

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING
APRIL 19, 2012**

A Regular Meeting and Public Hearing was held by the Planning Board on Thursday, April 19, 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, Boardmember Rhoda Barr, Village Attorney Marianne Stecich, Building Inspector Deven Sharma, and Deputy Village Clerk Mary Ellen Healy

I. ROLL CALL

II. APPROVAL OF MINUTES

Meeting of March 15, 2012

Chairperson Speranza: Any modifications or changes to the minutes? I wasn't here so I will not participate.

Boardmember Barr: And I abstain 'cause I wasn't here.

Boardmember Strutton: I have a couple, sorry. It's mostly typos. Page 7, four paragraphs from the bottom: "*Personally*" should say, second line "a wall," not "*that wall*."

And page 20, fifth paragraph from the bottom, last line: "*... going to see if, on the street, really popping up any more than the tree.*" It should be plural, "trees."

Page 23, the sixth person talking, last line: "*So I think potentially I might see a bit,*" instead of "potentially see a bit."

I can give these to you afterwards. That's it. Sorry.

Deputy Village Clerk Healy: I'm sorry, Rebecca. Can you just repeat that?

Boardmember Strutton: Sorry, what page did I say, 24?

Boardmember Sullivan: Twenty-three.

Boardmember Strutton: So second place where I'm talking, first paragraph, last sentence of the first paragraph: "So I think I potentially might see the bit that's sticking up."

Thanks.

Chairperson Speranza: OK. Is that it?

On MOTION of Boardmember Sullivan, SECONDED by Boardmember Cameron with a voice vote of all in favor except for Boardmembers Rhoda Barr and Patricia Speranza who abstained, the Minutes of the Regular Meeting of March 15, 2012, were approved as amended.

III. OLD BUSINESS

1. **Steep Slopes Approval – Application of Mirjana Alilovic for the additions and alterations to her house at 12 Prince Street. Said property is in 2-R Zoning District and is also known as Sheet 40, Block 733 and Lots 13, 14, 15 & 16 on the Village Tax Maps.**
2. **Amendment to the previously-granted steep slopes approval for adjoining lot at 14 Prince Street, incidental to the action on the above application.**

Chairperson Speranza: The first application we have is for steep slopes approval for a property at 12 Prince Street. We've had this before us a few times, and welcome back.

Tom Abillama, architect – 12 Prince Street: Good evening. Tonight we're back, and thanks for having [off-mic] ... we're back for the proposal for amendment on the site plan for 14 Prince Street, next door to 12 Prince Street. Originally ...

Chairperson Speranza: Well, and for 12 also. OK, so you're going to do these both at the same time? Is that it?

Mr. Abillama: Yes. What happened is that originally, when we first proposed the application for 14 Prince Street, we proposed a retaining wall in between the two properties in order to avoid any erosion from 12 to 14. Since we have proposed some work to be done on 12 Prince Street, we decided that we're better off to eliminate the retaining wall. We don't need it if we can smooth the terrain in between. That's what we did. Therefore, this

application here right now – as an amendment for the site plan for 14 Prince Street – is before this board tonight.

In addition, we have, in regard to 12 Prince Street ... there was some concern about the grading in the back; that we have proposed originally a little bit of a plateau, and then a slope. And now we smoothed the terrain a little bit so it's evenly graded down to the retaining wall. Thus, by not affecting that much ... any new contours, except for ... with the exception of one contour, one little grading, along the new proposed retaining wall. I would like to also reiterate the fact that the neighbor behind is in total approval of this retaining wall in here.

And actually, that's the whole purpose of our meeting tonight. We hope that this board can vote on it positively. Thank you. Do you have any questions?

Chairperson Speranza: Questions, comments?

Boardmember Cameron: Well, I just have one point of information. How high is the retaining wall?

Mr. Abillama: It varies from about ... it starts here for about 1 foot, really, at this end. And it goes up to about 2-1/2, 3-1/2 feet.

Chairperson Speranza: Anything else from the Board? Anything comments or questions from the audience?

Then what we need to do is, we'll take the two properties together. The first action is for steep slopes approval for the property at 12 Prince Street. Do we need a motion to grant approval?

On MOTION of Boardmember Sullivan, SECONDED by Boardmember Strutton with a voice vote of all in favor, the Board approved the amendment to the previously-granted steep slopes approval for 14 Prince Street.

On MOTION of Boardmember Alligood, SECONDED by Boardmember Sullivan with a voice vote of all in favor, the Board approved the steep slopes application for 12 Prince Street.

Mr. Abillama: Thank you.

Chairperson Speranza: Thank you.

IV. OLD PUBLIC HEARINGS (Continued)

- 1. View Preservation – Application of Hudson View (2007) LLC for the construction of a new single family home to replace existing one at 665 Broadway. Said Property is in MR-2.5 Zoning District and is also known as Sheet 14, Parcels P130D and P131B on the Village Tax Maps.**

Chairperson Speranza: Now we move into an old public hearing for view preservation for property at 665 Broadway. Mr. Steinmetz, welcome back.

David Steinmetz, attorney - Zarin & Steinmetz: Good evening.

Village Attorney Stecich: Patty, just on this, besides view preservation, even though it's not on the agenda you should realize ...

Village Attorney Stecich: The frontage.

Village Attorney Stecich: ...they also need the approval from this board because it doesn't have the right frontage on the street under 295-19(c). I don't think it's a problem that it's not in the notice because there doesn't need to be a public hearing on that. It's just you grant that approval, or not.

Village Attorney Stecich: Right. OK. Good?

OK, welcome back.

Mr. Steinmetz: Good evening, Madam Chair, members of the Board. We are representing the applicant, Hudson View (2007) LLC. Good to be back.

Since we were last before your board, as you all know, we made some modifications to the proposed design of this home, based upon comments from your board and based upon comments that we received from the neighbors. As you all know, we conducted a fairly comprehensive site inspection with your board and with the neighbors back in March. We erected more or less a representation of what the home and the open-air veranda would look

like. We were very pleased that all of you came to that, as well as our neighbors. And we felt we received a favorable reaction from the neighbors and are pleased that we're back on the agenda tonight – as Marianne said – really just for two things. One, for view preservation with regard to the home, and for frontage approval under the specific provision.

As I indicated in my cover letter – which you should all have – of April 2, the issue of steep slopes we are putting off to a future meeting. We're still working with Deven as well as with Mr. Hahn – who has been retained to conduct a peer review – of Langan Engineering. And we expect to be back before your board shortly. However, we wanted to proceed tonight on view preservation. We are on the Zoning Board's agenda for next Thursday night with regard to view preservation and an area variance.

With that as background, I'm going to turn it over to Noah Yaffe to walk you through the modifications so that they're clear for the record what we changed, why we changed it, and why we believe ultimately we do not have an adverse impact or obstruct views of the Palisades and Hudson River.

Noah Yaffe, Steven Holl Architects: Maybe I'll take the microphone. Again, thank you very much for your time this evening, and I'm happy to present this again to you.

I'm not going to ... I won't walk you through too much of the scheme because we did see this the last time. But just as far as orientation, here we have North Broadway. This is the lot that we're discussing, with the river over here sort of shown. Right there you can kind of see the edge of the river. I think subsequent to the comments we heard both from the Board as well as through dialogue with the neighbors, essentially the modifications we've made to the house – the sort of main, inhabitable (sic) area of the house – we've lowered that by 3 feet.

And then the open-air veranda, what we've done there is, in that case, lowered it by 4 feet as well as reduce the length by 5 feet. That was the mockup, basically, that all the Board saw on March 11, and I think saw that from numerous locations from Shandon House. So again, our intention with this project has been to site it as sensitively as possible to the landscape, and provide minimal impedimentation (sic) to any of the views of the neighbors. We're happy that, at this point, we could have the support of the neighbors both to the northeast and, certainly, to the south.

With that in mind, if there are any questions I'm happy to answer those.

Boardmember Cameron: There's a couple things not in these plans, and maybe we refer back to the prior plans for that. One is that you're going to have natural growth on the roof of

the veranda. And it doesn't, in fact, say that. Maybe we can just include it when we go for approval that includes it.

The other thing is something you and I discussed early on. The veranda, I think we used a natural color. But I think you have agreed with the neighbors that it would be a color that's consistent with the color of the Palisades cliffs. It doesn't say that here either, and I think it would be useful if it did say that. I'm going to propose that we put that in any resolution we have. I don't want to surprise you guys by springing up at the end and going, "Well, maybe this should be in the resolution."

I think that in the letter that you got from the lawyer for one of the neighbors that it was to be ...

Mr. Yaffe: So it is, yes.

Boardmember Cameron: *"... with the roof of the veranda made from concrete of a color that would be consistent with the Palisades."*

Mr. Yaffe: I do actually have a sample of the color if you'd like to see it.

Boardmember Cameron: It's hard to put that in our minutes, so if we could put in a sentence it would be easier.

Chairperson Speranza: We'll include it in the resolution.

Boardmember Cameron: Those are my only two comments, other than I think you guys did a great job. Thank you.

Chairperson Speranza: Yes, I want to echo that, too. We know a picture is worth a thousand words. Actually being on the site as the location was very, very helpful to all of us.

Mr. Yaffe: And also we do have a model here, which you all saw, of Chandon House as well. But, yeah, I think the model and the mockup that you saw speak better than I can about our intentions for the project.

Boardmember Sullivan: I have one question. Why did you come for view preservation without having steep slopes done at the same time? And what connection is there between the two?

