 1,000 or over*"? Because if it's an addition, it must be a work area.

Village Attorney Stecich: Right.

Boardmember Cameron: I mean, you can't add it without work.

Boardmember Sullivan: Cross off what seems extra, and continue.

Village Attorney Stecich: So isn't maybe the first column OK on this one? Because I guess what's defined in 1.2-A(1) is new construction.

Boardmember Cameron: A new building, and then its additions which are 1,000 or over. So an addition is a work area.

Chairperson Speranza: But there may be a work area that's not an addition?

Village Attorney Stecich: But it says "*and where work area includes an addition.*" So it seems it only would apply to the addition. See, I'm totally confused by the "where work area" language.

Boardmember Sullivan: Well, say new construction and ...

Village Attorney Stecich: Well, isn't that what's in the first column?

Boardmember Cameron: Right.

Boardmember Sullivan: Well, I'm not sure all projections identified in part 1.2, blah, blah, blah. So just new additions, new construction.

Village Attorney Stecich: What is that?

Chairperson Speranza: 1.2-A(1).

Village Attorney Stecich: OK, that's "*construction movement, replacement, removal and definition.*" OK, then you could just say new construction and additions which are over 1,000 square feet.

Boardmember Sullivan: And just 1,000 square feet or over, I just changed ...

Village Attorney Stecich: OK, so take the second column and just cross out "*where work area includes ...*" So, "new construction and additions in excess of 1,000 square feet shall have zoned controls for heating and cooling."

Boardmember Sullivan: Yes, there you go.

Village Attorney Stecich: Now, do you still think this needs a look by an engineer?

Boardmember Sullivan: I would say so, to make sure it's appropriate. But it probably isn't as ... unless we're more confident that this will work rather than the other ones. So we might as well have him look.

Chairperson Speranza: And again, you're talking about during the development process, or having someone during the development of the code.

Boardmember Sullivan: During the development of the code.

Chairperson Speranza: Of the code, OK.

Boardmember Sullivan: So someone who knows more than I do, and is technically knowledgeable about this in a way I'm not, I think, should take a look and make sure we have the right language.

Chairperson Speranza: OK.

Fundamental commissioning of the building system.

Boardmember Sullivan: So it could say the same: for all projects over 25,000 square feet, just saying for new construction in excess of 24,000 square feet. Which, in thinking about that, the original language may be appropriate. Because this excludes a renovation that's in excess of 25,000 square feet. So I'd say stay with the original.

Boardmember Cameron: I think we get it to where we need it because the controlling event in the drafting is which part of 1.2 refers you to that section. In other words, 2.2-G is inoperable unless one of the earlier sections says if you're doing this, then 2.2-G applies to you.

Boardmember Sullivan: Right.

Boardmember Cameron: And if it doesn't say that, it doesn't matter what 2.2-G says; you never get there.

Village Attorney Stecich: Wait a minute, Jamie. It says, on page 12, "*All projects identified in part 1.2-A shall be subject to the part 2 requirements unless otherwise specified.*"

Boardmember Cameron: Unless otherwise specified.

Village Attorney Stecich: And this is a part two requirement.

Boardmember Cameron: But this is 1.2-A. So you're worried about 1.2-A is too broad? Oh, I see.

Village Attorney Stecich: No, no, no.

Chairperson Speranza: No. So 2, everything ...

Village Attorney Stecich: 1.2-A is everything except one- and two-family buildings.

Boardmember Cameron: Yeah.

Village Attorney Stecich: So that's in there.

Boardmember Cameron: All right.

Village Attorney Stecich: It's hard to see.

Chairperson Speranza: I know, when you're flipping back and forth.

Boardmember Cameron: That's why I have two copies.

Chairperson Speranza: OK, so we're going to leave that alone – commissioning of building systems.

Village Attorney Stecich: Wait, no. I thought Kathy suggested ...

Boardmember Sullivan: Go back to the original.

Village Attorney Stecich: Go back to the original? OK.

Boardmember Sullivan: The state original.

Chairperson Speranza: Right.

The whole building switch. This is certainly something that I don't ...

Village Attorney Stecich: No, I think you're missing something. You should be on "interior water use."

Chairperson Speranza: Right, 2.3.

Boardmember Sullivan: 2.3, interior water use. There you go.

Chairperson Speranza: Right. OK, and what's been proposed is to take the section on showers and include everything just in water reduction, rather than breaking it out into showers.

Boardmember Sullivan: Yeah, and also "WaterSense certified as similar to ENERGY STAR." You know, sort of a criteria when you look at materials. I added in what I thought would be helpful for lavatory faucets and urinals, things that would be in the commercial bathroom which would fall into this category.

Chairperson Speranza: Everyone good with that?

Boardmember Cameron: Yeah.

Chairperson Speranza: OK, good. That gets delegated.

VOCs.

Boardmember Sullivan: This is one of the ... I went back to the source, with the LEED 2009 new construction and renovation credits that we reference, and I've pulled in what those credits covered and what the standards were that they were referring to. So that's kind of going back to the original screen rather than using LEED. Expands it quite a bit, as you can tell.

Boardmember Strutton: But I think it makes it better because it makes it more ... and I was considering compliance. There's got to be a way for the Building Inspector, at the end of the day, to walk through and say, you know, "Check, check, check." And he's not going to

go through with a VOC meter. So it's easier if you can point to a can and say, look, it meets this.

Boardmember Cameron: So the only thing about this here is that we're going to have to go around – or someone's going to have to go around – amending our code every once in awhile. Because we're referring to May 1993 standards.

Boardmember Strutton: And this is 2012, are we going to have the same standards forever?

Village Attorney Stecich: You know what you could do is, just add, whenever that is, as "may be amended from time to time."

Boardmember Cameron: Well, if that works.

Village Attorney Stecich: Sometimes that is done when you're using objective standards. But then, of course, you have to be comfortable looking forward.

