

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
PLANNING BOARD  
REGULAR MEETING AND PUBLIC HEARING  
AUGUST 16, 2012**

A Regular Meeting and Public Hearing was held by the Planning Board on Thursday, August 16, 2012 at 8:15 p.m. in the Municipal Building Meeting Room, 7 Maple Avenue, Hastings-on-Hudson, New York, 10706.

**PRESENT:** Chairperson Patricia Speranza, Boardmember Eva Alligood, Boardmember James Cameron, Boardmember Rebecca Strutton, Boardmember Kathleen Sullivan, Village Attorney Marianne Stecich, Building Inspector Deven Sharma, Deputy Building Inspector Charles Minozzi, Jr., and Deputy Village Clerk Mary Ellen Ballantine

**I. ROLL CALL**

**II. APPROVAL OF MINUTES**

**Meeting of July 19, 2012**

**Chairperson Speranza:** The first item on the agenda is the approval of the minutes, and I would like to have that tabled 'til the next meeting. We just got them today, and they were quite lengthy. I guess we did have a very long meeting, or lots of discussion anyway.

So we will wait until our September meeting to approve those minutes.

**III. OLD PUBLIC HEARINGS**

**None**

**IV. NEW PUBLIC HEARINGS**

**View Preservation and Site Plan Approval – Application of Chevron Environmental Management Company (CEMC) for the installation/erection of miscellaneous prefabricated structures and electric poles with overhead wiring, etc., as needed, for the continued NYSDEC-mandated cleanup work at the waterfront property at 1 River Street. Said property is in GI Zoning District and is known as SBL 4.100-93-17 and 4.100-93-18 on the Village Tax Maps.**

**Chairperson Speranza:** That leads us to the next application, which is a public hearing for view preservation and site plan approval for property down on our waterfront. It's the application of Chevron Environmental Management Company. Again, it's site plan approval – which is the purview of this board – and view preservation, by which we make a recommendation for the Zoning Board of Appeals.

And we have someone here to speak on the application?

**Andrew Korik, Senior Scientist - ARCADIS:** This is Alan Gillespie. We're with ARCADIS. We're the environmental consultants for Chevron, and we'll be overseeing the installation of a groundwater remediation system at the Tappan site. I don't know how much the Board wants me to go into the history of the site for the benefit of folks here from the public, or just sort of stick to the facts of the system install and how that's going to physically affect the site.

**Chairperson Speranza:** Well, we wanted to give a little bit of background as to why this is being done.

**Mr. Korik:** OK. As you probably all know, there's an industrial history going back over 100 years on this, petroleum and chemical manufacturing. As a result of those manufacturing processes, various chemicals and petroleum made their way into the soil and groundwater. The site has been investigated for a number of years, and we're now moving to the point where the investigation phase is completed and we're actually going to start remediating the site.

And that's going to take the form of several different phases, the first of which is to remediate solvent-impacted groundwater which is located on the far southern portion of the site. This area that's vegetated, that parcel is owned by Exxon Mobil. This parcel with the footprint of the old buildings is owned by Uhlich. And Chevron has environmental liability and responsibility for cleanup associated with the Uhlich property, Exxon Mobil has responsibility for the other side, although this groundwater treatment system that I'm talking about sort of straddles the property. Parts of that'll be on the Exxon Mobil site, part on the Uhlich site. And Chevron is taking care of that, and that's what I'm here to talk about tonight.

The technology used to clean the groundwater is relatively simple. We're not putting any chemicals back in the ground. There are bacteria and naturally occurring bugs in the ground that'll degrade the solvents, and the solvents are associated with the dyes that were

manufactured. The dyes and pigments on that site, over the years the dyes leaked and those various chemicals leached into the ground.

So really, simply, what we're doing is, we're pumping that impacted water out of the ground, adding some oxygen, and then putting that water right back into the ground so that the bacteria and the bugs that would already be in there eating the solvents will be enhanced by the oxygen, be able to do their thing more efficiently. So we're not putting any chemicals in the ground. We're just oxygenating the water and putting it right back in, and letting the natural biota do their thing. That, in a nutshell, is what the system does.

The nuts and bolts of the system install – and Alan can talk about that in much more detail than I can if anybody has any questions – that, essentially, is going to involve excavating some shallow trenches basically between the property line, 4, 5, 6 feet deep, installing some piping and some laterals so we can pump the water and then reinject it back in. And then everything would be controlled from a prefabricated building that will be brought on-site, the plumbing will be piped into it. The controls will be in that building, and the whole system essentially would be run remotely from inside that building.

I've got a figure that I'm going to put up on the screen for you that's a rendering of what that would look like. You're basically looking at prefabricated, like one of those large cargo containers that you see on a ship. About 40 feet long, about 10 feet wide and about 8 feet high. Is that right, Alan? And is that a poly tank next to it?

**Alan Gillespie, Project Manager/Senior Geologist – ARCADIS:** Yes, a settling tank.

**Mr. Korik:** A settling tank, and that looks to be about 10 or 12 feet high. We have to install two utility poles to bring a power drop in. There are one or two existing poles out there, so we'd be installing two utility poles that are, I think – 40 feet high, Alan? – 30 to 40 feet high to run power to the system. This entire system is temporary. We estimate it would probably be on-site about four years, plus or minus a year. And then when the groundwater is remediated to NYSERDA Department of Environmental Conservation standards, everything would be removed.

**Mr. Gillespie:** Including the poles.

**Mr. Korik:** And the poles. So this is a temporary structure. In terms of light impacts, my understanding is – Alan? – this is going to have just like a 100-watt bulb over the main door. There won't be any lights on poles to illuminate it; just a light so folks don't trip if they have to go into it at night. In terms of noise, there would be some noise coming from inside the shed, but it would be quite muted. In terms of decibels I'm not quite sure, but it would be ...

**Mr. Gillespie:** [Eighty-nine] decibels outside.

**Mr. Korik:** OK, so about as much noise as a lawnmower would make, then. And that would be intermittent rather than constant. So again, in terms of what the system does – cleaning the groundwater – it's temporary in nature, won't cause any light pollution. There will be some noise, again about as loud as your lawnmower. And it's looking to be in place probably about four years.

The proposed period of construction on this would be about three months.

**Mr. Gillespie:** Three months max.

**Mr. Korik:** We're mobilizing in now to do some of the non-structural work. Probably looking about Thanksgiving – by mid-November – to be out and have that up and running. And again, it's automated. Someone would come out and check on it probably once or twice a month; come out to do operation and maintenance on it, make sure it's working.

In terms of the various precautions we'd be taking during the installation, there is a community air monitoring plan that we used a couple of years ago when we did a soil excavation out there. We essentially have instrumentation set up at two locations on the site. And at the request of the Board, the park on Warburton Avenue – I forgot the name of the park, but it's ...

**Deputy Building Inspector Minozzi:** Riverview Park.

**Mr. Korik:** Riverview Park. We've got another set of instrumentation there, and there are very strict guidelines for what's permitted in terms of releases of any volatile compounds, off-gas into the air, or dust. We stop work or we water down the area to knock the dust down, but that is very strictly monitored. These instruments are telemetered into a cell phone. So if anything starts to exceed the standards, Alan gets a notice on the cell phone. We can stop work and take care of it right away.

I don't anticipate any issues with volatile compounds leaving the site. And dust hasn't been an issue to this point, and I don't expect it would be. But these things are all monitored as part of the predetermined plan from the Department of Environmental Conservation. So there is a strict set of protocols in place to monitor for health and safety of the workers and the surrounding community while this is being installed.

**Chairperson Speranza:** And the DEC also has a role, then, in monitoring the function of the equipment, as well?

**Mr. Korik:** That's really our job. The equipment has to function as specified by the DEC. But in terms of day-to-day operation and maintenance, that's on us, yeah.

**Ms. Gutkin:** Can you just elaborate just a little bit on what ...

**Deputy Building Inspector Minozzi:** Ma'am, can you please talk into the microphone?

**Chairperson Speranza:** Yes, can you come up to the mic?

**Donna Gutkin, 349 Warburton Avenue:** Can you elaborate a little bit on how and what could be released?

**Mr. Korik:** Well, we're putting the system essentially like at a construction site. Where you're digging and disturbing the ground, some dust could ... you know, as you go by any construction site sometimes you'll see some dust coming up and leaving the site. That would really be the only issue in terms of something you could see.

In terms of the chemicals, again you're digging into the soil so theoretically you'd be exposing some of the area of the ground that has these solvents. But in our experience out here in the past, we've not run into them to the level where we had to stop work, much less it was leaving the site.

So theoretically, during these two or three months that we're digging to install the system, you potentially could kick up some dust or expose some of the ground that has the solvents dissolved in the groundwater. That would be ...

**Ms. Gutkin:** [off-mic].

**Deputy Building Inspector Minozzi:** Please talk into the microphone.

**Chairperson Speranza:** Turn that, then you'll be OK.

**Ms. Gutkin:** If they are airborne, what is the process for dealing with that?

**Mr. Korik:** I'll let Alan take that.

**Mr. Gillespie:** Our initial threshold for volatile organics is 5 parts per million, which is very, very low. That's extremely low. We do monitoring of the excavation zone. If it hits 5 parts per million at the excavation zone we shut down. We investigate what the source is, we implement engineering controls – which could be wetting the excavation down, that helps keep the volatilization down – and also the dust control. If it gets between 5 and 25 ... 25 parts per million is our absolute shutdown point, which is still very low – 25 parts per million is extremely low – we shut everything down at that point. And we will not start back up until we get down below 5 parts per million.