Mr. Yaffe: I think we're in a peer review process of the steep slopes. We're just continuing to develop that, coming back when we feel that's appropriate. I don't think that's having any bearing on what our intention is for the view preservation.

Boardmember Sullivan: Will there be any conditions that would cause you to change what you're proposing right now for view preservation?

Mr. Yaffe: No.

Boardmember Sullivan: Based on what you're doing with the steep slopes?

Mr. Steinmetz: In fact, Ms. Sullivan, we believe it's the reverse. It's because we sought to achieve the modifications to benefit the views that we ended up having to re-grade and change the engineering. That's underway. So in other words, we've established our elevation, our height. Now we've got to make the grading work and satisfy all the criteria of your zoning provision and your steep slopes provision.

But most importantly, since the last meeting the Village retained its own separate consulting engineer and that's really what's taking place. We want to get all of that resolved, and we expect that that peer review will be completed. It's simply not completed for this evening.

Village Attorney Stecich: Two other things can't be ... there was an application put in. But when Deven and I, and Hahn, I guess, had ... we did have a phone conference with, I guess it was, Langan – just Langan with their engineers – and it wasn't ready. So we said just you can go forward with this before this is ready. That's not ready, just wait until it's ready.

And then the other thing is, they have to go before the Zoning Board for area variances. Because remember, after one of the earlier meetings we determined that this isn't just a replacement so they have to go. So since they have to go to the Zoning Board anyway, they can just do it once. They can get the variances, or not, and get view preservation approval. And they have to go before the Zoning Board the one time.

Boardmember Sullivan: Thank you. That makes perfect sense. I didn't realize so much was going on, so thank you.

Building Inspector Sharma: This is also understood: that should the site plan concentration cause any change to what's done here, it's understood.

Mr. Steinmetz: That we would have to come back. Should the grading result in a change in what we're representing, we understand we have to come back for view preservation.

Boardmember Sullivan: Thank you, everyone.

Boardmember Strutton: I would echo that. It lifts my heart to have seen how nicely you've cooperated with your neighbors and just worked together to get something that everyone's happy with. And I just want to say thank you.

Boardmember Sullivan: Yeah, second, third, fourth.

Mr. Steinmetz: You all had a very nice outing visiting the sites.

Chairperson Speranza: Any public comments? Mr. Barnes? Mrs. Barnes, nothing? Everything's good?

Ms. Barnes: Thanks for asking.

Building Inspector Sharma: You're going to have to speak in the microphone, please.

Chairperson Speranza: OK, then, we've got a couple of actions on this. The first is a recommendation to the Zoning Board of Appeals with respect to the view preservation.

On MOTION of Boardmember Cameron, SECONDED by Boardmember Alligood with a voice vote of all in favor, the Board approved recommendation to Zoning Board of Appeals for view preservation for the construction of a new single family home to replace existing one at 665 Broadway based on the documents submitted and the fact that the roof of the veranda will be made from concrete of a color that will be consistent with the Palisades and that the roof will be a "green" roof with vegetation of a grassy or a seed planting as previously submitted.

Chairperson Speranza: And we'll make sure the Zoning Board knows of that condition.

Building Inspector Sharma: You also have to approve the frontage piece.

Chairperson Speranza: The front, yeah. The second action is an approval for the frontage of the property, since it doesn't meet the code with respect to the 70 feet that's required.

Boardmember Sullivan: Can I just ask a question? I know the property is landlocked, more or less, and adjacent to a street. Is there a condition for an easement over the adjacent part that goes with the frontage, or how does that work?

Chairperson Speranza: With respect to the current condition? It is an easement. You have a shared access, right?

Mr. Steinmetz: The answer to the question is "correct." There is currently an easement over the main parcel in favor of this parcel. As we explained to you during our review of the main parcel and as we explained when we came in for the initial meeting here, that driveway is going to be located where the new driveway will be. It comes in off of the apron that's shared in common with Mr. and Mrs. Barnes. It then will extend along the northerly property line of the main parcel, and then it will open off to the north and enter this particular property.

So the short answer is, we will have a new, clear easement that puts it in that particular location rather than traversing the entirety or the breadth from south to north of the main lot. Does that answer your question?

Boardmember Sullivan: Yes.

On MOTION of Boardmember Alligood, SECONDED by Boardmember Strutton with a voice vote of all in favor, the Board approved the frontage of the property at 665 Broadway since it does not meet the requirement of 70 feet.

Mr. Steinmetz: Thank you all for your time and your attention, and your patience with us. And we will be back as soon as we can be.

Chairperson Speranza: OK? Thank you.

Mr. Steinmetz: Thank you.

2. **Final Subdivision Approval – Application of Edward R. Baldwin and Gillian Anderson for the subdivision of a parcel of land at 181 Washington Avenue into two building lots. Said Property is in MR-1.5 Zoning District and is also known as Sheet 7, Block 617 and Lot 16 on the Village Tax Maps.**

Chairperson Speranza: OK, next order of business is final subdivision approval for a parcel of land at 181 Washington Avenue into two building lots.

There was someone who was wondering why this particular property was 181m an odd-numbered parcel on the other side of the street that's all even-numbered parcels.

Boardmember Barr: I think the other was 140 or something.

Village Attorney Stecich: I don't get it either. But what happened on this one, as you recall, you granted subdivision approval, I guess site plan approval, subject to a host of variances, all of which they received from the Zoning Board. But I think we probably passed about eight resolutions approving this thing.

There was one that we missed. That was, we didn't vote on the subdivision of the lot on William Street, which wasn't really a subdivision. I mean, it is a subdivision, but it was a lot line change. So I got the best way to remedy that, would be just to have you approve this final subdivision plat, which is exactly the same as the preliminary plat that you have approved. And then all the i's are dotted and t's crossed. That's what I suggested.

Chairperson Speranza: Did you want to add anything else?

Gillian Anderson, applicant – 73 Washington Avenue: No. Only that Eric Frank and my husband, Ed Baldwin, are unfortunately unable to come to this meeting tonight. So I'm the only one here.

Chairperson Speranza: Well, this is pretty procedural. Any questions, any comments? No?

Village Attorney Stecich: The main problem was the William Street one, the one you didn't take the vote on. So why don't you do the final subdivision approval of 27 William Street, the important one. I would do them separately because they're both different property owners.

On MOTION of Boardmember Strutton, SECONDED by Boardmember Alligood with a voice vote of all in favor, the Board granted final subdivision approval of the lot at 27 William Street.

On MOTION of Boardmember Alligood, SECONDED by Boardmember Strutton with a voice vote of all in favor, the Board granted final subdivision approval of the lot at 181 Washington Avenue.

Chairperson Speranza: OK, thank you.

V. NEW PUBLIC HEARINGS

None

VI. DISCUSSION ITEMS

1. Planning Board – Applicant Checklists

Chairperson Speranza: Now, we do have another item on the agenda for tonight having to do with the green code for the Village of Hastings. I know you're here, Mr. Bobenhausen.

Bill Bobenhausen - Green Building Code Committee: They were planning to come at a quarter of 9.

Chairperson Speranza: I'm surprised that we're finished as quickly as we are.

Building Inspector Sharma: Another 5 minutes they should be here.

Mr. Bobenhausen: Yeah, we should wait a couple of minutes. But they're not here, I can give an introduction or answer any questions you might have.

Boardmember Sullivan: While we wait for them, last month I wanted to bring up the topic of checklists. Because I had prepared a steep slopes one and we never really spoke about it. But the short time I've been on the Board, people have been looking for something like that as a tool. Maybe talk about how we want to proceed with that, now that we've cleared off a lot of old business tonight. So I just throw that out there.

I think it's useful and valuable. We've all been frustrated with kind of how applications have come in, having not gotten the right information or having to try to figure out things without necessarily having everything presented to us. So the checklist, I guess, would be a potential

tool to help applicants. The gentleman who had the Prince Street properties had sort of prepared his own, which was useful.

Boardmember Cameron: Right.

Boardmember Sullivan: So thank you for him for another example besides what I had cobbled together. Again, I just wanted to bring it up because I've heard from folks it would be useful. I think, in my experience, it would be for everybody. So maybe we could talk about how we want to proceed because there are a lot of other subdivisions, view preservations, site plan approvals, steep slopes – which is what I had prepared sort of a rough draft.

Chairperson Speranza: Oh, I think that's something. And I'm wondering if it's something that we, as a Board, want to maintain, or we make sure that we provide it for the applicant. So they know exactly what it is that we're going to be looking for.

Boardmember Strutton: Right. That's what I thought when I saw this. Actually, when I saw what you prepared, Kathy, I thought that's what we would do is come up with a list and then give to applicants before they come to us, and ask them to fill it in so that we could then ...

Boardmember Sullivan: With their application.

Chairperson Speranza: This was good.

Boardmember Strutton: Yeah, this was helpful.

Boardmember Cameron: I think we need it for both purposes; both for the purpose of we as a board because we can't think of everything, so we have a list that the person should show up with. So in case they surprise us with an application, in come some things, we can look at the list, and go, "Well, this really should have such-and-such."

I certainly can't keep all these requirements at the top of my head, and I think it'd be very useful to have it for that purpose. But equally good to have it for the people who are applying so they know what they have to bring in.

Boardmember Strutton: So we don't have incomplete applications.

Boardmember Cameron: It's very frustrating because we only meet once a month. If someone is missing something they could have brought, sometimes they do it through ignorance.