Boardmember Cameron: Right. That was the advantage of the WaterSense, which we used, because that's going to be upholding the standard.

Boardmember Sullivan: I think it's EPA.

Village Attorney Stecich: Because I think it's unrealistic to think everybody's going to go and think to go back and amend the code to change the date, once that thing's changed, you know. It's just not going to happen.

Boardmember Sullivan: That's the problem of writing your own codes.

Boardmember Strutton: Well, you could just say "as updated from time to time."

Village Attorney Stecich: That's exactly what I said: when it's updated from time to time. Of course, you do that and you're stuck with whatever the update is. But it's pretty unlikely on something like this. That's what I would say is, "amended or updated from time to time."

Boardmember Sullivan: I did make an editorial call. It may be inappropriate and I'm wrong, but I took out "carpet and composite board" just because I think those markets are kind of limited. You know, the conservation folks might have another opinion and experience with that, so that was just an editorial comment.

Boardmember Strutton: So my only thought on this – an additional thought – is, if we track this for the residential – which I'm not sure that we do – but if we do, will it be difficult for people to go to Home Depot and find someone who can tell them that what they're buying complies with this?

Chairperson Speranza: But this is not ...

Boardmember Strutton: It's not, I know. If we track this through to residential, does that work? Or we can deal with it when we get to that point?

Boardmember Cameron: I think it would be interesting: they had a huge tent in the Home Depot up near Elmsford selling rugs. God knows what they were selling.

Chairperson Speranza: So you ...

[cross-talk]

Boardmember Cameron: Yeah, yeah. With my meter.

Boardmember Sullivan: Do you want to look at that now, Rebecca?

Boardmember Strutton: We'll get there when we get there, but I just wanted to get it out there.

Boardmember Sullivan: So roofing materials next?

Boardmember Cameron: OK. On these low-slope roofs and steep-slope roofs, the thing I found actually is that Oak Ridge Laboratories has developed a calculator which they've put out for public consumption which determines what the heat value is of roofs and everything. And they define a low-slope roof as being 2 in 12 or less; a high-slope roof as being 8 in 12 or more; and in between – I hate to say – a medium-slope roof. And I don't know, we can't just use those words. Because I believe I found a New York City one in which they defined a low-slope roof as being 3 in 12 or less.

So you may have another one, but ...

Building Inspector Sharma: And there's something in the state code, but I don't remember.

Boardmember Cameron: Well, they have a bunch of things low-slope in the state code. But they don't actually seem to define it.

Chairperson Speranza: But that's a fair comment. Back to the conservation question.

Boardmember Cameron: Right.

Chairperson Speranza: That this needs to be defined. We need definitions, yeah.

Boardmember Cameron: I mean, I can give you the ... tell me who I should e-mail the Oak Ridge calculator Web site address to, and I'll do that. Should I send it to you, Patty? Anyway, I thought it was a fairly good source.

Chairperson Speranza: And I'll pass it on, sure. I was going to say if someone comes in and says, "Well, but Deven do I have a low-slope roof?" they're not going to know; and we don't have a definition – you, or a successor.

Boardmember Cameron: But Deven would say if you can grow grass from outside, it's low-slope. Just kidding.

Village Attorney Stecich: But then there's the other question that Kathy had: is our material with SRI readily available?

Chairperson Speranza: And we'll leave that question?

Building Inspector Sharma: There are some standards. I'm not totally familiar with them. If I don't know the answer, I seek that out. In the absence of any definition in the code, we'd go for [off-mic].

Village Attorney Stecich: Yeah, maybe so. But there's a big hole here. There's a low-slope roof, there's a deep-slope roof. Does it mean if you've got a medium-slope roof you can have whatever you want, the way this is written now?

Boardmember Cameron: We need to close it. Also, there is an interesting issue that's going to come up between view preservation and a low-slope roof, like 400 Warburton which we were looking at. I mean, if the person comes along and he's required to paint it white, you can imagine the reaction of the people living just above, looking down on this white roof. I don't have any answer to that, but I thought I'd just throw it out.

Chairperson Speranza: OK. Green roof, we're OK? *"This section does not apply to projects identified if new roofing materials are to be matched in roof type or coloring to the existing roof area."* If you're just repairing your roof, I guess. Right?

Boardmember Cameron: Well, just so we don't wander away from it, a lot of people actually have roofs with more than one color in them. For example, I actually happen to have a roof which is partly a metal roof. The low-slope part I have to have in metal because you can't get water drainage off of it. And the high slope is actually asphalt shingle. I mean, there's another interesting ... we're going to have to figure out some way because they won't be the same.

Chairperson Speranza: Right. OK.

All right, construction waste management. I think your point on this is a good one. How do you issue a CO?

Boardmember Sullivan: How do you issue a permit?

Chairperson Speranza: Oh, right. Sorry, a building permit.

Boardmember Sullivan: I support what it's trying to do, just process-wise it's kind of hard to ... what do you do, take the permit away if they don't do this?

Village Attorney Stecich: Yes.

Boardmember Cameron: But you might not give them a C of O at the end.

Village Attorney Stecich: Yeah, I'm not saying to leave it in. But in answer to your question, you take the building permit away? Yeah. I mean, you can issue a stop work order when they're not complying with the conditions of the site plan or where they're not complying with the law and whatever. That's what stop work orders are for. It isn't that you can't do anything, but don't we think the enforcement thing is how do you know whether it's recycled or not?

Boardmember Sullivan: You'll know because they'll have tickets that tell you they went to a certain disposal place and it was a recycling place. I'm just saying this is admirable, but it's already going to be gone and off the site.

Village Attorney Stecich: Oh, I see.

Boardmember Sullivan: So what are supposed to do? "Please take that steel to the other place"? It's been gone for five months, it's not around. It's different than if you're building

something that's physically here in Hastings, and then you can repair it and change it before you get the C of O.

Boardmember Cameron: If I can just speak a little bit in the other direction for a moment.