We're monitoring at the excavation zone. We have upgradient monitoring stations, which are in these cases here. And we have a downgradient monitoring station. And we have a monitoring station up on the park. And if any of those register for volatile organics above 5 parts per million we shut everything down.

On the particulate matter, if we get above 150 micrograms per meter [cubed] we also shut everything down. But our goal is there: we let no dust leave the site. We can implement engineering controls from wetting the excavations down to covering our [so-pals] with plastic, stuff like that. So our goal is no dust leaves the site, and that's the way we plan to address it. And we'll monitor with this equipment to make sure that that doesn't happen.

And if it does, we get real-time monitoring on ... our cell phones will alert us, and we can shut the job down to make sure we address that [inaudible].

**Ms. Gutkin:** But it's my understanding ...

**Chairperson Speranza:** Sorry, you got to go to the mic.

**Ms. Gutkin:** So just to be clear ... I don't know if I understand exactly. So there are two issues. One is dust and one is the chemicals. So with wetting it down, that treats the dust.

**Mr. Gillespie:** We can do both.

**Ms. Gutkin:** So if chemicals are released in the air, will you spray? Is there sprinklers? I'm not sure I understand.

**Mr. Gillespie:** [off-mic] we have a water tank out there, and we'll just spray it [off-mic].

**Ms. Gutkin:** But if it's ... these are gases that go into the air, right?

**Mr. Gillespie:** Right.

**Ms. Gutkin:** So what are you spraying?

**Mr. Gillespie:** We're spraying before it gets up into the air.

**Ms. Gutkin:** But it has to get into the air to be registering at Riverview Park. That's already ...

[cross-talk]

**Mr. Gillespie:** ... prevent that from happening. If it does happen, then we check it at the source. And we're checking it downgradient, two places downgradient.

**Ms. Gutkin:** Right. But it's already there. That's my question.

**Chairperson Speranza:** Can I ... maybe I can clarify. You're saying that you're monitoring at ground level for both the volatile organic compounds.

**Mr. Gillespie:** Right.

**Chairperson Speranza:** It doesn't have to get to Riverview Park ...

**Mr. Gillespie:** Right.

**Chairperson Speranza:** ... in the air before they will know that they have uncovered it.

**Mr. Gillespie:** So far.

**Ms. Gutkin:** Right. But I think just the follow-up on that is, then, if there's a problem down below it's already in the air. It's not just dust, it's gases in the air that will then spread.

**Chairperson Speranza:** No. But they're saying they're going to see the gases at ground level before they get up into the air. That's my understanding.

**Ms. Gutkin:** Once they're in the air, I don't think there's a system to remove them.

**Mr. Gillespie:** Well, dilution will take care of that. But if we monitor it right there at the source and we shut it down there, then you'll be fine. And if it gets further downgradient there'll be more potential for dilution.

**Mr. Korik:** Well, we could close the excavation. If we started to see things at the excavation hit the limits, one of the things we could do is just cover the excavation. We have plastic, we have clean fill; we can just cover it up. So I know your question. Obviously, a little bit of it had to get out so you can see it on the instruments, and here it is kind of ...

**Ms. Gutkin:** It's released. But then a follow-up is if you do run into this, then what happens after that for your program?

**Mr. Korik:** Well, let me ... we threw a lot of numbers around. Let me explain to you what they mean. We talked about 5 parts per million and 25 parts per million. The main chemical of concern out here historically was chlorobenzene. I've got a flier on chlorobenzene. But the OSHA standard for workplace exposure to chlorobenzene, just to give you an idea, is 75 parts per million for an 8-hour day.

When we hit 5 parts per million, instantaneously we start taking action to either stop the release or slow it. When it gets between 5 and 25 parts per million, at the source, we stop work. So long before that reaches the point where OSHA would find it a hazard in the workplace for 8 hours a day all year for 40 years at that exposure, we stop work ... we stop work.

So your question, what happens to our program? We can't continue with work if we have those levels coming out into the site. We either have to spray surfactants or something into the soil to limit those volatiles from coming out, or take some action. So the public exposure will be dealt with before continuing the job.

**Ms. Gutkin:** [off-mic] Are you ...

**Chairperson Speranza:** Excuse me. You know, I do want to have them finish up also, and then get back to the focus for the Board. I don't want to cut off questions and discussions, but I do want to kind of move on to the topic that this board deals with.

**Ms. Gutkin:** Are your gauges in place now?

**Mr. Gillespie:** They're in place while we're working, during our work hours.

**Ms. Gutkin:** So they're there now. Because we see your work ongoing, and there's tree removal already with big excavations. So I'm curious if your measuring systems are in place already, since there's already excavation there.



**Mr. Gillespie:** Yeah, we started the day we broke ground. We got background readings before we started, and during our work hours we set it up before we start any work. And we take it down at the end of the day.

**Ms. Gutkin:** And during this process, you'll be taking it up and down every day?

**Mr. Gillespie:** Yes, every day.

**Ms. Gutkin:** And so in Riverview Park those locations are up and running?

**Mr. Gillespie:** Yes, [off-mic] [they'll be to the back fence]. Yeah, that's right.

**Mr. Korik:** So we have one set of instruments on the upwind side. Whatever direction the wind's blowing that day, we're relocating. We've got one on the downwind side in case it's leaving the site boundary. Then we've got the third set up at the park.

**Mr. Gillespie:** You'll see it on a tripod [off-mic].

**Chairperson Speranza:** Was there anything else that you wanted to mention as far as the process, or you pretty much concluded your presentation?

**Mr. Korik:** I think that's it, unless somebody has any other questions.

**Chairperson Speranza:** Yes, there are.

**Mr. Korik:** Those are legitimate concerns, so if anybody's got any questions about them, please ... did we answer your questions satisfactorily?

**Ms. Gutkin:** I have more questions, but I don't want to ...

**Chairperson Speranza:** And I'm just trying to kind of divorce the discussion of the actual cleanup with the focus of the application for the site plan approval and for the view preservation.

**Mr. Korik:** I can stick around after the meeting and talk about this. Anything you want to talk about, I'll be happy to do that after the meeting.

**Ms. Gutkin:** Whatever you suggest, yeah.

**Chairperson Speranza:** OK, but are there other questions about either the operation, the view, the actual layout of the equipment on the site? I mean, I will say that I think this is a small, very small price to pay for starting the cleanup at the waterfront. I think it's wonderful. And to put up two utility poles there, I don't have any issue with it.

**Ms. Gutkin:** There has been a lot of tree removal.

**Chairperson Speranza:** Yes, under the ...

**Mr. Korik:** And there will be more.

**Mr. Gillespie:** The final plan is to put a soil cap on top of that.

**Ms. Gutkin:** So will the entire site be cleared of trees?

**Mr. Gillespie:** Yes, eventually. I'm not sure ...

**Ms. Gutkin:** Can you show us on the map the extent of the tree removal?

**Chairperson Speranza:** And you know what? We want to make sure that everybody here ... because these are televised, so the microphone.

**Mr. Korik:** Yeah, we're going to ... the question was to show the extent of tree removal on the site. And the intent is to clear about 15 acres. So let me bring the other figure up. Essentially, everything that you see from here on over will be cleared, and much of what you see along the tracks also.

**Ms. Gutkin:** And the reason for clearing it ...

**Chairperson Speranza:** The mic.

**Mr. Korik:** The question was, the reason for clearing. Part of the overall remedy for this site, in addition to cleaning the groundwater, there were some very impacted areas of soil that were removed. We removed those. There's some residual impacts at various locations on the site. So one way to deal with that is to put a very low permeability soil layer like clay, something where the water won't infiltrate through.

Both the Exxon Mobil side of the property and the Uhlich side that Chevron's taking care of are going to have a 2-foot thick soil cap put over the entire site that'll prevent water from infiltrating through that. And then that'll be replanted, revegetated and managed. So what

you'll see, essentially, is a very smooth, uniform vegetated cover over this entire left-hand side of the site. Exxon Mobil, I understand, is going to be doing their portion of that this fall and winter. And then the Chevron portion that ARCADIS is managing will happen, it looks like, next summer.

**Michael Levine, 349 Warburton Avenue:** I have a quick question.

**Mr. Korik:** Yes, sir.

**Mr. Levine:** How does this affect the water table in there? You talked about the air. Is water affected? Because we live just above the site. So is there any concern about the water?

**Mr. Korik:** No. The water table – the question about the water table – the pumping system will impact the water table in the immediate vicinity of the system. That impact should not extend beyond the boundary of the site. This'll be local. There's so much water coming in from the river – that's very gravelly – that there's not going to be much of an influence out away from the site boundary. So that influence would be restricted to the immediate area on the site.

**Mr. Gillespie:** And during our construction activity we'll install a sediment fence, as well, as part of our permit requirement. So there won't be any sediment impact coming off that construction activity.

**Boardmember Sullivan:** I have a ...

**Chairperson Speranza:** Yeah, I just want to see if there are any other questions out in the public.

**Boardmember Sullivan:** I have a quick question. So between the building and these five or so trenches that you're putting in, you're excavating 4 to 5 feet down. And then that's the piping running back and forth from these particular trenches. What's happening at the trench itself? Is there a structure there, a cover there?

**Mr. Gillespie:** Those are infiltration trenches. Some of them are constructed out of concrete and accessed [off-mic] so we can get down in there and perform maintenance on them. But their purpose is injection. So we remove the water from two extraction wells, we oxygenate it and reinject it in these trenches, and get kind of a circulation system going.