Building Inspector Sharma: For 12 Prince Street and 14 Prince Street I insisted, I asked – and I thought they submitted sort of a checklist.

Chairperson Speranza: Yes, they did.

Building Inspector Sharma: I've been asking most applicants to give this matrix with the reference to the code on one side, and what they are giving or not giving. Because many times it doesn't even apply. This is a like a checklist. The steep slopes, we can do a similar thing for view preservation as well.

Chairperson Speranza: Why don't we do this? We have one here by the applicant. This is also steep slopes. And I think you're right. I think it would be very helpful to have one also for view preservation. And maybe I'll take a crack at doing that for the next meeting. Somebody want to tackle site plan?

Boardmember Cameron: I think view preservation would be very useful because different people have different ideas of what photos they need, and usually you don't get the right ones the first time around. It would be useful if we had a better description of what we would like, what the Planning Board would find acceptable, for making our decision.

Building Inspector Sharma: Would it be pertinent to say that they should go at least within 500 feet of the property to see, or half a mile from the you? What should the criteria be? How far they should move from the subject site to take photographs.

Boardmember Cameron: That's something we should talk about. But certainly we should say it should go to all places where you can stand and see the house between you and the river. Obviously, if it's 2,500 feet it probably is not necessary. But it would have to come with something. I'm not sure we have to define it.

Building Inspector Sharma: They could cover from their perspective and still, from your perspective, they may have left some vantage points. So they still would need to go back and do it.

Boardmember Cameron: Right. Sometimes they need a little push from us because they actually haven't asked one of the potential people who might be complaining that they could

go and stand in their house and take a picture from a porch or something like that. We had that on other houses. We just need to encourage them to do that.

Building Inspector Sharma: Most applicants obviously would like not to come back, and have everything done. So if there was some way we could describe what area they were supposed to go to. It's very difficult otherwise because it's subjective.

Chairperson Speranza: Why don't I take a shot at that? But then somebody has to commit to looking at site plan.

Building Inspector Sharma: For example, the view from the window of somebody's house. Can they go to the houses?

Village Attorney Stecich: But you know, I have to say it's only been in recent years that the drawings haven't come in right. For a long time they were coming in right. People kind of know. And it depends on the property. I don't think you can say a certain number of feet. It depends on the property.

Chairperson Speranza: No, you can't get that specific.

Village Attorney Stecich: It depends where the Aqueduct is. It depends ... and I think it could probably be defined in terms of any neighboring property, any public right of way – almost the way it is in the code. The thing is, the code actually says what vantage points are supposed to be.

Boardmember Alligood: I was going to say we should echo what's in the code.

Village Attorney Stecich: I think it's just people haven't been coming in with the photos and the renderings, where you've got the photos and the line drawings, or whatever.

Chairperson Speranza: And the drawings, yeah.

Village Attorney Stecich: Because I think they can ... it's rare that somebody's come in with a good set of renderings that we've said, "Oh, well, you should get it from this side, too." That's rare. Because if they're really doing a good job at it, they figure it out.

Chairperson Speranza: They've done it. Right, they know where it's important.

Village Attorney Stecich: So I think it's just going to happen. I think what's happening is, people don't realize – even though they should, but they don't realize – they've got to put in

these perspectives. And I would say it's really only been recently. Because we use to get a lot ... we used to get really good drawings and renderings. I don't know whether it's because it's new people working in the Village – not staff, but new architects working in the Village ...

Chairperson Speranza: Who don't know how to prepare the application.

Village Attorney Stecich: I think an architect's going to be able to figure that out.

Building Inspector Sharma: There's situations where there really is no impact, yet we want them to go around and take pictures from different points: see, from here out ... they don't impact from here. So a lot of times an applicant loves not to come back over and over again. It costs them time and money.

So I believe they do present their best, from their perspective. And I guess there are times where you find here they left something out. Buddy and I are working a note we sent to the Trustees and the Mayor, that some code provisions do need to be re-looked at and let's see how the Mayor and the Trustees react to it. We definitely should try to minimize the extra burden of work that the applicant should have to bear to have some simple things approved by the boards.

Boardmember Cameron: But one thing that might be useful – maybe it's in the code, I don't have it in front of me – is that sometimes there is no summer view, but there's a winter view. Maybe, in our outline, raise that issue that that's something we have to deal with.

Village Attorney Stecich: The code doesn't say that, but it's a good point.

Boardmember Cameron: We're talking about the whole year 'round, we're not just talking about the fact that you came by in July and took a couple of shots. Also, I'll help you with this sentence. I know a couple of applicants actually colored in their photographs. Somehow, we have to be more subtle about that – added extra leaves.

And actually another one which I think is important is I'd like them to have a separate set of photographs – and maybe no one else wants this – in which they actually draw in the outline of the building on the photograph.

Chairperson Speranza: Well, they're supposed to. And we haven't seen that a lot.

Village Attorney Stecich: That's what I'm saying. They used to always, as a matter of course, on view preservation applications. I'd say in the last few years. It's probably been five years that they haven't been putting those in.

Chairperson Speranza: OK. So I'll have something for view preservation. Everybody should look at the site plan provision. Maybe we can develop one. I don't know if we can do it at the next meeting. Subdivision, I think, is pretty straightforward in terms of what we have.

Building Inspector Sharma: So we'll have the checklist for the view preservation as well as for the site plan approval.

Chairperson Speranza: That's what we'll have, yes. Steep slopes.

Building Inspector Sharma: And what we have here is kind of OK for the steep slopes?

Chairperson Speranza: Well, we'll talk about it at the next meeting; that one, and Kathy's also.

OK, I see our guest has arrived.

Boardmember Sullivan: So that was our filler.

2. Green Code of Hastings-on-Hudson.

Sharon Kivowitz, Green Building Code Committee: I'm sorry you had to wait for me.

Chairperson Speranza: Oh, no.

Building Inspector Sharma: Speak in the microphone. Identify yourself, please.

Ms. Kivowitz: OK, I'm sorry. I'm on the Conservation Commission, and I was tasked by the Mayor to spearhead the development of the green building code. Early on in the process, Patty was involved in our original thinking. I'll just sort of take you through our process a little, and then tell you where we've ended up. And some of you are intimately involved in where we ended up, so we appreciate all that effort.

The Conservation Commission took a look at green building codes that other cities, municipalities have enacted, many of them based on LEED. There are some legal issues

about requiring LEED, which we grappled with but weren't happy with what we were seeing out there in terms of basing it on LEED. There were just too many issues with LEED that people had, too many problems with enforcement: requiring LEED certification, requiring things to be LEED-certifiable. It was just really too confusing.

We then took a look at the International Green Construction Code, the IGCC, which has not been finalized yet. But we spoke with code enforcers in New York State and members from the IGCC. They came to the Village. We met with them in depth. We spent a lot of time grappling with the IGCC, and also determined that that was also just too much for us. I mean, it just didn't necessarily deal with the issues that we needed in this village.

So in the process, we put together a group of about 15 or so folks – architects and builders who either live or work in the Village – in addition to members of the Conservation Commission, Bruce Jennings, Deven, members of your board – and we worked through the various issues of LEED versus IGCC. And ultimately came to the conclusion that what we needed was to write our own fairly short, to-the-point code. Then we broke down into a technical working group that included Bill Bobenhausen, Deven, Kathleen Sullivan, Doug Alligood and Christina Griffin. Right? Did I hit everyone? That's all of you, right?

Building Inspector Sharma: Doug Alligood.

Ms. Kivowitz: I said Doug.

Boardmember Alligood: He's coming tonight. I just had to tell him, "We're starting earlier."

Ms. Kivowitz: Anyway, it was just an incredible group of incredibly talented architects and code writers and such. With myself and Haven Colgate and Kerrie Jane King, we developed this code. They developed the code, we massaged it. They developed it, we massaged it and it went back and forth. I think it's a really excellent place for the Village to start. I think it hits the issues that we needed to hit. It covers every kind of building that's going to possibly be built in this village, so it covers new construction and renovations for residences of all types.

The code is broken up into two sections. The residential code as we'll call it covers single-family homes, townhouse-type constructions, two-family homes, things like that. The commercial section of the code covers not only commercial properties, but also multi-family, highrise, anything bigger than a townhouse or anything not described; mixed use, anything not described in the residential code.

The code includes everything from energy, it covers water, it covers interior, materials and indoor environmental quality. Those are mandatory requirements, and then there are additional requirements that you need to get five points out of. So you need to comply with all the mandatory requirements, and then you need to earn at least five points from the optional requires. You can pick and choose, so it's kind of set up a little like LEED in that way.

The first thing we're requiring is, for any project that requires approval from the Building Department a green action plan will need to be submitted. And that plan needs to be notarized and needs to include design items, approaches and techniques that save or reduce energy and conserve other resources, or generally accepted. We're going to want that up front, so you need to start to think about your site from beginning to end up front.

The other thing that's required up front is the natural resources inventory. That will also have to be submitted at the outset. It just takes a look at the property and the view preservation, areas of mature trees, potential for solar access, wetlands, water bodies, rock outcroppings. You can read this on your own. I'm not going to read it to you.

The code also covers renovations. For smaller renovations, you won't be required to comply with the optional points, just the mandatory. And then even some of the mandatory things are not required for smaller renovations. Nobody wants to go into anybody's house, and say, "You're changing out your dishwasher. We're going to requires that you put in and Energy Star dishwasher." Or, "You're putting in a new whichever."