Boardmember Sullivan: Sure.

Boardmember Cameron: Even if we only get half the people to follow the rule it'll be an improvement. Enforcement is always a problem, but I think this is a good idea. We should do it even if occasional people don't follow it.

Boardmember Alligood: The other point on this is that construction waste is hauled off at several points in the construction process. The Building Inspector is monitoring construction at different points in the process. So he might catch it in the first couple weeks and say, "You've got to show me that you brought it to a different place the next time." I mean, there is a way to intervene. It's not a one-shot they didn't do it, now there's nothing we can do about it.

Boardmember Sullivan: I guess just ... I've been involved in a project now for the last two years, and they had that requirement: getting the tickets in a timely fashion. People that have it in their contract, it's very difficult when the person asking for them is the person that is releasing the money on the project. But I support it.

I've also gone to some conferences, discussing how you do these kinds of things. You have a set of drawings, a set of specs. You look at them, you issue a permit based on that. You are monitoring during construction, but this is really part of the construction process that's above and beyond what the inspector would typically inspect.

So happy not arguing about it too much. I just think it leaves you open to a lot of people ...

Boardmember Alligood: And I agree. I just don't think it's worth taking it out because it's difficult to enforce. And it's probably one of those things that if it becomes more common it'll be more expected. So you just have to hope that behavior will change over time. The success rate may not be very high.

Boardmember Strutton: If you did leave it in, and somebody failed to comply and you didn't give them a CO, how do they cure?

Boardmember Sullivan: It's gone.

Boardmember Strutton: Does the Building Department agree to take a payment of \$1,000, or are they allowed to do that? Or do they just have to waive it at that point and give them a slap on the wrist, and say ...

Chairperson Speranza: Don't do that again.

Boardmember Strutton: ... don't do it again? And they do it again.

Village Attorney Stecich: Well, there can be fines for violating the ...

Building Inspector Sharma: There has to be a way to remedy a violation. There has to be some way to remedy.

Village Attorney Stecich: No. It can be a fine. I don't think that there's any ...

[cross-talk]

... what if it's done? Except they can have a big fine. That's a real disincentive.

Boardmember Strutton: So then we have to build into the law the ability to have a fine.

Village Attorney Stecich: There probably should be.

Boardmember Sullivan: That's the stick. Right now, there's no stick.

Boardmember Strutton: You just wouldn't get a CO. But then ... yeah, exactly.

Boardmember Cameron: But it doesn't have to be at this section.

[cross-talk]

Village Attorney Stecich: It depends where this is fitting into the code. If this is fitting into the code, let's say, in the building construction section. And the building construction section has, at the end, any violation of any provision of this chapter is subject to whatever fine. I'm not sure. You have to see where it fits in. But I think there may be other provisions in here where the only remedy might be a fine.

Building Inspector Sharma: Enforced by the office of the Building Inspector, or do they have to come to court?

Boardmember Cameron: Sort of like people who fill in ...

Village Attorney Stecich: No, I'm just saying with any other fine, I would think. I don't know.

[cross-talk]

Boardmember Sullivan: So we want to keep the original, and recommend a fine.

Boardmember Cameron: Right.

Chairperson Speranza: Right.

Boardmember Sullivan: Sounds great.

Boardmember Cameron: Well, we make that a general comment that we think that there should be some level of fines for violation of this code, as for other codes.

Chairperson Speranza: OK. Now we're on to the next section about covering additional requirements and the points system. Just so we're clear, this is applicable to 2.1 and 2.4. Oh, no, I'm sorry. These are in addition to the requirements in 2.1 and 2.4, and apply to the nonresidential and multi-family projects.

Village Attorney Stecich: And these points would have to be shown on the application for a building permit?

Boardmember Sullivan: Yes.

Building Inspector Sharma: I think what they're hoping to do is sort of a checklist or a separate application form. [Off-mic], but they have to get five, six or 10 points ...

Village Attorney Stecich: So you wouldn't issue a building permit unless they showed that they were going to get these extra points. OK.

Building Inspector Sharma: [Off-mic].

Boardmember Cameron: But didn't Kathy pick out, or we pick out, some additional things that we throw into points? Because, clearly, we didn't have it for residential.

Village Attorney Stecich: There was the charging, there was the invasive plants; something about the invasive plants you were moving.

Boardmember Sullivan: Giving people an option to do those things.

Village Attorney Stecich: Right.

Building Inspector Sharma: So invasive plants you want to make more of an elective thing?

Village Attorney Stecich: That was one of the ones that we got at the last meeting.

Boardmember Sullivan: So the change I made on 2.5-A, applicability, was to make it just for new construction. And also to bring it down from five points to three points. This was basically to test the waters to make sure people could do this. It would just sort of test the waters with this. It seemed hard to get five points, given there weren't a lot of choices. We've added some, so that was just a suggestion to give it a shot, see how it works without making ... because we really aren't doing test cases to sort of see all the different pathways people have to get the five extra points.

Boardmember Alligood: Yeah, I would support that if there was like a formal process where the Village really monitored the first few rounds and did an assessment after a given period of time to say how did this work.

Chairperson Speranza: And we're good that it's new construction, and I think that's very reasonable.

Boardmember Sullivan: Just to avoid something we can't foresee with a renovation that would be onerous.

And 2.5-B, rainwater or gray water. I took out the rainwater because I looked at the plumbing code and I didn't see it being allowed in New York State. So that's kind of a question. Maybe some people have experience with it: huge gray water, a lot of information on how to do that in the plumbing code. But rain water, there were issues with it. So I just wanted to pull that out. If someone could double-check me that would be great, but I was concerned that there wasn't any legal way to do it here in the state of New York.

Chairperson Speranza: OK, and then the construction waste management. This was the same point that you were making. In this case, they brought it up to 75 percent and people would get points.

Boardmember Sullivan: And we wouldn't have, I guess, the fine if you didn't get there. Again, it's the same category, the same solution, I think.