**Boardmember Sullivan:** So when it goes back into the trenches ...

**Mr. Gillespie:** It's oxygenated and supercharged for biological activity.

**Boardmember Sullivan:** So it still could be carrying some particulates, carrying some ...

**Mr. Gillespie:** The particulates will drop out in the sedimentation tank, which is ... you saw the other figure of that tank that was sticking up there? That's the first line of the process, where the water comes into that tank and sediments drop out [off-mic]. Then it goes through a vortex tank, where we inject oxygen from [off-mic] generator. There's some other filters, and then it's reinjected back into the trenches.

**Boardmember Sullivan:** But the trenches are capped, or covered in some fashion?

**Mr. Gillespie:** Yes. And we have switches in there to make sure that those don't overflow and we have water coming out the top. There's all kinds of control switches and things in there to prevent that; and shut-down alarms, [off-mic] alarms, [off-mic].

**Mr. Korik:** There won't be any open trenches. When this work's done, everything will be back at grade. And the trenches, you can see this essentially is where the trenching is.

**Mr. Gillespie:** That's the piping underground.

**Mr. Korik:** Oh, and here are the trenches. The hatched areas, right? And the reason for that is the chlorobenzene impacts that I was telling you about. The majority of those seem to be in an axis running north-south right down this area of the property – right on the property line, basically – between the Uhlich and the Exxon Mobil. So these trenches are designed to reinject that oxygenated water where the highest impacts were.

**Boardmember Sullivan:** Now, the last question regarding this is, there's no indication of fencing around this project at this point.

**Mr. Gillespie:** There's lots of fencing. There's quite a bit of fencing. It takes us about 20 minutes to get through all the fencing in the morning. Some of these hash lines around here, back over here – can't reach it – show the fencing. That's one access area. We also maintain construction fencing on our excavation, and trenches when they're open. This place has several series of fences separating ...

**Mr. Korik:** And also, Chevron's insisted that we have – during the off-hours when we're not working – a security guard down there. So that site will be manned 24 hours a day. Either we're going to be there working during the day, or nights and weekends there will be a guard

on-site so that no ... I mean, people can cross the Zinsser bridge and make their way into that area so we're going to have a guard there the entire time to deal with that potential issue.

**Boardmember Sullivan:** So will you be locating a trailer on-site, at some point?

**Mr. Gillespie:** We have an [ops] there, and a security guard will be there. He'll be staged almost right by that footbridge over there.

**Boardmember Sullivan:** Thank you.

**Chairperson Speranza:** Anyone else? Eva, Jamie, Rebecca?

**Boardmember Strutton:** I have a question. So the noise, intermittent lawnmower-decibel noise, that's going to be intermittent? It's going to run at night as well as during the day?

**Mr. Korik:** Yeah, that would be off and on 24 hours a day.

**Boardmember Strutton:** And when you're excavating these trenches, what happens to the soil while you're moving it and what happens ... I guess that you're not putting soil back into the trench zones.

**Mr. Korik:** It will be staged and stockpiled next to the trenches. Some soil that's not visually impacted will go back into the trenches as backfill. If we pull soil out that has ... some of the soils down there have purple staining from the dyes. Soil that's visually grossly impacted will be analyzed, stockpiled and shipped off-site for appropriate disposal.

**Mr. Gillespie:** We place that impacted soil on plastic and cover it with plastic, and make sure it's bermed around the edges so we have no runoff. And that soil is sampled to make sure we characterize it and properly dispose of it.

**Mr. Korik:** There is a management plan in place for the soil.

**Boardmember Cameron:** Yes, I think you mentioned that the noise was 80 decibels.

**Boardmember Strutton:** Eighty-nine I think he said.

**Boardmember Cameron:** Whatever ... 89, whatever it is. And I'm just ... I mean, there are some houses just on the other side of the railroad tracks. And this noise will evidently be going 24 hours a day. Do you have any estimate of what the decibel level will be on the other side of the railway track for the people that are sleeping?

**Mr. Korik:** No, but that ...

**Boardmember Cameron:** I know wind can affect the decibel level. But it is a soft hum when you get to the other side of the tracks?

**Mr. Korik:** Alan, what's that system sound like when it ...

**Mr. Gillespie:** They should be ... it shouldn't get beyond the property line at 80 decibels. These things kind of go through in batch treatments. When the sedimentation tank fills up to a certain level, pumps will kick on and transfer it over. That's why it's intermittent noise. But it will be 24/7.

There are steps we can take if it gets beyond 80 decibels. That's usually the city codes, 80 decibels beyond the property line. We can do things like insulate the inside of the trailer, put some of the ventilations facing downward. So if we have that type of problem it can be addressed, but we should not reach those levels. We have at least 100-plus yards, I believe, from where the trailers ... the trailer will be staged at the far west property line. The train will create way more noise than this system will.

**Boardmember Cameron:** But that one is truly intermittent. But you would be willing to do something.

**Mr. Gillespie:** Right. And if this is a problem, the noise, it's something we can address.

**Deputy Building Inspector Minozzi:** Central air conditioning emits about 65 decibels; your condenser unit outside your house.

**Mr. Levine:** Are those air readings something we would have access to?

**Mr. Korik:** That information will be a matter of public record. It gets recorded and compiled. And at the end of the project, that would be all assembled and provided to the DEC and to the Village, and be a matter of public record, yeah.

**Mr. Levine:** But not ongoing. Like at night I check some Web site and see where we're ...

**Mr. Korik:** No. There are no plans to download that on a daily basis or to put it on a Web site, other than if there are any kinds of excursions or – you said you start to approach the action levels – we stop work.

**Mr. Gillespie:** The excavation activity test pits and the hot spots, we've done the hottest spots. They had no VOC detections or particulate matter leaving the excavation areas. So that's a good reason why we don't expect to have any problems. But we'll continue to monitor it just to make sure.

**Chairperson Speranza:** OK, thank you. If there's nothing else from the Board or the public, then we have two actions.

Eva, go ahead.

**Boardmember Alligood:** I think it's a lot less of an impact as something else we saw north of that property.

**Chairperson Speranza:** Oh, yes. That's very true.

**Boardmember Alligood:** That was just dealing with security. This is actually solving the contamination problem, which is something we want as a village. We understand it has to be addressed, and it seems to be a really good way to deal with it that, hopefully, won't have too much of an impact on our village. So I'm glad to see it moving forward.

**Chairperson Speranza:** OK. We have to do SEQRA first on a site plan?

**Village Attorney Stecich:** Yeah.

**Chairperson Speranza:** OK. So we do have a Short Environmental Assessment Form – it was in our packet – essentially saying there is not likely to be any kind of adverse impact on the environment. So first we need a motion to ...

**Boardmember Sullivan:** I just wanted to ask ... this is interesting to take a look at this, given there was already another agency involved in monitoring this particular project.

**Chairperson Speranza:** Right.

**Boardmember Sullivan:** So I just wanted to bring that up. I don't know ... there's a section that [inaudible] to address some of the concerns. And it just doesn't mention DEC monitoring. Because it, you know, will have an impact on environmental [cross-talk] ...

**Village Attorney Stecich:** Yeah, but you're not reviewing the operation of the system. You're just reviewing ...

[cross-talk]

**Chairperson Speranza:** This application.

**Village Attorney Stecich:** ... the application to put the buildings up, to put the temporary buildings up.

**Boardmember Sullivan:** Correct. But given it's a very elaborate ... it's a small piece of a very elaborate review process, I just ask the question is there any reason to mention the DEC in this?

**Chairperson Speranza:** Not in association with these applications.

**Boardmember Sullivan:** OK. And the last question I had was, since they checked "yes" – and I understood ... I went and looked at the record of decision, and I saw that all the vegetation was going to be removed. Any need to go to the Tree Board or talk to the Tree Board?

**Mr. Gillespie:** We have done that. We have a tree removal permit from the Village.

**Mr. Korik:** And I believe ...

[cross-talk]

**Mr. Gillespie:** [inaudible]. We have a tree removal permit for trees larger than 12 inches in diameter.

**Mr. Korik:** And that was actually issued to ... that's Exxon Mobil's permit, but we'll be operating under their permit.

**Boardmember Sullivan:** I'm sure there will be no objection, but I just wanted ... [inaudible] to see it checked.

Thank you. That's all.

**Chairperson Speranza:** OK. So then I need a motion to accept to issue the negative declaration for the application for the Chevron property down at the waterfront.



On MOTION of Boardmember Alligood, SECONDED by Boardmember Sullivan with a voice vote of all in favor, the Board resolved, with respect to SEQRA, to issue a negative declaration on the proposed installation/erection of miscellaneous prefabricated structures and electric poles with overhead wiring, etc., as needed, at the waterfront property at 1 River Street.

**Chairperson Speranza:** Then we have a motion for site plan approval for the application before us. Again, it's ARCADIS on behalf of Chevron for the property at the waterfront. Move site plan approval?

On MOTION of Boardmember Cameron, SECONDED by Boardmember Sullivan with a voice vote of all in favor, the Board approved the site plan for the proposed installation/erection of miscellaneous prefabricated structures and electric poles with overhead wiring, etc., as needed, at the waterfront property at 1 River Street.

**Chairperson Speranza:** And the third thing is a motion for recommendation of view preservation on the application. It's a recommendation to the Zoning Board of Appeals.

On MOTION of Boardmember Sullivan, SECONDED by Boardmember Alligood with a voice vote of all in favor, the Board approved recommendation to Zoning Board of Appeals for view preservation on the proposed installation/erection of miscellaneous prefabricated structures and electric poles with overhead wiring, etc., as needed, at the waterfront property at 1 River Street.