The renovation has to be something that would come to Deven. I mean, we're not looking to control every aspect of what somebody does in their house. But if it requires Deven's office to look at it, then you're going to need to comply with this code, essentially. We want the code to not only operate as a mandatory document that everybody needs to comply with when doing these kinds of projects in the Village. But we also want for people doing smaller projects, where they don't necessarily need to comply with this code, we want this to be a document that they can use to think about, to cause them to think about what it is that they're doing. And then maybe perhaps they can do it a little greener.

I don't know if you want to ask specific questions. I mean, Kathy is here, Bill is here, Deven is here. They worked tirelessly on putting this together in their collective opinion.

Building Inspector Sharma: I think Bill was the lead person from the technical side.

Mr. Bobenhausen: I would like a minute or two.

Ms. Kivowitz: I will say that the Conservation Commission unanimously approved the code. Before you start, I just wanted to say something about where we're at with this now. On Monday night, the Conservation Commission unanimously approved the code. We're hoping that from you folks also. And once we hear from you, the next steps will be if you have any comments. We have a few comments still.

We're going to take all of our comments. Assuming you vote to send this to the Board of Trustees, we're going to take all of our comments – we're not going to go back to this – we're going to take your comments, we're going to take the Conservation Commission comments, And we're going to send it to Board of Trustees and they will deal with it.

They will deal with it, they'll fix it, they are going to give it to our attorney. She's going to have to fill in some gaps. She's going to have to make sure that it overlays with other Village codes properly. And then it'll go out to the public. But that's the process that the Board of Trustees would like us to take on this. They don't want us to look at this anymore. They want all the comments, and they'll incorporate it themselves.

Boardmember Alligood: So just to be clear, tonight you want our comments. You need our vote to approve it?

Ms. Kivowitz: We don't need your vote to approve it. What we need, we want to recommend that the Board of Trustees pass this green building code – with comment, without comment. If you have comments, then with the comments. But the Board wants to know that the Planning Board and the Conservation Commission are recommending this to them for passage.

Chairperson Speranza: And possibly not verbatim. Because there are some things that I have.

Boardmember Alligood: You're saying recommend. It's one thing to say we recommend with comments to move it along for them to review. It's another thing to say that we recommend it be passed as is.

Ms. Kivowitz: No. We recommend that they review it.

Boardmember Alligood: OK.

Ms. Kivowitz: With comments. If you don't have comments, great, without comments. But that is the role of the Planning Board and the Conservation Commission in this process: to recommend that it be considered by the Board of Trustees.

Building Inspector Sharma: The Trustees and the Mayor are anxious to get going with it. It's taken some time.

Boardmember Alligood: No, I just wanted to be clear.

Building Inspector Sharma: Bill, and some of the other people, some more active than others. We put it together. It's simple, it's doable, it's understandable.

Ms. Kivowitz: And most of all, Deven thinks it's workable. That's very important.

Building Inspector Sharma: In many ways, a beta version. In the first year, of course I think it's enforceable. And we'll see, in the first year, how it works. My impression is, from the nature of the projects we've been getting the permits for, they may not even need to do any of the provisions in there. So the nature of the project would be very important. The larger size, it might still happen. But currently there are not that many projects that'll benefit from this.

So I'll let Bill do some talking now.

Mr. Bobenhausen: Thank you, Deven. It's a pleasure to be here tonight, and an honor. I know most of you pretty well. As you probably know, I served as a Village Trustee and chairman of the Planning Board a long time ago.

Chairperson Speranza: I didn't know that.

Mr. Bobenhausen: Yes. But most of all, I'm an architect. I'm an environmental architect. I'm head of a firm, Sustainable Design Collaborative, founded in 1981. So I've been doing this stuff longer than most people in the country. Sharon mentioned LEED – which you all seem to kind of know what that was about – Leadership in Energy Environmental Design. I've worked on probably about 60 LEED projects, 14 of which are certified – all kinds of major projects. Go to my Web site if you want to see any of that stuff.

But the most important thing, really, is that I've been working on codes forever – since 1979 in New York State – and my firm in 1988 came up with all these issues to discuss when we did the first major revision to the energy code in New York State. Then we developed all the residential provisions a couple years after that.

Deven has mentioned some of these things already. But I think my role and impact was to impress what other people have done. And that from my experience, if codes are to be

enforceable and workable and friendly they have to be very simple. And most codes are not. Sharon mentioned a few of the other documents that are thick. I brought a couple of things with me.

But we came up with something that is short, easy to understand, implement, and enforce. And the enforce part is something that I've been very sensitive to throughout my career. That's there no sense having a code if people don't understand what it is they have to do, and then the village or the jurisdiction is able to check it easily. We don't want to make work for people. That was the easy thing here.

The point, I think from my perspective, was to get maybe 80 percent of the potential benefits that are out there where everybody does maybe 10 percent of the work; the easy stuff that is going to benefit not only the applicants, but also the Village and society as a whole. So we ended up with, I think, 12 or 15 pages. I originally said maybe it'd be three pages, but that was a little optimistic. That was only when it was single-family, and then we expanded it to cover all building types.

Building Inspector Sharma: If we use a smaller font it could fit on five pages.

Mr. Bobenhausen: You're right, Deven.

Chairperson Speranza: But nobody would want to read it.

[laughter]

Mr. Bobenhausen: So the only thing I'm trying to stress by showing you this document and giving you a little bit about my background is that this group, for the last year, has had the benefit of my advice and counsel, which is held very strongly in Albany in different ways, and so on. So it's a technical document that is going to hold water. OK? That doesn't mean it's perfect. If you gave it to me I would probably edit it a fair bit.

But now is the time to air it out, see what people have to say. And then we would go back to our committee and see what comments we've received, other thoughts we might have, and make a revision at that point.

Ms. Kivowitz: If not, we go back to committee. So that's what we're doing. We're going to take whatever comments you have, whatever comments the Conservation Commission has, or you folks whose draft we had and give it all to the Board of Trustees.

Mr. Bobenhausen: OK. We'll see what they come up with.

Building Inspector Sharma: Actually, I think they might have some questions for the next meeting, or maybe if you can forward us the questions – they need more of an explanation on or something – we'll try to get back to you with explanations or answers as quickly as possible. And then after you have understood and assimilate it if you have comments, of course ...

Chairperson Speranza: Well, let me we started grappling with this whole how do we make a change to a code, how do we green our building code. As you mentioned, Sharon, we'd look here, we'd look there. And it all depends, really, on what it is you're trying to achieve and the process that you want to follow to go about it.

So I commend everybody for coming up with something that really is very simple. There are a couple of things that I'm just not sure of with respect to wording and process. And some of it stems from our experiences that we've had here, for instance the definition of "alteration. And if you don't mind I'll just give an example right now. You're going in and renovating your kitchen or the first floor of your home: The kitchen, the bathroom. Likely, you're going to need a building permit.

This then comes into play to some extent. And I'm wondering if, for instance, in renovating your kitchen or your first-floor space do you also have to comply with everything here that deals with site? Do you have to look at the gravel in your driveway? Do you have to do the natural ...

Mr. Bobenhausen: No. There are some area limitations that are put in there.

Chairperson Speranza: Because it says that you have to comply.

Village Attorney Stecich: A good example would be 2.2(c).

Building Inspector Sharma: What's 2.2(c)?

Village Attorney Stecich: That you have to control all heating and cooling systems. Let's say this is a renovation, nothing is excepted to this. It would apply to any residential thing, and that's true of a lot of sections.

Chairperson Speranza: Right. The whole-house master switch. If you're doing a kitchen renovation I don't know technically what's involved in doing something like that, but I would imagine it's much more than just the renovation. But I think it's still a little unclear as far as

which of these apply for *something* like an alteration. A new building is easy, but the alteration.

Boardmember Barr: If you're putting new shutters on your windows, do you now have to take care of all the gardening issues? Forgive me, but I'm a little bit concerned about this section on "invasive plants and natural plants" – why those are criteria. Who decides what are native plants, and why they have to be native plants in terms of the green code? I mean, suppose it isn't a native plant, and what defines that?

Building Inspector Sharma: I would have a list – when we're ready to do it – a list of native plants and a list of invasive plants. The green code is to encourage people, and sort of mandate. You may want some exotic plants in your garden, but we are saying when from the green code you're going to have to use native plants if you're affecting any landscaping on your property. On larger projects, for example, when you do landscaping you would have to use a certain kind of plantings which is more local condition-friendly. So that's the idea.

But if you're doing a kitchen renovation, no, you wouldn't have to do any work outside on the side or the roof, or planting of trees. Kitchen permit is a kitchen permit; anything that happens within that kitchen. For example, the dishwasher replacement we would want that dishwasher to be Energy Star or something.

Chairperson Speranza: It doesn't read very clearly.

Building Inspector Sharma: I think Marianne could make it work.

Village Attorney Stecich: But the problem is it's not affecting whether we rewrite it. I don't understand when the things are supposed to kick in and not kick in.

Boardmember Strutton: I agree with Patty entirely, what she was saying. One of my laundry lists of concerns as I read through this was, first of all, when you were speaking you said this was only going to apply to things that require a building permit. But that's not here. It says any renovation to anything, even under 1,000 square feet.