Boardmember Cameron: You could use rainwater for doing your gardening, and that's probably half the people's water use.

Boardmember Sullivan: Well, this was all about using it for the non-potable water needs of the structure. So there was all this inside stuff, not outside stuff.

Boardmember Cameron: Right, that's true. OK.

Boardmember Sullivan: The next one, the whole building energy simulation, this is a really big deal. I almost wanted to strike it because it's part of a much more comprehensive credit. It's like you do this, but what are you actually trying to accomplish? If the committee really thought it was something that they wanted to keep in, I think I would really have them look at the credit and make sure we're getting all the parts and pieces in there.

I apologize because I haven't looked at this in awhile, so I don't remember why I felt ... what was being omitted. I'd have to look back and read. So it's more of a question, have you really ... is everything in this that you need to accomplish an understanding how the energy ... how the building's using energy? It didn't seem to have a purpose to it except just do it. A little bit like the monitoring: what are we trying to accomplish here?

Chairperson Speranza: Shall we go on to geothermal?

Boardmember Sullivan: I just made a change of terminology. But then also I sort of feel if someone puts in geothermal, just give them the credits that equal whatever they should get. I mean, it's a high-dollar item. And a photovoltaic array, I may not feel so strongly about.

Village Attorney Stecich: What is that? What's a photovoltaic array?

Boardmember Sullivan: Solar panels.

Village Attorney Stecich: Oh, solar panels. Could you put solar panels on?

Boardmember Sullivan: You could put solar panels.

Building Inspector Sharma: Photovoltaic are the ones for electricity.

Boardmember Cameron: The only thing about the points is that people can get their three points by doing one thing, and they might be willing to do two or three things that they get more points. It'd be interesting to find a way of giving somebody something more if they do more. In other words, I think you've covered it enough so a person can get their three points. But what we're trying to do is get them to do everything on this list they would be willing to do, rather than just do one to get their points.

Village Attorney Stecich: And these are probably more substantial projects because they're not just one- and two-family houses. They're commercial and multi-family, and it's only new construction. Now, it's only applying to new construction so maybe the five points isn't huge.

Boardmember Cameron: I don't know. I'm just trying to encourage people to ... I mean, for instance, if you take blue – whatever it's called, I don't remember its name – and I know we're not dealing with them right now, we're dealing with commercial. But I mean, they'd probably do it anyway. They would get 20 points.

Chairperson Speranza: The one who should remain nameless.

Village Attorney Stecich: Well, Christina Griffin. That project of hers, where she came in with the solar panels. She would get her three points on the solar panels, but not ...

Boardmember Cameron: Anyway, we can leave it where it is. It's just I think, as this thing gets rolling, what we're trying to do is to get people to do as many things as they're willing to do and give them some incentive for doing it.

Boardmember Alligood: I think that works for architects who want to have the prestige of racking up points. I just don't see ... I understand your point, but what kind of recognition are they going to get?

Boardmember Cameron: I'm not doing it for recognition.

Boardmember Alligood: I'm not sure it's going to matter to people whether they get three or five. As long as they comply, we know they got their project through.

Village Attorney Stecich: So are you suggesting it should be five?

Boardmember Alligood: I guess I'm just saying I don't think it really matters as long as they can get the points they need.

Chairperson Speranza: Well, if we make the recommendation that it start at three.

Boardmember Cameron: Right. Then we see how it goes, and then maybe they should think of raising it in the future.

Boardmember Strutton: Well, if we do limit it to new construction only, then I think that takes care of some of the concerns. I mean, when Jamie was talking I was thinking about, well, if it were construction and renovation, then if you have to do three points every time you renovate maybe there's a way to build an incentive. So if you did a bunch up front, and then for future building permits you would get credit against the ones that you sort of put in the bank. But if we're just doing new construction, then we wouldn't have to worry about that.

Chairperson Speranza: You keep those records along with birth certificates, right?

OK, vegetative roofs. Well, that's simple: install a green vegetative roof – I like that – to encourage solar hot water. Now here ... oh, delete, delete.

Boardmember Sullivan: I have solar electricity. Passive solar is more of a design approach. Sometimes you have a lot that you can do, other times you can't. It seemed hard to judge it. It's a great technique, but it's like a basic design approach in a way that these other things are different. My suggestion was just to take it out. Again, it's a little bit of how you report that you accomplished that, what's the measure that we have?

No comments on the next couple, for me at least. All seem good.

Boardmember Cameron: Are we leaving recycled materials?

Boardmember Sullivan: Well, my issue with these two, Jamie – recycled materials and local materials – again, there is a little bit of measuring these things at the end of the day. The architect can specify I want to use this kind of ceramic tile in these areas, and the contractor and construction turns around to the owner and says, "No, I couldn't get it, it's coming too late. I have to do the tiling tomorrow. Here's something else, and it costs a little bit less and we need to use to keep the schedule going."

So you're in a situation where you have to find them again. Do you know what I mean, the paperwork? It's so complicated. I support both of these things, but I think in the scheme of things they're small parts of bigger projects. And I would just suggest thinking about not requiring them in the way that they're written, in particular. This percentage by cost, what you end up doing is that the budget has to be given to the Building Department to understand

what 10 percent of that is. And that's not information that typically goes to the Building Department.

I mean, the owner who's motivated to get a LEED rating really will do that, wants that kind of documentation, and works to get that documentation. So, again, I think it's a reporting issue more than anything.

Boardmember Cameron: It's only a lousy three points.

Chairperson Speranza: Not that important.

Boardmember Alligood: I agree with you, Kathy. And I think the local materials one, I'm just troubled by that. Because I don't know how you ... first of all, I don't see how that's practical. Because there are products that, even to comply with low-VO sealant, they may just not be manufactured nearby. And I just don't even know where there is kind of a green benefit to that. I know we're trying to reduce trucking, but maybe they come in on the train and they're way more efficient than a 500-mile radius.