**Chairperson Speranza:** Thank you. I have to ask, what is the name of this kind of a system? It's a bio-something?

**Mr. Korik:** Well, it's considered bioremediation because we're using the naturally-occurring bugs in the ground. We're just giving them a boost with oxygen. So it's a form of enhanced aerobic bioremediation would be the technical term.

**Chairperson Speranza:** We do some of that at the Westchester County Airport on old fuel spills, petroleum spills.

**Boardmember Cameron:** You're actually brewing microbes to have them multiply and put them back in. I do that with compost, actually. Different microbes.

**Chairperson Speranza:** OK, thank you.

## V. NEW BUSINESS

None

## VI. DISCUSSION ITEMS

### Green Code of Hastings-on-Hudson

**Chairperson Speranza:** The next item on the agenda ... we can just set this up as they're taking down the presentation.

We had a discussion at the last meeting with members from the Conservation Commission on the revisions to the green code. We had comments about some of the specifics, we had comments with respect to the process. I did have conversations subsequent to that meeting, and was reminded, first of all, that the Conservation Commission is acting under a charge by the Board of Trustees. And that their charge did include a green building code to be in effect for all types of development, both residential and commercial, and single-family and multi-family.

So there's nothing that says we can't comment on whether or not we believe that it should be applicable, but the green code that has been drafted is to include – is to cover – all types of building in the Village. We had decided that we were going to look through various scenarios and see how the green code would be applicable to different types of development.

So when we were looking at the comments Kathy put together a format, which I think is just a wonderful way to approach this, where we look section by section. And she's got a column for the original code, what your suggestions are for revisions, and then comments on it. And, Jamie, we can go through it fairly quickly, I think.

**Boardmember Alligood:** I just wanted to clarify for anyone who's watching that "original" makes it sound like it's something in place. But it's really the draft the original committee has put together for our comment, and then it's going to the Board of Trustees.

**Chairperson Speranza:** Right, yes. Thank you.

Comments that we've had ... and, again, they range from how this actually would work in terms of process, down to what does 50 percent of a certain type of pavement material mean: do you end up with a checkerboard driveway. Because there is a whole gamut of ways to look at the different sections of this, I think it is very good that we have this format. What I would like to do is to come away tonight with what would essentially be our comments that go to the Conservation Commission and, ultimately, the Board of Trustees.

We've also talked about how do you reflect the variety opinions that might be on this board. And we will simply note them; you know, that there was not consensus on this – kind of the majority opinion/minority opinion, and we just note them.

What I need to start with ... because one of the first things that's mentioned in here is – and it goes towards my issue with respect to process – the code only applies to projects requiring a building permit from the Village. Now, Buddy ... under applicability?

**Boardmember Cameron:** Oh, I see. They stuck this in.

**Chairperson Speranza:** I just want to be clear. And because in another section of the document it mentions that there are certain things that are due with the building permit application. And then it mentions that there are certain things that must be done in conjunction with ongoing processes, such as site plan approval. So building permit – someone comes in, they come in for a building permit – my understanding was that that would happen after site plan approval. That they actually then file to build what's been approved on the site plan.

**Deputy Building Inspector Minozzi:** Just what requires site plan approval. What they're also mentioning is that any project that comes in for a building permit will have to be addressed in the matter of the green code.

**Chairperson Speranza:** Right. And again, I'm just trying to follow the process. So if someone comes in and they want to build a new home on a vacant lot, they're coming in for a building permit. It's not going to hit site plan approval.

**Deputy Building Inspector Minozzi:** For a new home, it would hit site plan approval way before they receive a building permit.

**Village Attorney Stecich:** No, not if it's a single-family home.

**Chairperson Speranza:** Only because there's no site plan approval. So someone files their checklist with the building permit for a single-family home, that's the only step. But someone who comes in for site plan approval should have that checklist at the time of site plan approval.

**Deputy Building Inspector Minozzi:** That could be arranged. We could do ...

**Chairperson Speranza:** Because we don't want to wait 'til it gets to, then, the building permit stage, which then may require modification to the site plan.

**Deputy Building Inspector Minozzi:** A review can be done before it reaches site plan ... it comes here for site plan approval. That can definitely be arranged as part of this.

**Chairperson Speranza:** OK. So I just wanted to make sure that I have this in the right order with respect to the process.

Going to the chart document and the intent, I don't know that ... well, I certainly didn't have anything. And maybe if we go through each of the sections that are on here – and then Kathy's got her comments on here – others of us have written comments on Kathy's document. And then we'll just add ... Jamie and Rebecca have comments that we will just put in these spaces.

**Boardmember Strutton:** That's fine.

**Chairperson Speranza:** I don't know, do you want a copy of what we're doing to follow along?

**Peter Swiderski, Mayor, Hastings-on-Hudson:** If you can spare one.

**Chairperson Speranza:** Do we have another ... I should have asked before I offered, huh?

**Mayor Swiderski:** If you don't, that's OK.

**Boardmember Alligood:** Well, Peter, I don't have an extra copy of Kathy's version, but I have ...

**Boardmember Sullivan:** Can we just make two more copies?

**Chairperson Speranza:** Well, that's fine with me.

**Mayor Swiderski:** You know, I'm only here for 10 more minutes. I just wanted to catch ...

**Chairperson Speranza:** Oh, OK. He's leaving.

**Boardmember Strutton:** So, here, why don't you just take mine for 10 minutes and I will look over Jamie's shoulder.

**Village Attorney Stecich:** You can look at mine.

**Chairperson Speranza:** OK, we're back on. OK?

Intents. Did anyone have any issues with the intent of the document? OK, that's good.

Applicability. Now, I know, Kathy, you had some issues with the fact that it may be duplicative of the New York State building code.

**Boardmember Sullivan:** No, actually, that's not the point. The definitions for how this gets applied should parallel the New York building codes. And so the proposed revisions that I've done to nonresidential/commercial I wasn't sure what to describe, as well as one- and two-family residential. What I put in my section is a slightly edited version of the New York building codes for those two types of buildings. The building code covers everything but single-family, one- and two-family houses. So I think it's going to apply ... I think it's going to be easier to apply by just continuing with those predetermined definitions; in turn, you create some other options.

**Chairperson Speranza:** Got it.

**Boardmember Sullivan:** Because I was sort of reacting. Also, in my layout I said this is new construction for both commercial and for, say, the small residential – one- and two-family – and then I tried to be very clear because you go to the existing building code when you're doing additions/alterations. And then I excluded repairs.

Because what happens when you do an alteration, you're asked to say, "This is my project and this is my area of work. So I'm not touching the bedroom, I'm not dealing with it." I've defined what my job is. But if I'm repairing the bathroom, "Hey, I'm going to put a new toilet in," you know, or "a powder room downstairs: well, I redo my whole kitchen and move walls around." You can exclude that repair of that existing item without having to have the code be implemented.

So it's really a logic that the code already has that's pretty, I think, understood by the building and design industry. So I felt it made sense to at least lay that out there as a potential option to some of the ... I won't say confusion, but the grappling people have had about how do you not get into traps where you're asking people to go too far. I would say, Buddy, you had triggered this, actually, when we had a previous conversation and you were talking about the existing building code and how that might apply. I mean, it really should be kind of thought through that I've altered it properly to not get us into another controversy.

**Deputy Building Inspector Minozzi:** This should not reinvent the wheel, absolutely not.

**Boardmember Sullivan:** Yeah. So this is sort of like, OK ... and I tried to be, like I said, real clear. New construction, that's one thing; alterations and additions, another thing; and repairs, please, let's not go there.

**Chairperson Speranza:** And those are things that are well understood by the building and development community as far as the New York State building code. That is the same.

**Boardmember Sullivan:** The thing which I put forward is basically the same. So, again, it would need to be double-checked by Buddy and Deven. But I think it, to me, kind of got us out of how does this apply. And even to the point ... I know people had problems with ... and Rebecca, your point – removal and demolition of every building – I mean, I don't know why that language is in the building code, but it is. And that alters it a little bit. But in a sense, somebody asked the question and they decided that they made sense because it helped clarify when it got applied.

But again, certainly, tweaking that language I wouldn't have any objection to. I think, where I look to Buddy and Deven to sort of help guide us a little bit, I just think that structure might be helpful.

**Boardmember Strutton:** So then I had misunderstood what you were saying before. I thought you were saying that the New York State building code just talks about construction; like where we would be talking in one point to A, that that would just say new construction and would include movement or placement, removal, demolition. But you're saying that's not the case. You're just saying that it's just clear that we would just clarify somehow that 1.2-A is really new construction and 1.2-B is ... but leave that language in there. Is that what you're saying?

**Boardmember Sullivan:** Yeah. I guess when you look at the 1.2-A part 2-1, where I have new construction, that definition's just taken straight out of the building code. It says the construction movement, replacement, removal and demolition in a building. I didn't want to

second guess it. I think I took out "alteration" because I wanted to be clear under the existing building. Again, I can't tell you why those words are there. And I would be kind of hesitant to modify them since I'm trying to use code language. But let that be a tweak. It's really not the main ... the main point of this exercise for 1.2-A part 2 and 3 was to try to get the definition synched up with the respective code – be it the new building code, the commercial code for new construction and how the existing building codes applied – and then in the residential code, how it applies to single-family homes, new and existing buildings.

**Boardmember Strutton:** And I guess my issue is ...

**Boardmember Cameron:** Are we already into 1.2-A? I'm still up in 1.2, which says the code shall apply only to ... and I just want to bring up an example. I mean, I would hate to see people putting in non-ENERGY STAR appliances. And I just think we could make something like that that you're not supposed to do that, whether it's a renovation or not. I mean, you can hardly buy one in the store. And even if you can't enforce it, I think ...