So if I want to renovate my kitchen just by replacing the cabinets, potentially I have to meet not just the things that would apply to my kitchen – like 10 percent recycled – I would also potentially have to re-pave my driveway. Which I don't think is the intent. I don't think that's the intent, but I think it definitely needs to be clarified that where this should apply is only to the scope of your project.

In our experience with the steep slopes, when someone's on the steep slope property and they want to renovate their bathroom, they shouldn't have to come before us for steep slopes. It's a similar concept.

Chairperson Speranza: Exactly, yes.

Ms. Kivowitz: I don't think it was our intention for you to have to re-pave the driveway if you want to renovate your kitchen.

Boardmember Strutton: I just think that ought to be explicitly in there.

Chairperson Speranza: Again, we're just trying to give you things you might hear, as fresh readers to this.

Mr. Bobenhausen: I would just like to say that as I've done code work a long time, the first readers always bring up things that might be covered but aren't covered adequately. I think the example of the shutters or something simple like that, that is covered. But it might not be covered as clearly as it can be.

So any comments you would have are things that I, and the technical committee in particular, and the whole committee perhaps ... I don't think exactly what our process will be. That's not for me to say. But anything I see I'll take seriously from a technical standpoint and respond to it and make things as clear as possible.

Boardmember Barr: Well, one other thing that I'm concerned about is the degree of applications and paper and so forth. To the extent that people have to prove that they've got these certain plants, particularly in the landscaping area, I'm not as concerned about being required to have the proper dishwasher or something like that, or if they're building the whole building.

But the paperwork back and forth and proving this – frankly, why native plants necessarily have a special characteristic – sometimes things can be very creative and not at all harmful. And whether we aren't getting a little bit too bureaucratic in all this.

Ms. Kivowitz: We're not requiring 100 percent native plants. We're just trying to educate and push the envelope.

Mr. Bobenhausen: There are probably a thousand judgments that are in that little document. Whether you include it or don't include it, at what percent, things like that; do you have native plants. An awful lot of it has LEED as its origin.

Boardmember Barr: There's a percentage here. It says a minimum of ...

Mr. Bobenhausen: I agree it's an arbitrary percentage.

Boardmember Barr: And people are going to sit and count how many plants there are?

Mr. Bobenhausen: Well, everybody will be reasonable.

Boardmember Alligood: Can I make a suggestion on that particular item, and maybe it could apply to other points in here? You guys are steeped in this, and it's amazing how much thought went into it. Clearly, it's progressed a lot since we started the initial mulling this year. I appreciate that you all took it and ran with it. I just want to acknowledge that.

I think wherever it's possible to explain the rationale for the requirement it's very helpful. Because again, it's fresh eyes. So when I saw the requirement about native plants, when you see the words "invasive species" most people understand that's bad because it's probably crowding out vegetation that you need. But when you get to the term "native plants," unless you're educated in what the benefits are to choosing that over whatever the alternative is you may be puzzled by the requirement.

So if there's a sentence or two: is it that they require less watering, or is it that they are better for wildlife. I don't know, I'm asking.

Mr. Bobenhausen: You know, I didn't bring it with me, but you will see in this document there are various references to LEED: "as per LEED technical requirements," or whatever the final language became, OK? But it's presumed that anyone who would be following these 12 pages or whatever at the same time would be relatively familiar with the LEED process and probably would even have the LEED reference guide, which is about a 500-page document which goes on for three pages to explain what a native plant is, and so on.

So perhaps one of the things that should be strengthened – and this, again, is a value judgment just how much you hang your hat on LEED, for example – one thing would be to depend a little more maybe on the reference guide for some of these definitions. If we put all the definitions into our own code, instead of 12 pages we'll get 20 pages or 30 pages. And even then, there will be other definitions you will not have. So it's a judgment.

Boardmember Alligood: I'm not asking for a definition. I'm just saying where it would be helpful. I'm looking at it from the perspective of a homeowner who would be saying, "How

does this apply, why is the Village requiring this of me?" – to the extent that could be explained.

Mr. Bobenhausen: That might be something that could be at the beginning a little bit more; put it into a little more context. I've developed those kinds of documents for the energy code that we've done, but none of them were done with the budget that this was done, which was zero.

Boardmember Barr: It's too much bureaucracy that comes into this. Someone, for example, buys a home and there's all kinds of plants and things there. Do they have to rip out all the stuff that's there because it doesn't meet these codes? I think we have to be careful.

Mr. Bobenhausen: I don't think that's there at all, no. I think any fears you have, as I said, I would like to hear them or see them written down. We will respond to them, and many of them will be already in the document.

Village Attorney Stecich: It does say "all existing invasive plants on the site have to be removed."

Mr. Bobenhausen: Invasive, yes.

Boardmember Strutton: So then you have to hire a consultant who understands what an invasive plant is to come walk your property and pull them out for you so you can certify that you removed all the invasive plants while you re-landscaped?

Boardmember Barr: You might be glad you have them – your ivy or whatever it is.

Ms. Kivowitz: If you're landscaping, if you're doing a project big enough that you're redoing your driveway.

Boardmember Strutton: OK. But like the people who were here earlier for 12 Prince Street, right?, they're going to entirely re-grade. But I don't think they're going to take every plant out. Take them as an example. They have to hire a master gardener or somebody – who's not the builder who's going to be building their house because they're not going to be able to identify it – who's going to have to come at a cost of, I don't know, 500 bucks for the day to walk around and tell people, make a list, of all the different plants that are on the property?

Part of my reaction to this, in general, is cost. I look at this and I agree with Rhoda on the bureaucracy points. Like how many new consultants do you need? And when you say they're definitions and whoever's going to be helping you with this is going to be LEED-proficient, hopefully I would like to see a document that the homeowner can pick up, understand, comprehend and try to comply with, with either their builder – to the extent that they're using an architect, with their architect – but without running up the cost of their construction by an additional \$2,000.

Mr. Bobenhausen: We tried to be extremely cost-sensitive for everything that was proposed here. In the Internet age, if you want to know what an invasive plant is under LEED you write those three words out, and you hit "enter," and it will tell you.

Boardmember Strutton: But then you have to have a book and walk around your property and identify them.

Mr. Bobenhausen: No, it's online.

Village Attorney Stecich: You don't know what the plants are.

Mr. Bobenhausen: This is not one of my favorites, so ...

Village Attorney Stecich: But the problem isn't that the first part says no invasive plants may be used. I think everybody would agree with that. But then when it says all existing invasive plants on the site should be removed, that's going to make this really hard.

Boardmember Barr: Maybe you like those plants. I don't know whether ivy is an invasive plant or not, but ...

Mr. Bobenhausen: That's a good point.

Ms. Kivowitz: We'll have a list of what is considered invasive plants.

Building Inspector Sharma: We'll have the list, but then again many people may not identify them. So obviously, a definition. This bureaucracy is being done for a reason. Like why do we have to have a building only 35 feet or 2-1/2 stories? People can ask that question, too. Things are done for reasons for the good of the community at large. And this green code is done for a good reason. Many people will almost welcome it. Many people may already be doing some of the things we put in the code.

Chairperson Speranza: This was something that we had all agreed was something good to promote in the Village, the green building trade. There's two issues here. One is the extent of the work that's being proposed. Think of the housing stock that we have in the Village right now. If you're going to ahead and alter ... Rebecca, you did a tremendous amount of work on your home when you moved into the Village.

Boardmember Strutton: None over 1,000 square feet. So why not exempt everything under 1,000 square feet. We gutted our entire second floor and we redid ... we moved some walls and we put stuff back up, and we changed the shapes of the bedrooms and we renovated one of the bathrooms. It took us a long time. And when I see this – having gone through that experience – it makes me really nervous. Because I think, OK, so now ... and I still haven't redone my kitchen, right? That's sometime in the next 10 years. I said five when I bought the house, it's been five. So sometime we're going to renovate our kitchen.

I read this with that eye, and I think, well, what if I go to Home Depot and I want to buy a dishwasher and some cabinets and redo my kitchen. And I need a building permit because I want to move a wall, or for whatever, and suddenly I have to buy a Star Energy thing. So what if I go there, and there's a dishwasher that's on sale for 100 bucks? Or what if I'm 95 years old, and there's a dishwasher that's \$100. The Star is \$500, and I think I'm going to be in the house for three years.

Economically, it doesn't make a lot of sense. And then you go into -- you're going to tell me what kind of paint I have to use in my kitchen. It has to be VOX, which is \$30 a gallon as opposed to \$12.50. And then you're going to tell me that I have to use 10 percent recycled cabinets in my kitchen, and I'm going to ask Home Depot what percentage the cabinets are made of recycled material. And they're going to say they don't know. I mean, it seems so prescriptive and so difficult for your average homeowner who's hoping to sort of keep their costs down, renovate their kitchen, and be done with it.

Let me just suffix all of that by saying it makes a lot of sense. What you're trying to do makes a lot of sense. It's a noble endeavor. I think for new construction it makes a ton of sense, right? When I saw what they were doing on 45 Main, and how they tried to live up to this. And when they were marketing it, I thought that's wonderful. Wouldn't it be great to live in a place that has geothermal heating and everything has been done so nicely.

But when I think of the average Hastings homeowner renovating their kitchen or their bathroom it just makes me ...

Building Inspector Sharma: It may not apply much.

Boardmember Cameron: If it's an average homeowner, not buying an Energy Star appliance is the most foolish thing in the world.

Boardmember Strutton: I agree, but I ...

Boardmember Cameron: I think your example was great. It was a 95-year-old lady, but then you say average and those people should buy Energy Star. They'll get their money back in five years.