But I just think it's a random thing to have to monitor and acquire. I understand it in the food system, but with building materials I just ... the largest metropolitan area, and we don't have a lot of manufacturers.

Boardmember Cameron: Maybe it's not a load of concrete.

Chairperson Speranza: So do we agree that we can recommend that these come in?

Boardmember Sullivan: Yes.

Boardmember Cameron: Actually, on 2.5-N can we actually give that power to the Building Inspector, where they can just make up a list? I mean, that's the legal question. You got to think about that one.

Village Attorney Stecich: That's the only legal question across this whole thing?

[laughter]

Boardmember Cameron: No, it is a question.

Boardmember Alligood: I think that one's reasonable. Because I think Deven, as the Building Inspector, is going to be very closely following the trends of what new ideas come up. And we don't want to have to insert the legislation. So you might suggest something.

Boardmember Cameron: I'm not saying it's not a good idea. I'm just saying the question is whether it's legal to delegate that. And that is a long-term legal question.

Village Attorney Stecich: Yeah, but I think the only challenge would be, hey, that's arbitrary. But if the person's getting the points, why are they going to make the challenge that it's arbitrary? So it's really almost a hypothetical argument unless a neighbor's going to come in and complain this guy shouldn't have got it.

Boardmember Cameron: Yes, that's what it's going to be. Anyway, I just mentioned it. Let's keep on going.

Building Inspector Sharma: Just one correction. Instead of calling it a power, call it a responsibility. Because that's really the responsibility to one office or one individual, as opposed to power.

Boardmember Cameron: Well, I agree. It's a responsibility.

Building Inspector Sharma: Yeah, it's not power, it's responsibility.

Boardmember Cameron: I understand that.

Chairperson Speranza: OK, part three.

Boardmember Sullivan: So I can I make one more pitch for the residential? I guess I just wanted to bring up again the possibility of making the green code an option, from start to finish, for people doing one- and two-family or single-family homes. And I should have looked into this, Patty. But again, like I mentioned in August, I started looking at the costs of what this would be for a new construction. Being conservative in cost, and thinking someone would be very much attacking this and wanting to do these things, my analysis was about \$15,000 to \$20,000 in additional costs.

And I say that with a huge caveat because I would like that to be tested, I think, before it's implemented. And that people are comfortable that this is appropriate addition of cost. Because I think there will be cost additions, but in the scheme of what someone would be spending to, say, stay with a new home. Because we've seen, surprisingly in my mind, a number of people doing ground-up homes [off-mic]. So that's just a suggestion, I guess.

And I say no more.

Chairperson Speranza: Let me just break here. Because we're going to be sending the document, and it's going to be going to the Conservation Commission. And there will be a copy sent to the Mayor and, certainly, to Bruce Jennings, as well. So it's not going to be just a flying leap, the revisions to the matrix and an explanation. It's also going to be other things, again recognizing that there is a charge that the Conservation Commission is operating under. But there's nothing that says we can't also comment on how we feel with respect to the original charge.

So, for instance, I'm not sure how other members of the Board feel about one-family. And it may be that there is discussion on the Board, there is nothing unanimous. Frankly, I can go along with some of this stuff. But I, too, also think some of this stuff for renovations ... I mean, you're changing out a toilet – somebody needs a handicap toilet – and they've got to go now and find one that's also low-flush. And maybe they're out there. I haven't, thankfully, had to go look for one.

Boardmember Cameron: I don't think you could buy a handicap toilet which wasn't ...

Chairperson Speranza: And if that's the case, then it's easy. But then we're legislating it. Again, it's not something I've had to do. But I think in the transmittal of this there is going to be not a majority-minority opinion. But there remains discussion on this item, this item and this item, and this would be one of them.

Boardmember Sullivan: I agree with you. I would like to apply it. I just want it to apply appropriately. And I just got really concerned when I started trying to add up the dollars. And I would love to be proven wrong by somebody that those numbers were wrong. So I agree, I would like to apply. But if people agree, send it on with, "Can we have a test and have this really be looked at to make sure we aren't doing" ... have people come up, here we have a new code, it's been enacted. Someone comes up and says, "My God, look what you're making me do."

Boardmember Strutton: And not just cost in dollars for new items, but also cost in the time to figure things out; the ability to read the law as a lay person who's not a lawyer, and apply it. To take it in your hand, if you have to, to Home Depot and have somebody – or Lowe's – have somebody who also isn't a lawyer read it with you, and say, "Yes, this product is something that's not going to get you in trouble or fined down the road, or keep you from getting a CO."

I mean, it should be easy to apply. You shouldn't have to go to an architect or a special consultant to have it apply to you, and it shouldn't break the bank. It's like when you do your taxes, and they say, "Oh, the time cost. We think it's going to take you seven hours to fill this form out." It shouldn't be that for your average person who wants to replace their toilet.

Boardmember Cameron: I think one of the tests we should have is, are these things something you could actually ask Deven – because that's the source people will have – and he could answer the question for you. I think a lot of the things that we're talking about – not all, but a lot – are things that might cost a little bit more initially, but they're actually going to save money in fairly short term to recover the cost. And we should look at those and try to balance them at the end.

Chairperson Speranza: OK, so that was our little break from finishing up.

Site improvements, natural resources survey. I know we took this out of the ...

Boardmember Sullivan: I actually grabbed the ones from before side by side with these, so we can go quickly and say we'll do this and that. I think this is where we were hoping to have efficiency.

Chairperson Speranza: OK. So for the first one, natural resources survey, we decided we wanted to drop that.

Boardmember Cameron: Right.

Chairperson Speranza: Because it was duplicative, and part of what's required on a site plan. Now, we don't require site plan for a single-family. Single-family or two-family.

Village Attorney Stecich: Correct.

Chairperson Speranza: So do we need something like this here?

Village Attorney Stecich: It's only one-family. You have site plan on two-family.