**Chairperson Speranza:** Why do we have to legislate that?

**Boardmember Cameron:** Well, we can just say that you shouldn't do that.

**Chairperson Speranza:** You shouldn't, but do you want to ...

**Boardmember Cameron:** I know we probably can't enforce it, but the whole idea that we'd find some landlord running around buying used toilets and sticking them in his buildings, saying he's just doing a ... I just think that's wrong if we want to be good on the environment. You know, I'm not saying we should take that sentence out. They're put in there because ... I understand why it's there. But I think as we go through the code, we'll find a few things where it's just so obvious it should happen. But even if the person doesn't have a building permit, they shouldn't be doing that.

And I know we had a little discussion about this, but people putting in used toilets in this day and age, or refrigerators or something like that, it just doesn't happen.

**Village Attorney Stecich:** Jamie, there is a big difference. Because the used toilet, there's going to be a building permit. Probably any bathroom renovation is going to have a building permit.

**Deputy Building Inspector Minozzi:** At least a plumbing permit.

**Village Attorney Stecich:** Right. So they're going to be in there.

**Chairperson Speranza:** To switch out a toilet?

**Deputy Building Inspector Minozzi:** Not to switch out a toilet; to do a bathroom renovation.

**Village Attorney Stecich:** Let me make this distinction. But somebody can change their refrigerator, stove, whatever any time. So that's why it is different.

**Boardmember Cameron:** If you go down to one of the big stores on Central Park Avenue you probably couldn't find a non-ENERGY STAR compliant appliance being sold.

**Deputy Building Inspector Minozzi:** Probably not.

**Boardmember Cameron:** So we should be able to say to people at the place where you're going to buy everything we shouldn't be running around putting in used stuff. And I'm specifically thinking of landlords in buildings where they just stick them in because they find one used in a junkyard and they stick it in there, and it's just not any way to go forward. I don't think an individual homeowner would go and do that because they're living there and they're paying for the electrical bill and everything else.

I brought that one up, and we can go through. We'll tag a couple more as we go through here. But I just think it's a point of principle.

**Boardmember Alligood:** I guess we don't want to jump around too much. But I just want to make this point – which I was going to make at some point in the document – which is that we have this conundrum here that we're trying to be green and we want to encourage recycling and energy-efficient appliances. But one of the best things that we can do for the environment is not tear out and throw away so much of what we have.

Sometimes there are vintage items which don't meet ENERGY STAR code. But the fact that we throw them into a landfill is actually not green. It got me thinking. With the requirement of recycling 50 percent of your construction waste, well, we should be encouraging people to not throw away so much of what's already there. Because really, when you look at the big picture of existing buildings in terms of environmental sustainability, we shouldn't be tearing them down. Even if we want to rebuild them to a better standard, it doesn't make any sense.

So I think we get ... it's very tricky when we start going down that road of saying we shouldn't recycle these items because they don't meet ENERGY STAR. Well, we're throwing all this stuff into the landfills, and we're trucking it to wherever – outside of our



beautiful communities. That requires wasting energy. So I just caution us to think kind of broadly on some of these things.

**Deputy Building Inspector Minozzi:** Well, one good thing that does happen today is that a lot of appliances, most, don't make it to landfills anymore. They are recycled. Even these big dumpster companies, once they go to the transfer stations they're recycled there.

**Boardmember Alligood:** When they're metal, yeah. But what about toilets?

**Deputy Building Inspector Minozzi:** No ceramic. No, no, I'm talking about appliances.

**Boardmember Cameron:** A toilet is not ENERGY STAR compliant. And which one of these is vintage: dishwasher, refrigerator, maybe your freezer, washing machine, water heater, room air conditioner, central air conditioning? Which one are you afraid we're going to be throwing into the dump and we should be restoring it and sticking in our house? None of those things apply.

I understand an old vintage sink or something like that. That's great. I live in a house built in 1953, and I understand that very well. But I think those things listed there really don't fit your concern.

**Boardmember Alligood:** OK.

**Boardmember Strutton:** But I go back to this point you made before. If you can't go down to Route 100 and buy something that's not ENERGY STAR compliant, why do we have to put it in the law that says you have to buy things that are ENERGY STAR compliant? It's like buying a car that runs unleaded gas. You can't buy them anymore, so why should we legislate that you can't buy a car that runs on leaded gas?

**Boardmember Cameron:** I think people ... and I specifically picked on landlords who go and take these things and stick them back into their apartments. And maybe it doesn't occur. We should ask Deven and people like that whether that occurs. That's what I worry about. Somebody who actually is going to pay for the electrical consumption afterwards, you're right, they're going to go down and buy it. But somebody who's actually charging it to their clients, and they're renting out the unit, they very well may do it.

This is just the list I came with. And I looked at it, and I said why aren't we saying yes.

**Deputy Building Inspector Minozzi:** The problem with the changing of the appliances is that it's just about impossible for this department to regulate it.

**Boardmember Cameron:** I'm not asking you to regulate it.

**Deputy Building Inspector Minozzi:** You know what I mean?

**Boardmember Cameron:** I'm not asking you to regulate it. I'm asking maybe tenants to help you regulate it, by saying, "I just rented this apartment, and the guy's got all this junk in it." I understand you can't do it.

**Chairperson Speranza:** And I don't know how it fits into this. It's a green code.

**Deputy Building Inspector Minozzi:** But on the other hand, in new renovations – new kitchens and jobs that do have permits – that can very easily be regulated.

**Boardmember Cameron:** All right, on to the next section.

**Chairperson Speranza:** OK. So we understand the whole parallel to the building codes, which I think is good. I think of it as, Marianne, you look at a planning map or the zoning map and everybody's got the same color for residential and high-density residential and institutional. I think it does help, then, to clarify when people look at this and try to figure out how does this work with the New York State building code. Because the definitions are the same.

**Village Attorney Stecich:** Well, I'm just a little confused process-wise, though. Are you then saying that ... Kathy, was your intention by this middle column, this is how you would revise? This is the revision?

**Boardmember Sullivan:** Yeah. This document, though, I'm happy it's helpful to others. It was really my way to try to show my comments. Because when Kerrie Jane was here, she said next time please rewrite the text. You know, come up with what phraseology you want to use. So that's what that is.

**Village Attorney Stecich:** Yeah, I understand that. So I think you guys have to decide, as you're going along, are you accepting column one or column two.

**Boardmember Sullivan:** Right.

**Village Attorney Stecich:** OK. And I'm confused as to ... now, on your applicability, are you saying that there shouldn't be ...

**Boardmember Sullivan:** No.

**Village Attorney Stecich:** You're not, OK.

**Boardmember Sullivan:** I just couldn't go too crazy.

**Village Attorney Stecich:** OK, all right. So unless otherwise stated, we're working on the first column.

**Boardmember Cameron:** I'm still in column one myself.

**Chairperson Speranza:** I'm sorry? What?

**Boardmember Cameron:** I'm still in column one on this paragraph. I don't think we can move to column two.

**Village Attorney Stecich:** OK, so we're working, really, from column one.

**Boardmember Sullivan:** Yeah.

**Chairperson Speranza:** Right. But we agree that intent is fine. Applicability?

**Boardmember Cameron:** One-point-two, that's fine.

**Boardmember Strutton:** That's fine.

**Chairperson Speranza:** With the comments that the language ...

**[Male Voice] XXX:** [off-mic].

**Chairperson Speranza:** OK. Applicability is good, with the recommendation that it be structured so that the terms that are used reflect the terms that are used in the state building code.

**Boardmember Strutton:** That's fine.

**Chairperson Speranza:** OK.

**Boardmember Alligood:** But I have a question. Substantively, though, Kathy, you've added some exceptions that were not in their original. Correct?

**Boardmember Sullivan:** Those are, again, pretty much taken right from the various state building codes. So the exceptions are ... when you look at the first one – let's call it commercial code, the first under part two – the exception, what they do is kind of logical. They're accepting detached one- and two-family dwellings – multiple, single-family dwellings, townhouses, et cetera, et cetera – because that's covered in the next section.

**Boardmember Alligood:** OK, so that just needs to be clarified. It's not that there are exceptions overall. It's just within this part, they're not covered.

**Boardmember Sullivan:** Yeah. In this kind of code structure, where you have what you want and then underneath it you put what you're accepting, only refers to the phrase, the paragraph, above it.

**Chairperson Speranza:** New construction.

**Boardmember Sullivan:** That's just ...

**Boardmember Alligood:** In a way, what you're saying is it's defining your category that you have.

**Boardmember Sullivan:** Yes, exactly.

**Boardmember Cameron:** Sorry. Are we going to column two on this thing?

**Chairperson Speranza:** Right. For part 2, 1.2-A part 2.

**Boardmember Cameron:** You're going to call them ...

**Village Attorney Stecich:** That was the question I was asking before, Jamie.

**Boardmember Cameron:** I don't understand what's happening.

**Village Attorney Stecich:** I don't think it's been settled.

**Boardmember Strutton:** I don't think we've agreed to that. I think we just talked about ...

**Chairperson Speranza:** That's what we're talking about.

**Boardmember Strutton:** The framework.

**Boardmember Cameron:** OK, good. I think we should stick with what's presently in the left-hand column. I mean, I think the way this thing is constructed with regard to the types of buildings we're talking about here – not residential – that if you're under 1 it covers the whole building 'cause you're renovating the whole building. If you're under 2, you have a limited number of ... all the same provisions apply, but it's only applied to the renovations. And if you're under 3, then everything but the last section applies to what you're doing.