Boardmember Strutton: Right, and I totally agree. But I guess I think of it ...

Ms. Kivowitz: [cross-talk] buy appliances that aren't Energy Star anymore. Have you ever gone onto ...

Boardmember Strutton: Well, you're right. If that's the case, then why do we need it prescribed?

Mr. Bobenhausen: I could just say one brief thing. This is the codemaking process. It's like sausage. The more people you get involved, throwing their ideas in and commenting, the better it gets. My assumption is that somewhere along the line there will be a public hearing before this would become a law. I would expect, at that time – and every code I've ever been involved in I make a presentation at a public hearing – that would go through it kind of step by step, and explain what it is. People can say, "Wait a minute, I don't like that," whatever.

Then you respond to all the comments that come from the public and from the various boards. The last thing I was trying to do was come up with a finished document until all of you have a chance to take a shot at it. Because I know there's lots of comments out there. We've flushed out an awful lot of them within our technical group, but there's still more, OK?

Chairperson Speranza: And I think a lot of it has to do with exactly what is going to be applicable. Because when you say that all of section 2.4 applies to everything, then it's ...

Ms. Kivowitz: I think the issue is applicability.

Boardmember Cameron: What's the trigger mechanism?

Chairperson Speranza: Then it's like, OK, even 1(a) says only if it's involving new landscaping, pavement or impacts on stormwater quality, how does that fit with the mandate

that says everything complies to 2.1 to 2.4? Suppose you're not doing anything with stormwater? Reducing stormwater by a minimum of 70 percent? It's a mandate. "Reduce off-site stormwater by 70 percent."

Boardmember Strutton: Then, if you have to do this twice ... you do this bathroom once, you reduce by 70 percent. Then you have to do it again. Is there a waiver for that? You only have to do that once every 20 years?

Building Inspector Sharma: No, a bathroom doesn't produce stormwater.

Chairperson Speranza: If you put an addition onto your home.

Boardmember Strutton: It's on 2.1(c).

Village Attorney Stecich: That whole section I think needs a clarification in the beginning about when it applies.

Chairperson Speranza: When it applies, right.

Village Attorney Stecich: But let's say there is some landscaping on this. You're putting in a patio so you're disturbing something. Does that mean, then, for your whole lot you've got to reduce the stormwater drainage by 70 percent?

Chairperson Speranza: It's those kinds of things we're just not clear on.

Village Attorney Stecich: It's similar to what Rebecca's saying, but on the outside.

Ms. Kivowitz: But we have to deal with these issues, and we have to make big moves and we have to take a big stand. Stormwater is a huge issue. And if somebody's already re-grading their property or re-paving their property, then I think it's incumbent upon the Village to force the issue. I mean, this is issue-forcing, in a sense. And I think we have to keep goal in mind.

Village Attorney Stecich: But I think under the current code, under the current building code, you have to keep ... anything you work on, 100 percent of that you have to deal with 100 percent of that stormwater. You have to keep it on-site.

Chairperson Speranza: Right, what's required.

Village Attorney Stecich: That's what the law is right now, and it's been that way for quite a while.

Boardmember Barr: You know, the amount of paper for all this bothers me. Because if you have to get clearance on all these things, I think there's some things that are recommended and some things desired. But the number of things that have to be ... you know, you have to get approval because you've done this, someone's got to inspect them. The amount of paper back and forth is more damaging than the ...

Mr. Bobenhausen: Well, it's to minimize it.

Village Attorney Stecich: But if I could just finish on what I was saying, I don't disagree with you. And I think it is the law that you have to keep 100 percent of anything you disturb the stormwater has to be kept on-site. But this seems to say if you're doing any work outside you have to take your whole lot – let's say you've got a big lot, you have to take your whole lot – and reduce 70 percent of the entire lot, not just what you're working on. I'm not sure that was the intention, but that's how it reads.

Chairperson Speranza: I'm thinking maybe the best thing to do is gather comments together. Or we could sit and we could do it as a working session. What's the preference in terms of being able to comment on this? We're submitting them to the Conservation Commission?

Ms. Kivowitz: Well, I think it was the desire of the Board of Trustees that everything get submitted to them, and then let them wrestle with it. But I think I'll give Peter and Bruce a call, and say it sounds like you're going to have some fundamental issues that maybe we need to address before it goes to them. I think the applicability issue is the fundamental issue in terms of is it 70 percent or 30 percent, or basic plans, and which plans and this and that. I think that's the kind of stuff that the Board of Trustees wants ... they want to grapple with themselves.

But in terms of making it clear what applies to what and how it's applicable I think is a fundamental issue that we probably need to deal with.

Village Attorney Stecich: If I could make a suggestion on that, rather than trying to have ... just because there are so many different provisions that apply in different circumstances, rather than come up with an overall applicability section I think for your own purposes and also to make it easier to understand you do it either item by item or section by section rather than try to have an overall applicability section.

Ms. Kivowitz: So what we can do is maybe define the projects that this code applies to.

Village Attorney Stecich: Yeah, what you have now.

Ms. Kivowitz: And then four sections, say, applies to one, two, three or whatever.

Village Attorney Stecich: Yeah. And I think that'll be a good exercise for you, too. Because I think in discussing it I saw that that wasn't really what the intention was. We didn't mean, when you're doing your kitchen, you would do this. But if you do it section by section I think that'll clarify that. Even if the language later can be shortened. I don't think you should worry so much about the number of pages. Sometimes it's the clarity.

Mr. Bobenhausen: Well, I'm talking about the number that we proposed versus a book like this. I'm worried about that. And we're trying to make it simple, easy to use. Any comment that is aimed at doing that, I just would like to document those comments. If each one of you just marked up a set of this, and sent it back to the Conservation Commission so we could take a look at the comments, that would be the most effective way to proceed.

And I think the great majority of the things you've brought up are addressed. Maybe not elegantly yet, but they are addressed. And I'd just say one more last thing – my last, last thing, I hope – that is, anything that is mandatory in this code is something that, based on my experience which, as I say, is very extensive, is cost-effective. That doesn't mean for free, but it's something that is not a costly thing.

The things that are costly are the optional additional requirements, where you have a menu to pick from. You have to pick five points out of 18, let's say it is, for residential, or 20 for commercial. So you've got your choice of all kinds of options. And the idea is not to mandate it anyone do everything that can be done from a green standpoint, but rather they size up their own situation, their own building, their own house and do the things that come naturally. OK? And not mandate all of it.

And that's the strategy, OK? As I say, I'm sure there's some worries, some things that could be made a lot clearer. But that overall structure is the important thing. And the idea is to, as Deven said, probably most of the buildings will meet most of the mandatory provisions right now. There might be a couple of things: the paint, for example, you brought up. I don't know if a couple dollars a gallon for paint is viewed as an obstacle for anyone these days.

Boardmember Strutton: I think it's like three times as much. I've looked into it, and I think it's like three times as much a gallon for the VOX.

Mr. Bobenhausen: Well, maybe if you buy a gallon.

Boardmember Sullivan: I'd like to say something. I've been part of the technical group working with Bill and Doug and Deven and Christina. And I haven't really looked at the new version. I had to sort of fall back after the first of the year because of some workload. So I really haven't looked at the code as it stands. I think it's become ... I think where people were headed to is making something very simple.

I think what we're hearing – and I speak as a newcomer to the Board – is that the scope issue people talked about is really important. The cost issue, even if it's a gut thing, you're checking against what you know and what your neighbors know and what you've heard people say. I think that's very important.

I would encourage people, as they look at this, to potentially think of what somebody ... the things that are now called mandatory, if you would feel more comfortable if they were something that was optional. And that may be a way for pushing the envelope in a way that ...

Mr. Bobenhausen: There's a lot of things that they have discretion ...

Boardmember Sullivan: Bill, excuse me for a second.

What I'd like to say is, I think if you look at this – and I think everyone can spend a good amount of time kind of sorting this stuff out and saying, you know, that makes sense, I understand that or I have a question about it, maybe it sort of makes sense, or that one I think is really kind of complicated let's make it mandatory ... because I think one thing this code could do, it's rolled out. It has a certain impact, you can see where it goes. And then things can shift around after a review, after some length of time.

Boardmember Strutton: Kathy, one thing I thought about sort of on that is, if there's a way to incentivize people to comply with this rather than making it a penalty if you fail to comply. So I was thinking a couple of thoughts. One is that you say, "Well, look, instead of saying we'll penalize you if you don't comply, you say ... if you do this one thing, then we'll reduce the cost of your building permit by this much money." And then overall raise the cost of the building permit from 2 percent, make it 5 percent, or whatever. And then give people an incentive financially to say, "If you comply with these things, then we'll bring down the cost of your building permit to the 2 percent it would have been originally, with no loss in revenues to the town." Make it a tax, right?, as opposed to a penalty.

Or you could say ... I mean, this, I think would be much trickier be it might potentially involve Greenburgh. But you could say, "Look, if you comply with these things, if you elect to comply with these, then your tax rate due to your construction won't go up by whatever, 2 percent of the cost of your construction," or whatever, however the calculation is.

Boardmember Sullivan: We're locked with Greenburgh.

Boardmember Strutton: OK. But we, further, have control over our school tax budget, right? So perhaps you could say that your school tax component won't go up as much as it would if you comply with this. So I think there are ways to spin it that might be more palatable, especially to the homeowner.