Boardmember Alligood: I just hate to see something there that isn't a tool that leads to something. And I just don't know why inventorying what's on your property is going to necessarily get us to where we want to go.

Chairperson Speranza: Especially for a single-family home.

Boardmember Strutton: And especially if it requires hiring a consultant to do it for you.

Chairperson Speranza: Right.

Boardmember Sullivan: So drop it, as well?

Chairperson Speranza: Yes.

Site development, and protect and restore habitats.

Boardmember Sullivan: Previously, this was really ... I brought in the text from where it came from. It had some nice parameters: you know, how many feet away from buildings, the disturbances.

Chairperson Speranza: But here, again, if we're looking at single-family/two-family, as you've noted here, these are typically such small parcels. How much habitat are we going to have besides the skunks and the raccoons?

Boardmember Strutton: Deer. You don't want to disturb the deer?

Chairperson Speranza: So I can certainly go along with delete.

Boardmember Cameron: No. We could have it for properties of 3 acres or more.

Boardmember Strutton: There you go.

Chairperson Speranza: Stormwater control. Same thing?

Village Attorney Stecich: Same thing that we had before on the water.

Boardmember Sullivan: Retaining on-site for new, or 500 square feet, right?

Chairperson Speranza: Right.

Paving materials.

Boardmember Sullivan: Similar to the commercial part, I took the paving and made it the heat island non-roof scenario, which was the bigger picture. And then I grabbed the text, LEED for homes. So it was like do one of the following, and then it gave you a choice of

vegetation, choosing materials that were not heat-absorbing, reflect light. That gave some flexibility to a person that, if they were doing this kind of work, they had a couple of choices.

Chairperson Speranza: And I admit, when I was going through the minutes and trying to come up with my notes on this section, Jamie, I know there was a lot of discussion about how to handle this.

Boardmember Cameron: Are we on the roof?

Chairperson Speranza: No, paving materials.

Boardmember Sullivan: Which turned it into a heat island [non-roof].

Chairperson Speranza: Right. So that's something that, after all that discussion, we agreed how we would handle it. OK, perfect.

Boardmember Sullivan: Because it covered a lot of territory, the original credit.

Chairperson Speranza: Irrigation. Nothing, right?

Boardmember Sullivan: I think the only thing I added in here was a further definition of "high efficiency system."

Village Attorney Stecich: This is the same as in the first section.

Boardmember Sullivan: So it's really just giving a little bit more flesh to some things.

Boardmember Cameron: That really is "and/or" down there?

Boardmember Sullivan: Yes.

Boardmember Cameron: So you either do high-efficiency and/or climate-based controllers?

Boardmember Sullivan: Yeah, I think the climate-based controllers would be a more traditional system, you know, PVC pipe under the ground with sprinkler heads.

Boardmember Cameron: Right, I was thinking about that.

Boardmember Sullivan: Using the climate controller allowed you to not have that thing be on the timer: it goes off at 8 o'clock in the morning, and it's raining.

Boardmember Cameron: Those things don't work very well, but they're getting better.

Chairperson Speranza: Invasive plants. We were adding this as points, although we don't need points. No, there are no points on this one.

Village Attorney Stecich: Deleting it.

Boardmember Sullivan: Well, we could move it down to the point section.

Boardmember Cameron: I think we should move it to the point section.

Boardmember Sullivan: So we'll move it.

Boardmember Strutton: Are we doing points for residential?

Boardmember Sullivan: Well, did we strike "invasive plants" because that's just hard to do? The native plants we moved down.

Boardmember Cameron: Yeah, I don't think we should be removing invasive plants. I mean, I think if the person wants to do it.

Village Attorney Stecich: Yeah, but some invasive is nice. Some of the invasive plants are nice.

Boardmember Cameron: Oh, she gives a whole list of them.

Village Attorney Stecich: Like English ivy's invasive, it's very nice.

Boardmember Sullivan: So then we're moving invasive ... but then the plant materials – being non-invasive and native plants – we'll make those points, right?

Chairperson Speranza: Yes.

Boardmember Sullivan: That's what we'll do.

Boardmember Cameron: The whole idea, you could actually eliminate all invasive plants.

Chairperson Speranza: We're having points on this section, single- and two-family?

Boardmember Sullivan: Yes, those points as well.

Boardmember Cameron: There are points.

Boardmember Sullivan: Same format as the other one.

Boardmember Strutton: I guess one question is, would you remove invasive plants and just not plant anything other than grass? I mean, would you rather have a pear tree that's invasive than not have a tree? I mean, doesn't that seem a little shortsighted? I don't know. If it goes to points it's fine.

Village Attorney Stecich: No, no. I thought you were going to delete the whole invasive plants.

Boardmember Strutton: I'm sorry.

Boardmember Cameron: I'm happy to delete "invasive," and take back materials ...

Village Attorney Stecich: And it was the plant materials.

Boardmember Cameron: I was a little confused on that.

Boardmember Sullivan: OK, then we jump past a bunch of stuff to get to energy again. So jump, jump where 2.2 was, and then this is 3.2. So the energy monitoring, I suggested moving it to the "options." Because there are actually things you can buy that monitor your electricity. But it's really your choice that you want to go that route and you'll do something with that info. I think that's why I didn't want to lose it, but I didn't think making it mandatory without the desire to change your behavior made sense. That's just my two cents.

Boardmember Cameron: OK, but then there's a proviso at the end of this section that says "*... shall not apply unless a new heating system is installed that serves the entire structure.*" So are we saying that even if someone doesn't have a new heating system they can't get points for putting an energy monitor in?

Boardmember Sullivan: I'm a little confused. Because the energy monitor really was ...the ones I found were really looking just at electricity. So if you had a heater – a natural gas or oil system – it made no difference whether you were addressing that. So that's a question whether that should be struck.

Village Attorney Stecich: But it doesn't need to be there anymore, since it's not a requirement.

Boardmember Cameron: Since it's just points. So if you keep the first sentence ...