So it's structured somewhat logically the way it's been done. As critical as I have been of other parts of the draft, I don't know how we can ... aren't we trying to get under 1.2-A part 2 the fact that we are covering these kinds of buildings?

**Boardmember Sullivan:** The thing about the building code, there are three codes. There's the New York State building code, which covers all buildings except one- and two-family dwellings, multiple single-family dwellings, et cetera. So by paralleling the definition of the codes, you're already synching up, I think, the requirements in a more appropriate way to the types of structures that would be covered.

A certain type of builder, a certain type of person, designs a single-family home versus a three-story office building or three-story multi-family home – multi-family residence, an apartment house. And so what it does is, the building code plus the residential code are structured appropriately for the types of designers and builders and engineers who work in those two very different kinds of markets. And the existing code tries to clarify what you do when you have an existing building and how you can intervene and make changes in those. Again, it's really trying to make it more appropriate to what the industry uses rather than trying to invent and then try to cover all the bases.

**Boardmember Cameron:** But your language says it covers every building, and their language says it just covers ... and then you got to go for another ...

**Boardmember Sullivan:** Yeah, exceptions. Again, it's typical code structure.

**Boardmember Cameron:** And what they wrote wasn't, is what you're saying.

**Boardmember Sullivan:** What they did was not. And since this is a green building code, it's much easier, I think, to use the definitions as standard

**Deputy Building Inspector Minozzi:** What Kathy has done is, she's taken their first column, which is very, very general, and she has instituted the specifics of the building code

in the center column. And I think that's what Kathy's trying to say. Because the way they have it written, it's very, very general. And that's not how the building code reads.

**Boardmember Cameron:** Right.

**Boardmember Alligood:** Yeah, I want to echo what you're saying. That I don't read the code constantly, but as an architect or a designer or a contractor I would want the language to be familiar to me. So that the definitions, as you said, "synch up." We don't want to reinvent the language. So my comment, as we got to the session, was, OK, if that's the way the code normally is defined let's clean it up so that it parallels what's existing, the language that's existing.

**Deputy Building Inspector Minozzi:** And I think Kathy was very ... that is exactly what she's done here, is to put in what was basically left out.

**Village Attorney Stecich:** This is just process.

**Boardmember Cameron:** Right.

**Village Attorney Stecich:** I think there's going to be a huge problem for this committee.

**Boardmember Cameron:** No kidding.

**Village Attorney Stecich:** Because they wrote the law in a certain way. Whether you think they should have written it that way or not, that's how they wrote it and it's very ...

**Boardmember Alligood:** Yeah, but ...

**Village Attorney Stecich:** Could I just finish? Very clear that's what they're going to go to the Board of Trustees with. They were ready to go to the Board of Trustees. So I think it might be more helpful to comment on the substance of what's been done.

**Boardmember Sullivan:** But Kerrie Jane was ... I went to ... I have to say I put the time and energy into doing this.

**Village Attorney Stecich:** Oh, no, no. I understand that.

**Boardmember Sullivan:** I'm not looking ... because Kerrie Jane, it appeared to me, was tired of getting just comments and wanted rewritten language. So that's why I went to this extent. Now, they can discuss it. My point is, this is a modification to a building code that

should synch up with the current codes. That's the comment. Now, they can disagree with that and go back to the original language, or to the new language.

**Boardmember Alligood:** I just want to go back to process and what we're trying to do here tonight. Because our process is not to go and ask them to rewrite what they did. My understanding was, this whole working session that we're having tonight is to be very specific in getting feedback and comments to the Board of Trustees. So if we think that the language should be tweaked in the way that you're suggesting – if we all agree, and that's our comment – and we say the majority of us agreed and a couple dissented, all we're doing tonight is passing that along to the Board of Trustees. They have their own process of dealing with the draft code anyway.

So I don't think we have to be concerned that we're creating this conflict with the committee, that we're giving them stuff that they aren't ready to incorporate. They want to just hear our comments and pass them along to the Board of Trustees.

**Boardmember Strutton:** I guess the only ... I mean, I totally agree with what you guys all said. But I think the problem procedurally for tonight is, where do we comment? Do we want to comment ... if we agree to a draft, adopt Kathy's proposal, and we send that to the Trustees, and they say, "Oh, no. We're not going to take that as a general comment, that it ought to be synched up. These people on the committee have worked very hard to come up with this draft language," then what happens to all the comments we would have made to the draft as it exists? Do we need to come up with two sets of comments, basically?

**Chairperson Speranza:** Well, wait a minute. That's why we're having the discussion section by section. Because right now, we're focused on whether or not ... the question becomes, for this section, do we think that the approach that Kathy has put forth to have this be more in synch with the building codes that people are familiar with, does that make sense?

**Boardmember Alligood:** And that doesn't preclude other comments on different sections. So if you have comments that you wrote up that just aren't in this document because they're in a separate document that you ...

**Boardmember Strutton:** No, no, no. That's not what I'm saying. We say, let's go with Kathy's language – sounds great, makes a lot of sense logically, let's proceed down that path – but then the comment that I would have made to 1.2-A is, does this function as written? Now Kathy's language, say, perhaps addresses the fact that it functions better as Kathy has proposed. But if they stick with the old language, do we need to say, "And if you don't take Kathy's language, then you should make the following changes to section 1.2-A"?

**Boardmember Sullivan:** That makes sense.

**Boardmember Alligood:** I think we're going to have to ...

**Chairperson Speranza:** If we have them.

**Boardmember Strutton:** Right, if we have them.

**Chairperson Speranza:** So if there are other things for this section 1.2-A part 2, then we should go on record with them now.

**Village Attorney Stecich:** Can I also point out, there is a substantive difference between what Kathy has and what they have rather than being more specific. Theirs would apply to single-family houses if it was a big development. Let's say you had a Toll Brothers development with eight houses, it would apply: "*... any residential development consisting of four or more dwellings.*" But Kathy, if I understand, yours exempts all one- and two-family ...

**Boardmember Sullivan:** It's not exempting those because ...

**Village Attorney Stecich:** No, I know. But they're subject to the other regs.

**Boardmember Sullivan:** The thing is, though ...

**Boardmember Strutton:** No, then they plan 1.2-B.

**Village Attorney Stecich:** Right, but that's different. Because right now, under the Conservation Commission's recommendation, I'll call it a subdivision would apply.

**Boardmember Sullivan:** Right. Eight single-family homes are each going to be built. They can be built under one permit for eight. But the point is that the provisions of a single-family home would apply to all eight of them.

**Village Attorney Stecich:** Yeah, I understand. I'm just saying that is a substantive difference between the two proposals.

**Boardmember Sullivan:** The level of things that ... if you're going to do a single ... if you're going to have eight single-family homes, and an eight-story 200-unit apartment, those right now are both pointing to the same section that has specific things outlined in that. They're totally different scale. Forget that there are eight of them. I mean, that would have to be



dealt with in site plan. I mean, that's going to be where you're going to capture that kind of ... be it townhouses, be it eight two-family homes.

I mean, the specific green measures that would apply to a single-family home will apply to eight single-family homes. But those measures are not necessarily at the right scale for an eight-story, 200-unit apartment house. Nor are the 200-unit apartment house measures the right scale for my individual home. So in a sense, by staying with the building code's definitions you're getting away from some of the stuff that I saw as pitfalls. Because residential ... it's not residential like zoning, it's residential like building. So it's different.

Again, like I tried to explain, my understanding is it's more the market. The person that builds a home can build eight homes, but they might not be the company that builds a 200-unit structure, nor design it, nor engineer it.

**Boardmember Strutton:** No, I think that helps.

**Boardmember Alligood:** I was concerned, Marianne, about the exact same thing. I mean, I had noted that. But I realized, once she clarified what she was doing there, that she's not exempting them overall. She's just putting them in another category, where they're a different set ...

**Village Attorney Stecich:** Oh, no, no. I'm not disagreeing with it. I'm just saying it's a substantive change from what's there. So column two wasn't necessarily just getting more specific than column one. There are a couple of changes.

**Boardmember Sullivan:** Well, it's being more specific.

**Village Attorney Stecich:** And we have to be careful, as we're going ...

**Boardmember Sullivan:** It's being more specific. I mean, I was part of the group that helped develop the column on the left. So I know that it's fluid to some degree. But I know it's been through further review by the Conservation Commission that I wasn't part of.

**Village Attorney Stecich:** I'm not opposed to it.

**Boardmember Sullivan:** No, no, no. I just would hope that the suggestions are taken in the way that they're offered. And this isn't law, this is a draft. It needs to be commented on.

**Boardmember Alligood:** And the other point – back to, Rebecca, your question – I think that we're not going to be able to resolve all the inconsistencies that arise when we have this

process of going through and commenting piece by piece. I mean, it needs like a whole nother kind of sit-down session to really iron out, OK, so what are the implications for the various comments. And we don't even know if the Board of Trustees is going to take them all. So I think we don't need to resolve them.

**Boardmember Cameron:** We don't even know if they're going to see them all. We're going to send them to the Conservation Commission.