Ms. Kivowitz: We talked a lot about incentives because that's what a lot of other communities do. But they're big communities and they have ... so rather than waiting seven months to get your building permit approved, you get pushed to the top of the line. Which, for people in New York City, that's a really grand thing. But Hastings, it's kind of irrelevant.

The word from our Board of Trustees and our Mayor was no, that we have nothing to play with. We can't give on taxes.

Boardmember Alligood: We talked about that early on. And we grappled with that, and we couldn't think of anything.

Ms. Kivowitz: We just don't ... you know, it is a great idea. And maybe if you want to raise the cost of the building permit, and we can give some slight deduction in that, perhaps that's something that we can do. But I appreciate what you're saying, and it's frustrating. And I wish that we could have come up with incentivizing – if that's such a word – ways to deal with this. But there is nothing. And I can tell you that this village will not agree to waiving building permit fees or anything like that for this. It's really their position that we, as a village, want to have this philosophy and we want to push this as much as we can.

Building Inspector Sharma: [Inaudible]. For example, can we say if you come and get approval for your steep slopes, and we give you some kind of incentive for it. Sometimes you make the code [inaudible] thing is, overall, it's going to cost ... that's good. I mean, that's what the community determines for itself that they're going to go to this [added expense] XXX, if that's what it is, is our incentive. So why are [inaudible] options were [inaudible] were.

That's where we add a few items, where you say, OK, here are a few things. If you do these things you can get some ... you can go more than 35 feet high or 2-1/2 stories or 3 stories,

something like that. [inaudible] zoning percentage of area that you can build on a site instead of 25 percent we'll let you build up to 30 percent.

So any number of incentives that we [inaudible]. A lot of times, what happens is the first fundamental question is some people could say – and [inaudible] other communities – why do you need a green code? Why [inaudible] bureaucracy or something. Once you get over that, the time has come. You need to do something sustainable, something green. It might cost a little extra. A perception, there may be a perception it might cost a little bit extra.

You go out to Home Depot, I think you're buying more dishwashers and refrigerators with Energy Star than the other. The time will come you may not be able to buy the furnaces and [inaudible] units. Their efficiency ratings are going up 85, 90 percent. You can't buy any lower. Industry is moving with the green concept. Obviously, something needs to be clarified. That's why I said within the first year understand we'll not be enforcing draconian measures. There will be interpretation of issues and we'll be adjusting and modifying.

The concepts are here. I think we've done our best to put in the [inaudible] that need to be considered. I think we can work on it a little bit more. For example, the toilets. Currently the toilets are 1.6 gallons per flush, and we say that the new ones are 1.28 gallons. So [inaudible] we're starting to see this 1.28 gallon toilets. Much of the things we're suggesting in here are already becoming industry norms. It seems like it's designated, and it doesn't mean that. I understand that.

Boardmember Cameron: Only it's becoming the industry norm, and the prices are only going down because more and more people are forced to buy them. And therefore more and more are produced, so down goes the cost. If you were the first one to buy a power flush toilet you'd find it was three times the price. But now it's down to almost the same price.

Mr. Bobenhausen: There's nothing requiring a power flush toilet.

Boardmember Cameron: No, I know that. But as more and more people produce them.

Boardmember Strutton: I guess my question is where should the driver be. I think about cars that drive with leaded gas like we had in the '70s. The government said you need to clean up your car, and the car manufacturers changed and started producing cars that don't take leaded gas. But the government never said, "People, you can't buy a car that drives with leaded gas." Right.

So when I think about that analogy related to this, this is more like, "People, you can't buy the car with leaded gas."

Boardmember Cameron: But you can't buy a car with leaded gas today. You can buy a really, really old one, but you can't buy a new one.

Boardmember Strutton: But the government never said you can't go out to the marketplace and buy a car. It's the supply side that was regulated, not the buy side that was regulated.

Boardmember Cameron: I don't think they let you produce them.

Boardmember Strutton: Right, they don't let you produce it. That's the manufacturer of a dishwasher.

Boardmember Cameron: Just the same thing: you couldn't buy a new car, after a certain date, with leaded gas.

Boardmember Strutton: Right. So what I'm saying, parallel to this code, if we just wait long enough all the dishwashers ... as you said, everything is Star-compliant already. So if everything's already Star-compliant, then why do we need to say Star-compliant in the code.

And when I buy a dishwasher it will be Star-compliant. It's the right thing to do. But the question is where do you regulate. Do you regulate at the ...

Mr. Bobenhausen: And we're not regulating gasoline in cars, I can assure you. We're nowhere near that.

Ms. Kivowitz: But we are regulating buildings in this village, and we do regulate how people build their buildings. And do you have energy codes already. So it's not like we're coming from someplace completely foreign, and we're saying, "Well, for the first time the Village is going to require people to do X, Y, and Z when they build their house." You sit as a planning board because you regulate what people do when they build in this village.

So this is really no different than that. We're not doing anything different. And the truth of the matter is, this might even be moot in a few years when New York State passes its own green code that everybody's going to have to comply with. So I hear what you're saying, but I don't think that there's any ... the Village is a regulating body, and I don't think there's anything wrong with regulating these things that we are already regulating. We're just pushing people a little farther in it, that's all. It's not doing anything new.

Mr. Bobenhausen: The line, at least from this one professional who's done about 400 high-performance in my career, there's nothing that's mandatory here that is not doable and in common practice today.

Boardmember Alligood: OK. I wanted to follow up on something you said earlier, which makes me think. I think part of what needs to happen with the document is the messaging. Because I agree with what you're saying, and I think the more you explain it the less onerous it sounds to me. When I read it, it sounded very onerous and very far from sort of what I would expect to do as just renovating my house.

Mr. Bobenhausen: Well, let me just say ...

Boardmember Alligood: Let me just finish. I think that part of what needs to happen in the interrogation going forward is that explanation that you're providing to us about what is already happening in the industry, how it's not that different from some of the things that we're already regulating in this village, and why these things are being made more explicit and being pushed further. And I think that will help.

Because part of this is really an educational tool. I see the primary audience is our homeowners and developers in this village, and we want them to embrace this. I mean, we don't want it to set up a dynamic where you have people shouting and screaming, saying, "This is going to push us over the edge." You don't want that reaction. We want people to say, "Yeah, we all want more fuel-efficient cars, we want to keep our village cleaner and safer and better for everyone."

So I think if we come around to the ultimate ... the goal, and then just make the language kind of express that.

Mr. Bobenhausen: In terms of coming around, until about four months ago this code, this document, was entirely single-family residences. Then at one of the meetings, people said, "Well, why can't it be multi-family?" Because that's complicated. It's not easy, but we did it.

Then people said, "Well, why not all commercial buildings?" And then we included commercial buildings, Deven. But this is ... you know, in a very general way, as you said earlier, every building type, every site – not too specific, not too regulatory – because every building, every site is different. OK? So unless you know more information you can't regulate very strongly in any code.

So when you get into incentives or height restrictions or giving more height or all this other stuff, what site are you talking about? What type of building are you talking about? You

can't just put that into a code: you get 10 percent more floor area if you do this or you do that.

Boardmember Alligood: I think that actually goes against what this is trying to do. When we pave over too much of our land that's when we get into runoff issue. So I actually don't think that's the kind of incentive we should put in here because we're shooting ourselves in the foot. What's at point of making all this effort?

So building height, I don't know. Again, I think we run into other issues. So I think it's opening up a new can of worms.

Boardmember Sullivan: But Eva, you're making me think of ... there's almost the educational aspect, which is what I think you're talking about. I think the actual language that gets put in our village, I think this will come out as a local law – the green building local law, or something like that. It's going to be a stripped-down version of this.

I think it's an interesting thing, and I think that's the challenge. Just not for the scope of projects that this covers, but I think is looking at making sure we're doing the right thing in these different categories. Understanding what the five-sentence goal is. That's the intent, and that would be useful. I think that's different than what the task was to do the code per se, but I think it's an important thing to be able to kind of know you can back up. You're backing up the things that you're asking people to do.

You can understand why that requirement's mandatory versus an optional one. You understand that if we do this it does that. I think, Rebecca, you're trying to relate to personal experience, which I do as well.

Boardmember Strutton: Personal experience, and also the experience of what we're asking everyone in Hastings to do.

Chairperson Speranza: Those with existing residences. The new development ...

[cross-talk]

Ms. Kivowitz: I just wanted to clarify. The issue of concern is not with any new building, houses ...

Chairperson Speranza: Not for me.

Ms. Kivowitz: ... townhouses, larger buildings, commercial buildings, mixed use buildings. Nobody really cares about that; be stringent, do what we want. It's really in the renovations.

Boardmember Strutton: For me, it's really about the homeowners and cost, right? Where's the fine line between this is great and wonderful, and everyone should be living to these aspirations versus the cost of implementing them. And when you're building a new house, and you have a developer and he or she wants to hire somebody to come up with a green action plan and do drawings and inventory the plants on your property, that's a whole nother ball of wax.

I just think that we need to make it ... I mean, I'm thinking from my experience in the Comprehensive Plan Committee, where so much of what we talked about and so much of what we heard at the public hearings that we had was about what's this going to cost me.

Boardmember Barr: Also, I think everything has to be in proportion. In other words, if you're putting a new roof on your house then you may have to meet these standards. But if you're putting a dishwasher in, that shouldn't expose you to everything else in what's going on in your garden. It should be that the rule applies to the particular thing you're doing.