Village Attorney Stecich: So just take the second paragraph out.

Boardmember Sullivan: OK, great.

Boardmember Cameron: Yeah, if it's not a requirement you can't have a "will not apply unless."

Village Attorney Stecich: Right.

Chairperson Speranza: Thermostat?

Boardmember Sullivan: The thermostat, again, just electronic. Really, programmable is what they are. I grabbed the language, I think, from the LEED for homes.

Chairperson Speranza: Right, so this is the same.

Boardmember Sullivan: Pretty much the same, yeah. And I took out the section which does not apply to projects involving the outside work. Because that was just kind of ... if you're doing an existing home, and you're doing your work area thing, I think you already don't have to deal with those kinds of additions.

Boardmember Cameron: So "high efficiency heating" we're moving to points.

Boardmember Sullivan: Yeah. We jumped off the whole-house switch. I just changed it to be for new construction because that seemed to be the easiest thing to do. If you're putting in a new electrical system you could probably deal with this, but in a renovation it might be difficult.

Boardmember Cameron: Yeah. By moving the furnace to "points," I think we're getting rid of the concern that we're going to have to spend too much extra money in order to build the house of the future.

Boardmember Sullivan: Could be, could be.

Boardmember Alligood: Very much.

Boardmember Cameron: And it's unfortunate because those efficient furnaces are so good.

Boardmember Sullivan: And then I guess the fixtures and applications ...

Village Attorney Stecich: I would take out residential there.

Boardmember Cameron: Right.

Village Attorney Stecich: Because you don't want somebody saying, "I have a commercial stove" because a lot of people are getting commercial stoves now. Since this only applies to residences, I don't think the word "residential" needs to be there. And I think it would be under "inclusive."

Boardmember Cameron: So we use the old language, and we add the words "new or replacement."

Boardmember Sullivan: Right, that's what I was looking at.

Village Attorney Stecich: Oh, new and replacement.

Boardmember Sullivan: And then the "zoned heating," we'll get rid of that "*where work area includes*" and add "additions?"

Boardmember Cameron: Right. We're going to go back to the one we had.

Boardmember Sullivan: And water use, I guess, similar. Kind of additional shower heads and lavatory fixtures and that kind of stuff.

Chairperson Speranza: Right.

Boardmember Sullivan: All right, then Rebecca's VOCs.

Boardmember Cameron: They don't have a WaterSense bathtub which is one-quarter the size of any other bathtub.

Boardmember Sullivan: No, sorry. They don't.

Boardmember Cameron: That sure is one plush bathtub. Sorry.

Boardmember Sullivan: So low VOCs. This is Rebecca's point: what's the standard for a low-VOC in the residential market? And I'm not sure all the other stuff is stuff you can find. I think Eva and I talked about the Ikea cabinet scenario.

Boardmember Strutton: I think we should just take it out. I mean, people who are conscious that it's out there, that's one thing. If you know it's out there, it's a great idea and people are probably willing to pay – especially if they have younger kids or something – to have rooms painted that don't stink. I understand the drafting committee seeing this as a little bit of education, as well. It would be nice if people who aren't aware that you have low-VOC products might actually learn about them. But I'm not sure if the code is the right place for that.

Chairperson Speranza: So we delete this?

Boardmember Strutton: I think just take it out.

Boardmember Cameron: Yeah, I think my comment on this would be leave it out now, put it on a list that might be considered later. But the town has to absorb a certain amount of greening, and then [inaudible].

Boardmember Sullivan: OK, roofing materials was, I think, the same: define low-slope/high-slope to gain these points. And kind of a personal experience, these materials aren't super-available. If I'm looking for asphalt shingles they have an SRI of a certain amount. So I think that's really kind of a punt-back. Let's just make sure we are having everyone with the same color of tile going forward.

Chairperson Speranza: Everybody's going to have a same roof.

Boardmember Sullivan: It's like only from this person, and it's only white.

Village Attorney Stecich: Would you want any exception for historic?

Chairperson Speranza: I think that's already there. There is an exception.

Village Attorney Stecich: In the roofing material?

Chairperson Speranza: No, in the overall code.

Boardmember Strutton: For the entire code if you would have an historic house.

Boardmember Cameron: Well, we don't have any historic houses.

Boardmember Strutton: If you thing you have a historic house, I think there's something in here about the Building Inspector, again, can make a determination.

Village Attorney Stecich: Oh, I don't know about that.

Boardmember Strutton: Yeah, there's something like that in the beginning.

Chairperson Speranza: Yeah, there is. "Hardship or feasibility."

Boardmember Strutton: But there was also something in addition, I thought, for ...

Chairperson Speranza: "Maintenance of historical integrity of the building."

Boardmember Strutton: There you go.

Chairperson Speranza: That's a factor to consider in hardship.

Village Attorney Stecich: Where's that?

Chairperson Speranza: That is 1.6-A, page 10.

Boardmember Sullivan: I'll have to look at Patty's pages.

Chairperson Speranza: I had a boss when I first started working who insisted.

Boardmember Sullivan: Wisely.

Chairperson Speranza: And that was before computers.

Boardmember Cameron: So on this roofing material, what bothered me about it is that you could take any house you want to and look at it, and they're going to have some low-slope, some medium-slope and some steep-slope roof. Are we supposed to have a three-colored roof, or do we need to only do the 78 for low-slope roof?

Boardmember Sullivan: I think we need to have someone look at the products and be able to answer your question: you know, what does this mean with these different combinations of slopes that are pretty common on homes?

Chairperson Speranza: OK, construction waste management.

Boardmember Sullivan: Do you want to do this for residential?

Chairperson Speranza: I don't want to do this one. I'd go along with delete.

Boardmember Cameron: I think I'd delete this one.

Boardmember Sullivan: For homes?

Chairperson Speranza: Yes.

Boardmember Sullivan: So we're in "additional requirements." That was quick.