**Chairperson Speranza:** No, they'll see them.

**Boardmember Alligood:** No, there'll be a document from us.

**Chairperson Speranza:** Right.

**Boardmember Alligood:** Because they're not going to sort of do anything with it. They're just going to pass along ...

**Boardmember Strutton:** They're going to pass on our comments.

**Boardmember Alligood:** Yeah, exactly. In terms of process for tonight, I think we're going to get really bogged down if we start worrying about, "OK, wait. The thing we just said now, let's go back and see if it ... "

**Boardmember Cameron:** Well, I think we can cover this concern we have with a lead-in paragraph or several lead-in paragraphs: that the construction of law proposed was designed to match blah, blah, blah, blah and the building code. For example, see such-and-such in the building code in our proposed section such-and-such. It wasn't intended to dramatically change the intention of – those comments come separately – about the intention of the Conservation Commission. We just think the two laws should run parallel, if that's what it comes out to be.

But we do run the risk that they would just say, "Well, we spent so much time on this. How can you do this to us?" And I think, Kathy, you, quite candidly, need – since you probably know who it is – go and talk to the principle draftsman of this and try to convince him individually of the wisdom of our words.

**Chairperson Speranza:** And that's something that can be done. I mean remember, people have spent a lot of time developing it. But if it's something that's going to make it better and more easily applied and understood, that is one of the goals. That's one of the goals for seeking comment, and that's our comment.

Now, you had a question in here about ...

**Boardmember Sullivan:** Misplaced.

**Village Attorney Stecich:** Oh, that's this thing?

**Boardmember Sullivan:** Yeah.

**Village Attorney Stecich:** Oh, OK.

**Chairperson Speranza:** OK, we're talking about if it follows LEED.

**Boardmember Cameron:** Now, I could search through it. But they did have it so that some of these provisions would apply to individual owners renovating their individual parts. And I'm not sure exactly how that works now. I had some question about how much renovation an owner could do without the permission of the Board, which is probably not very much.

**Boardmember Sullivan:** That would be ... I've thought a lot about that, Jamie, because it was something that they added in.

**Boardmember Cameron:** I brought it up. How could you possibly get five points unless the Board gave you permission to do all those wonderful things you had to do to get five points?

**Boardmember Sullivan:** That would be, I would think, in an existing building. So I have to make sure I'm under those criteria. And that would be since you're in a unit in, say, a multi-family building, you would not be in the residential section of this; you'd be in the first section.

**Boardmember Cameron:** Right.

**Boardmember Sullivan:** And so when you're doing an alteration – because you certainly wouldn't be doing it in an addition – right now ... this is straight from the code, this is the level three provisions for the existing code. It says that this green code would only apply when alterations in the work area exceed 50 percent of the aggregate area of the building.

**Boardmember Cameron:** Of the entire building.

**Boardmember Sullivan:** And I think in this case you would change that, potentially, of the unit. I don't know, that's a very good question.

**Boardmember Cameron:** I think you'd have to. Otherwise the landlord is just going to renovate one unit after another.

**Village Attorney Stecich:** Or the individual person changes and is totally exempt from the statute because they're not covered by the other part here.

**Boardmember Cameron:** Yeah, I think you have to go back and cover those.

**Deputy Building Inspector Minozzi:** Something that we have to be very careful of, because people have done it in the past – renovated one apartment at a time – and we know that the whole building's been renovated and they don't have a sprinkler system.

**Chairperson Speranza:** Aha, really?

**Boardmember Cameron:** And in their view, they can't afford to do them all at once because they need the rent roll from the other units.

**Deputy Building Inspector Minozzi:** It's something that myself and Deven are very aware of these days. Because other inspectors in the past have been taken advantage of.

**Boardmember Sullivan:** But that's kind of the logic of what section you would go to.

**Boardmember Cameron:** Right. As long as we cover that. Because it was covered, really, before. It was 1,000 square feet, and you were moving that around. And I actually had not checked to see whether we still had it.

**Boardmember Sullivan:** Well, again, the alteration code ... the code just said 50 percent, if you're under that. I have to look into defining aggregate area. I couldn't find it in the code of what does that mean – gross, net? You want to make sure you have an understanding.

**Deputy Building Inspector Minozzi:** It usually applies to the entire structure, not just to the one apartment in the structure.

**Boardmember Sullivan:** So we'll have to kind of maybe look at how the things, the specific items, apply to a single unit, if that's appropriate.

**Boardmember Cameron:** But have the interior space. You can't have throwing it out the corridors and the elevators because they could do 75 percent of their apartments and not [inaudible].

**Chairperson Speranza:** See, I also like the definition that the work area becomes defined. I think that helps to clarify a lot of other areas that we were dealing with that are more site-related.

**Boardmember Sullivan:** Put a big bubble around what you're doing and that's what you pay attention to. Not worry about the other stuff.

**Chairperson Speranza:** Right.

**Boardmember Sullivan:** What I liked about it was, if you're repairing areas, like/like, you don't get yourself into a bind by having that all of a sudden expand your project in a way that you can't afford – thinking from a single-family home perspective.

**Deputy Building Inspector Minozzi:** And that would be what rules and regulations in the state [inaudible] because of what Kathy just said. It makes a lot of sense from an inspector's point of view and the contractor point of view, as well as the homeowner point of view.

**Chairperson Speranza:** OK, so does that mean that we are going to recommend middle column, 1.2, part 2 with the explanation as to why, and the fact that it helps synch to existing codes, and modifying building to unit?

**Boardmember Sullivan:** When applicable, or something?

**Village Attorney Stecich:** Could I just ask what this sentence means, under "two existing buildings"? *"Projects that involve more than one classification of work must comply with the requirements of each classification."*

**Boardmember Sullivan:** What happens is, when you determine your work area – say you have an existing house and you're putting an addition on it, and you're changing the kitchen and you're switching out the toilet and the powder room – your work area is all three parts of that. So when you're doing an addition, you look to addition requirements. If you're doing an alteration, you look to alteration requirements. And if you're doing a repair, which would be switching out the toilet and the powder room, you look to whatever the requirements would be for ...

**Village Attorney Stecich:** So when you go further into this there are different requirements for repairs, alterations, and addition?

**Boardmember Alligood:** That was my question.

**Boardmember Sullivan:** Potentially. They had sort of structured that, I think, in the application of certain parts.

**Boardmember Alligood:** Because I don't remember it being laid out that way. I had the same question.

**Boardmember Cameron:** We can't make this too complicated.

**Boardmember Sullivan:** If I had an addition, and I was doing less than 50 percent of an alteration to my house, then that alteration section wouldn't be part of this. So the definition helps.

**Village Attorney Stecich:** And this is just a small point, but I think we should probably take out that exception for agricultural buildings. Because agricultural buildings, I don't think, are allowed in Hastings. We don't have farm buildings, we don't have farms. It's come up, it was a big issue. And if you have a section in the code that suggests that something is OK to exist ... do you know what I mean?

**Boardmember Cameron:** Right.

**Village Attorney Stecich:** Oh, but she's got poultry houses.

**Boardmember Sullivan:** I don't got. I mean, the code is ...

**Chairperson Speranza:** It's the building code.

[laughter]

**Village Attorney Stecich:** Yeah, yeah, yeah, I know, Kathy. But we're talking about your change. Oh, all right. Leave it in.

**Chairperson Speranza:** OK, so if that becomes "restructured," then we don't need number 2.

**Boardmember Sullivan:** [off-mic] the last distinction of additions, renovations and alterations in the draft text would be deleted because that's [unintelligible] already.

**Village Attorney Stecich:** Or doing a percentage, right? By doing it 50 percent?

**Boardmember Cameron:** What's this sentence at the top of page four? It says: "*Work area includes other portions of the building where ...*" and then dropping kind of that incidental stuff, "*... where work not initially intended by the owners is specifically required by this code.*" Do not count the words "*... for incidental work entailed by ... the intended work must be performed.*" But it says, "*... excludes portions of the building where work not initially intended by the owner is specifically required by this code.*" But why would we exclude something where work is required by the code?

**Boardmember Sullivan:** Because if you're, say, needing to put in an electric panel someplace you have to modify the walls to get conduit to that panel. They're saying that that doesn't mean that all of a sudden you've increased your work area.

**Boardmember Cameron:** "*Work not initially intended by the owner.*" I'm not sure that's a great selection of words.

**Village Attorney Stecich:** I understand it, yeah.

**Boardmember Sullivan:** Then it's just what I found ...

[cross-talk]

**Chairperson Speranza:** Is already in the code.

**Boardmember Sullivan:** ... in the code. I couldn't come up with examples, but I can't explain why every word is what it is.

**Village Attorney Stecich:** I think what Kathy just gave an example of is where incidental work entailed by the intended work must be performed.

**Boardmember Sullivan:** Correct.

**Village Attorney Stecich:** OK? So Jamie is questioning "*... and where work not initially intended by the owner is specifically required.*"

**Boardmember Cameron:** Specifically required.

**Village Attorney Stecich:** I know what you're saying.

**Boardmember Cameron:** That doesn't sound logical. Sorry.

**Village Attorney Stecich:** Yeah, so somebody comes in and they want to make one change to the house, and it turns, "Hey, listen, you can't do anything with that room until you fix ..." They're doing one floor.

**Boardmember Cameron:** Unless you put a foundation under the building there.

**Village Attorney Stecich:** Right. Or you're doing a one-story addition, and it turns ... I mean, work on one story, and it turns out that it spills over into the second because you've compromised the ceiling; you've taken out a beam and you've compromised the floor upstairs.

**Boardmember Cameron:** Maybe we should search to see where those words came in our building code and see if we can understand why they're there.

**Village Attorney Stecich:** Well, it's in the state building code, not ours. This is from the state building code, Jamie.