Village Attorney Stecich: You have applicability in here.

Boardmember Sullivan: Which we do.

Chairperson Speranza: Well, we'll get our comments to Sharon, to the Conservation Commission.

Boardmember Strutton: Do you want to collect them, and send them as a group?

Ms. Kivowitz: It's S-H-A-R-O-N, K-I-V as in Victor-O-W-I-T-Z. Sharonkivowitz@gmail.com.

Chairperson Speranza: I just have one other thing, and it's my own personal peeve. I don't know, Marianne, if you have any sympathy for this being in the industry for so long. But where you caught the commercial green code, and it deals with commercial structures, I understand it also includes multi-family residential building. But I'd feel so much better if it was called "nonresidential." Because a commercial building ... you might have a hospital or a museum.

Ms. Kivowitz: But it's not nonresidential because it includes residential.

Village Attorney Stecich: Put "nonresidential and multi-family," or whatever.

Chairperson Speranza: Yeah, that's the distinction.

Building Inspector Sharma: [off-mic].

Village Attorney Stecich: She's talking about calling it commercial because it's not all ...

Chairperson Speranza: A church.

Village Attorney Stecich: A church is not commercial, but it's not residential.

Ms. Kivowitz: But I think what we did was we tried to match the definitions of the existing code.

Building Inspector Sharma: [cross-talk] what we did, the way the state code, the building code. There's a building code that covers everything except the buildings covered in the residential code. So what we are doing here, the essential code part covers and we put some definition we took from the New York State code.

For lack of a better word – and we can call it different – the other code, what we call the commercial code, covers all other building types except those specified in the residential code.

Village Attorney Stecich: Except that, Deven, this is going ... it's going to be part of our code as opposed to the building code.

Chairperson Speranza: So we have the commercial zone. I've just always felt it should be residential or nonresidential.

Building Inspector Sharma: I'm not very happy with that.

Ms. Kivowitz: What if we just say part one projects and part two projects?

Village Attorney Stecich: That's OK.

Ms. Kivowitz: And not name them, and just put in what we mean by that.

Village Attorney Stecich: That makes sense.

Building Inspector Sharma: I did [off-mic] apply to residential [off-mic].

Village Attorney Stecich: Right, you just won't use the word "commercial." It's essentially the same thing here.

Ms. Kivowitz: We just won't give it a name.

Village Attorney Stecich: Yeah, that makes sense.

Chairperson Speranza: Again, thank you. Thank you for coming tonight, and getting this out and getting the task done.

Ms. Kivowitz: The thank you really goes to Kathy and Deven and Doug and Christina and Bill. That's really who needs to get that. We were just pains in the neck.

Building Inspector Sharma: No, [off-mic].

Boardmember Sullivan: Darn environmentalists.

Boardmember Alligood: Just to clarify, Sharon. We're going to send you comments, but I would assume in the next month. Not later than the next meeting. And you're going to pass it along to the Board of Trustees.

Ms. Kivowitz: I think we're going to grapple with the applicability issue. I think that's the main issue that needs to be dealt with before we ... and I think it really depends on the kind of comments. So give us your comments. I know that Peter and Bruce really wanted us to just let them deal with the comments. But I hear what you're saying, and I think that we have to fix some of these issues.

So I might just read through the comments, and say, "We're going to fix this, and then here are the other comments from the Planning Board."

Chairperson Speranza: And maybe that's a way that we can structure our comments to you. Things that are overall with respect to how this would be implemented as opposed to things like, "I just said residential versus noncommercial." The things that are overall in terms of process. Thinking of ourselves as homeowners, and saying, "Well, would this apply to me if I was renovating my kitchen or building a shed in the backyard? Would this apply." Maybe that could be helpful.

Boardmember Cameron: I would appreciate it if ... I would suggest that we, as Planning Board members, send the comments to Sharon. We send a copy to each other so we actually

can see and we can reverberate some of the comments that flush things out in our brains that we hadn't otherwise seen.

Chairperson Speranza: Oh, yeah. That's fine, that's good.

Boardmember Sullivan: That's a good idea.

Ms. Kivowitz: Not that anybody [off-mic] helpful after the comments, or perhaps we'll have to wait and see what the comments look like if we had some kind of joint working session.

Chairperson Speranza: Oh, sure. We can arrange that.

Ms. Kivowitz: We may decide that that might be the most expeditious way to move forward so we can get this to the Board of Trustees. We know that they're very anxious to get this.

Boardmember Sullivan: I think, Sharon, just getting the ... I mean, I'm a fairly new member. But I think just getting the input for people who have dealt with the lot of different issues, even though this is planning, not into the weeds as much as this document goes I think is really invaluable. And I think that's kind of where the test of the code can be really refined in a lovely way where people really say, "This might work well."

The envelope-pushing I appreciate. But for me, codes are basically conservative documents. And then by being implemented and changed over time they can become more radical. I think that's what we're hearing here, is that it needs to fit into what the kind of process people have been dealing with for years. But understanding that it's going to have a goal in mind of making people think about things in a more environmentally sound way.

Ms. Kivowitz: Could I ask a question? Maybe this is cousin to their problem. Given that the Board of Trustees is anxious to have something in place as soon as possible, I wonder if we can split this code into new construction versus renovations/alterations. And send to the Board of Trustees essentially this code after you guys have had an opportunity to read it that only relates to new construction at this point. And then send the renovation part at a late date.

I'm not sure if that makes sense, and I'd probably want to talk to Bruce and Peter about that. But it sounds like we're all pretty much in agreement that for brand-new construction, go for it, push the envelope. Maybe that's ... I don't know ...

[cross-talk]

Boardmember Alligood: It sounds good to me.

Village Attorney Stecich: The only question I ... I think it makes a lot of sense for the indoor stuff. I don't know about the outdoor stuff.

Boardmember Sullivan: Stormwater.

Chairperson Speranza: But if it's a new building ...

Ms. Kivowitz: If it's new, that's all being [off-mic].

Boardmember Alligood: And in site plan, you have to basically take an inventory of your property. We already require that in site plan review. You have to ...

Village Attorney Stecich: But you don't do any site plan on one- and two-families, on one-family houses, which is 90 percent of what we see, 95 percent.

Boardmember Cameron: I would hope we do it all at one time. Because, quite frankly, it sort of reminds me of those coal plants in the Midwest, that we're always going to clean them up and we never have, and it's now 40 years later.

[cross-talk]

Ms. Kivowitz: I'll get your comments. Let's see how [inaudible] project's going to go.

Boardmember Sullivan: But I guess that I would counsel I appreciate the urgency, but this is a very good process and will only make it stronger. So trying to push through, getting review, points of people who have dealt with applications I think is shortsighted. I think taking all of it, and saying the new construction can go forward. No, it's going to work together. As you look at the renovations, additions, the size, the scope.

There's an interplay between them. I don't want to rush it. I think it's very close, you're almost there, it's a good process.

Building Inspector Sharma: The building code, a section of the building code, has a section which is called "existing building code." And in the existing building code they define [inaudible]. For each level, they specify different sets of requirements. I think that's what we need to do with this. And between now ... and I think I'll sit down the Bill, and try and see if we can do something like in the meantime.

Ms. Kivowitz: I think we should wait for the comments.

Building Inspector Sharma: No, I think I understand the comments ...

Boardmember Sullivan: I know. But, Deven, why don't you let people look at it. I think letting people look at that before ... I know that's a very good matrix in the building code, but it gets a whole other level of complication that this code isn't supporting right now. So I think let people look at this, understand it, give their suggestions on the scope.

Ms. Kivowitz: And I think the issue isn't so much the size of the renovation as much as what parts of the code get ...

[cross-talk]

Chairperson Speranza: Right. What situations.

[cross-talk]

Building Inspector Sharma: Well, that's what I'm talking about, too.

Mr. Bobenhausen: What Deven is saying is level one, level two, level three alterations.

Building Inspector Sharma: And then what applies to level one, what applies to level two, that kind of thing.

Mr. Bobenhausen: Exactly what you're saying is what he's saying.

Chairperson Speranza: Can we commit to getting comments to Sharon by May 1? That works for you?

Boardmember Cameron: I'm going to be on the road until after March 1.

Chairperson Speranza: Well, as soon as you can.

Boardmember Sullivan: That's a week, basically?

Boardmember Cameron: Ten days.

Chairperson Speranza: May 15?

Ms. Kivowitz: May 1.

Village Attorney Stecich: May 8. Split the difference.

Boardmember Sullivan: I'll take May 8.

Boardmember Alligood: Is that Mother's Day?

Building Inspector Sharma: And cc me.

Chairperson Speranza: Your children will leave you all to yourself to get your comments done.

[laughter]

Boardmember Strutton: She's going to be cleaning up the kitchen from the pancake breakfast.

Chairperson Speranza: And cc Deven, also.

Ms. Kivowitz: OK, great. Thank you very much.

Chairperson Speranza: Thank you.

VII. ANNOUNCEMENTS

Chairperson Speranza: One announcement. Thursday, April 26 Westchester Residential Opportunities is having a cinema night at the picture house in Pelham. If anyone is interested, I have an invitation here. It's a fund-raiser, so you can imagine. If you want to spend \$85, or be the housing angel VIP seating you can spend \$125. And I'm happy to give up the invitation.

Next Meeting Date – May 17, 2012

VIII. ADJOURNMENT

Chairperson Patricia Speranza adjourned the Regular Meeting at 10:05 p.m.