Village Attorney Stecich: So does it make sense for single-family houses to have to have the same number of points as an apartment building? They both require three points.

Boardmember Strutton: Replacing the furnace for an apartment building is substantially more expensive than replacing the furnace for a house.

Boardmember Cameron: And we are talking about all the toilets, not just a couple?

Village Attorney Stecich: I'm sorry, what?

Boardmember Cameron: In the apartment building.

Boardmember Sullivan: So the rainwater-gray water thing, I couldn't find it in the residential code. So that's a question whether it's permitted, the gray water. The rainwater wasn't in the commercial code, so that's kind of a ...

Chairperson Speranza: So that's a question that is this ...

Boardmember Sullivan: Even allowed legally, and I'm not sure. I may not be seeing the right thing, but I took a look at the code and didn't see it there.

Interior water efficiency sounds great, right?

Village Attorney Stecich: Well, wait a minute. Why do you only get for toilets? What about showers?

Boardmember Sullivan: Well, these are on top of it. These are in addition to.

Village Attorney Stecich: Oh, I see. The interior water.

[cross-talk]

Chairperson Speranza: OK, we're almost done before we completely disintegrate here.

Boardmember Sullivan: So 3.5-D, "construction waste management." This is for an option?

Chairperson Speranza: Yes, delete that one.

Boardmember Sullivan: Did we delete it as an option? I think we kept it in, but added a fine. No, we deleted construction waste earlier.

Village Attorney Stecich: You did delete that.

Chairperson Speranza: Oh, no. There should be a fine.

Village Attorney Stecich: We said delete, and we took out the delete to leave it in.

Boardmember Sullivan: Well, we deleted the construction waste and the residential, the mandatory stuff.

Chairperson Speranza: Oh, that's right.

Boardmember Sullivan: So we'll delete it, or we can make it an option.

Village Attorney Stecich: So leave it in there.

Chairperson Speranza: Maybe instead of being 75, have it be 50.

Boardmember Sullivan: Yeah, just do that.

Chairperson Speranza: And people can get a point.

Boardmember Sullivan: Yeah, that sounds fair. Give them the choice, that's better. Better than taking it out altogether.

So this "economy of wood construction framing," just need to double-check with a structural engineer. This is a really great way to frame a house with less wood. But let's just make sure we're not asking for something that can't be allowed in the code. Because I couldn't see it in the residential of the code.

Chairperson Speranza: OK. "On-site renewable energy," I think that was fine last time, and still fine.

Boardmember Cameron: The "heat recovery ventilation system," I actually have one in Canada. They're just so wonderful. They are fairly simple, actually.

Boardmember Sullivan: So we should keep it in?

Boardmember Cameron: In a cold climate like that, they are ... well, anyway, they work just like the blood flow in your arm, actually. But they're really wonderful things. And they allow you to have constant fresh air coming into the house without losing heat.

Boardmember Sullivan: So should we keep it as an option?

Boardmember Cameron: Oh, I'd keep it as an option.

Boardmember Sullivan: And maybe bring up the points?

Boardmember Cameron: I don't know, it's not that expensive to do. I mean, you need a forced air system to make it work.

Boardmember Sullivan: Correct.

Chairperson Speranza: Solar hot water?

Boardmember Sullivan: Passive solar in the same scenario, kind of a design approach. And delete the rest of them. The house with energy simulations, pretty tough. The energy code is pretty strict as it is, and we aren't really thinking it's improving it that much.

Boardmember Strutton: But if we leave all these out, how many do we have left for people to get their three points from?

Boardmember Cameron: What ones did we add?

Boardmember Sullivan: Added native plants. Plant materials we moved down. We moved down construction waste. High efficiency heating equipment. So we added some things.

Boardmember Strutton: Can I ask one other thing? I think when we go to enforcement we're talking about, it would be nice for the homeowner if there were a way that your builder could certify that what he or she has done for you actually complies with the code. And then the onus is on the builder.

Chairperson Speranza: It's another one of those ...

Boardmember Strutton: If it turns out that it's incorrect, it's not the homeowner who's hired the builder who fails to get the CO. It's the building inspector who fines the builder. If you're going to hire someone they should comply with the code. I don't know.

Chairperson Speranza: And that would have to be in your contract with them. I don't know that the Building Inspector can go after the contractor.

Boardmember Strutton: Maybe you're right.

Boardmember Alligood: You're responsible for hiring professionals that comply, and with anything else too.

Boardmember Strutton: But the reason you hire a professional is because they're licensed and more knowledgeable than you are, right? So if you hire an architect who puts their seal ... now, when they seal the plan they're saying that they've complied with ...

Chairperson Speranza: But then you have to go after them.

Boardmember Alligood: You have to go after them if you think that they ...

Chairperson Speranza: Right, if they haven't done the right things. But the Village can't because they don't have a contract with the Village.

Boardmember Strutton: That's true.

Boardmember Cameron: That's right, you can go after your husband then you won't have to do that.

Boardmember Strutton: I go after him all the time.

Chairperson Speranza: OK, so this is what I'm planning to do because I have nothing to do this weekend. First of all, have you been making all of these changes on your laptop in the document, as we've been speaking?

Boardmember Cameron: No.

Chairperson Speranza: I was hoping you were going to say yes.

Boardmember Cameron: That was a good try. Actually, I'm using a PDF. I can't even change it.

Boardmember Sullivan: So, Patty, I should send you what I've done. This was a PDF.

Chairperson Speranza: Yes, please. And I will make the changes as I have noted them and based on the minutes, and circulate it. OK?

Boardmember Sullivan: Good.

Chairperson Speranza: And this is along with a draft letter. I'm expected to do this by Monday morning. What I learned after skipping the meeting was that it's very easy for things to go out of your mind.

V. ANNOUNCEMENTS

Next Meeting Date – November 15, 2012

Chairperson Speranza: So a motion to adjourn, and we'll see you at our next meeting, November 15.

VI. ADJOURNMENT