**Boardmember Sullivan:** One, first I'll check and make sure I have the right language.

**Village Attorney Stecich:** So maybe it just ... yeah, I think what Jamie said makes kind of sense that you end that sentence after " ... *must be performed.*"

**Boardmember Sullivan:** I'll shoot ... what I'll do is I'll shoot the original copy to everybody, and then we can go from there.

**Chairperson Speranza:** OK.

**Boardmember Alligood:** I'm just a little concerned that it's 10 to 10 and we're on page four, and it's a 45-page document.

**Boardmember Cameron:** Well, we'll go faster later.

**Boardmember Alligood:** I mean, is our charge to go through the whole thing tonight?

**Chairperson Speranza:** Well, obviously, since it's 10 ...



**Boardmember Alligood:** I'm just ... you know, process-wise, how are we going to get through it?

**Chairperson Speranza:** Let's keep going a little further and see how we do.

OK, is there anything else with respect to this section?

**Boardmember Strutton:** So can I just clarify – I'm sorry – that if you're doing a ... if your work area is less than 50 percent, then you don't fall within the code at all? Is that correct?

**Boardmember Sullivan:** If your work area is an alteration rather than an addition or whatever, and it doesn't ... it's less than 50 percent of the aggregate area of the building, then [inaudible].

**Boardmember Alligood:** I think that's a huge, huge exemption.

**Boardmember Sullivan:** Open for ... I mean, again ...

**Boardmember Alligood:** I think that's really taking the teeth out of this. Because especially for multi-family buildings, and that's where we want to get our bang for the buck. And we want ...

**Village Attorney Stecich:** More commercial buildings.

**Boardmember Alligood:** We've had building owners making sure that it's just 49 percent at a time, and they don't have to comply.

**Chairperson Speranza:** OK, so we can agree that this portion ... and again, this is the portion that's noted in the building code, but it may not be ... I mean, frankly, I think 50 percent is the right proportion as far as I'm concerned, particularly since it coincides with what this village allows with respect to a building that is destroyed. Up to 50 percent, and then it can be rebuilt as it was under the zoning that was in place.

**Deputy Building Inspector Minozzi:** That's correct.

**Boardmember Cameron:** But I can do an alteration that's less than 50 percent of the building? I mean, do two bathrooms and one bedroom and leave the rest of them, and that doesn't apply?

**Village Attorney Stecich:** Oh, think more apartment building. You've got an apartment building with 60 units. You can fix 29 of them and you're exempt. And so you fix 20 one year, then you wait a year. Then you fix 20 the next year, then you fix 20. One way you could get around that is, you could say 1,000 square feet or 50 percent, whichever is less.

**Boardmember Cameron:** Well, that's what ...

[cross-talk]

**Village Attorney Stecich:** No, they didn't have a percentage, I don't think.

**Chairperson Speranza:** No, they had square footage.

**Village Attorney Stecich:** They had just square footage, and the concern was sometimes something under 1,000 is actually pretty substantial, depending on the size of whatever it is – let's say a house. But if you said 1,000 square feet or 50 percent of the area, whichever is less, that might work.

**Boardmember Sullivan:** This isn't for a single-family.

**Boardmember Strutton:** But I think, actually, their code as proposed went further and said if it's less than 1,000 square feet, then you have to comply with some of these elements; in particular, those that would apply to the work area, as Kathy has defined it.

**Boardmember Cameron:** Right.

**Boardmember Strutton:** And that, I think, has now totally fallen out.

**Boardmember Cameron:** Right.

**Village Attorney Stecich:** So you could take, let's say, the building at 45 Main and totally gut the bottom. They could say, "Hey, listen. We haven't been able to sell this stuff." And so they totally change the bottom floor. That's only going to be about a third of the building, and I think under this they would be exempt. Which I don't think you would want to do.

**Boardmember Strutton:** Not for commercial, no.

**Boardmember Alligood:** I think in this section it makes sense to go with the 1,000 square feet threshold. I think the only place you'd want to have the percentage is under single-family, and we're not even on that part yet.

**Boardmember Strutton:** I'd go further, and I'd say 50 percent – the lesser of 50 percent or 1,000 square feet – and then you catch them both ways.

**Boardmember Cameron:** [off-mic]. Also, it says [step] in the direction of where they were.

**Boardmember Strutton:** And that makes it more palatable for them when they see that 1,000 square feet. That's right.

**Boardmember Alligood:** And this – to Jamie's point from some of your previous e-mails – this part covers some of our municipal buildings and municipal larger buildings.

**Village Attorney Stecich:** It doesn't, actually. They're exempt.

**Boardmember Alligood:** But you want them to be.

[cross-talk]

**Village Attorney Stecich:** But I don't think you could make them have to comply. But certainly the school district, you can't under ... they're absolutely exempt. Federal buildings, absolutely exempt. Municipal sometimes, but the Village could agree to it.

[cross-talk]

**Boardmember Strutton:** Maybe the thing to do on that point is, in the intent paragraph – where we have

*" ... applicable projects intended to be as guidance and ideas be considered for all their projects, including those by the Village and the school district" – put the language in there.*

**Boardmember Alligood:** We would hope that ...

**Boardmember Strutton:** It's just intent.

**Village Attorney Stecich:** I just would leave the school district ... my suggestion is to just leave the school district alone.

**Boardmember Strutton:** OK.

**Boardmember Alligood:** Well, it could be guidance.

**Village Attorney Stecich:** Yeah, well, then they can do it if they want to, but ...

**Boardmember Cameron:** I think my taxes are high enough already for the school.

**Village Attorney Stecich:** But to pay for litigation. The Village ... I think that's a good idea.

**Boardmember Alligood:** The Board of Trustees is adopting this or not, and they shouldn't exempt themselves, their own building. So they should lead by example.

**Boardmember Cameron:** Well, they should adopt a plan to proceed along those lines. And I understand we can't put that ... it's more trying to embarrass them into it than actually have it legally binding.

**Boardmember Alligood:** But I think when you mention ... we can mention it as part of the intent.

**Boardmember Cameron:** Thank you.

**Boardmember Alligood:** I think it's important to point out the issue of impervious surfaces. You know, that's really ... a lot of that is our ...

[cross-talk]

**Boardmember Strutton:** When we send our comments up, why not put that in there? And put in Jamie's language of we realize that this isn't set out in the code, but we think a resolution by the Board of Trustees to comport with this in their own ...

**Chairperson Speranza:** It's important to set a good example.

**Boardmember Strutton:** It's important to set a good example.

[laughter]

**Boardmember Alligood:** Well, also it'll have the highest impact.

[cross-talk]

I think all this effort is going in here, and if it doesn't apply to some of the largest paved lots and buildings we're not going to get very far.

**Boardmember Strutton:** Paved areas, yeah.

**Boardmember Cameron:** Passing this without applying it to yourself [inaudible] is so ... and maybe mutinous.

[laughter]

[cross-talk]

**Boardmember Cameron:** Can I ask you, are we up to 1.6?

**Chairperson Speranza:** No, 1.2-B.

**Boardmember Cameron:** Omigod. I thought we went by all those.

**Boardmember Strutton:** No, we are talking commercial.

**Chairperson Speranza:** Right.

**Boardmember Sullivan:** So the same kind of structure as the section above. What was interesting, the residential code, which covers one- and two-family buildings, also dealt with the issue of renovations and alterations and that kind of thing. It applied to any size alteration. It had no limitation.

**Chairperson Speranza:** There was no 50 percent.

**Boardmember Sullivan:** No 50 percent, no. So if you're [cross-talk] and you have a 10-foot by 10-foot bedroom and you're putting a wall down the middle, then you're altering the space and things would have to comply. So I just found that of interest. My only note was, did we want to limit it in a one- or two-family house situation? But my reading of the code was that the code didn't make any limitation.

**Boardmember Cameron:** Are you talking about their proposed bill?

**Boardmember Strutton:** [inaudible] New York State.

**Chairperson Speranza:** The New York State code.

**Boardmember Cameron:** Because they proposed 1,000 square feet.

**Boardmember Sullivan:** I know. But I'm talking about the New York State code, the residential code.

**Boardmember Strutton:** Here. This is the language she inserted, was the ...

**Boardmember Cameron:** Right. Well, I think we should do what they did, which is the 1,000 square feet. Or we could do 1,000 square feet or 50 percent, whichever's less.

**Chairperson Speranza:** So that would be in C: *"The provisions of part three shall apply where there are alterations."*

**Boardmember Sullivan:** Correct. And I added, in red, "*... that exceed 50 percent*" was my addition, just from the language above.

**Chairperson Speranza:** And we could say "or 1,000 square feet in floor area."

**Boardmember Cameron:** "Whichever's less."

**Village Attorney Stecich:** And one other suggestion, if I may, is rather than using "*dwelling*" you might want to say "house." No, it says detached. Sorry, that's OK. Because *dwelling* includes apartments under our definition of dwelling. So you wouldn't want somebody to say it applied under there, but I don't think ...

**Boardmember Sullivan:** "Detached."

**Village Attorney Stecich:** Yeah, it says "detached." Yeah, so that should be OK.

Kathy, I'm confused. You added this language.

**Boardmember Sullivan:** [inaudible]

**Village Attorney Stecich:** Yeah, I know. It didn't exist in this thing, but it existed for commercial buildings?

**Boardmember Sullivan:** In the New York State residential code they made no limitation on how "alteration" was applied. So like I said, you could have any size alteration.

**Village Attorney Stecich:** But commercial, it had to be 50 percent?

**Boardmember Sullivan:** By the code, yeah, that's how ...

**Village Attorney Stecich:** Isn't that peculiar.

**Deputy Building Inspector Minozzi:** In the building code, not the residential code.

**Boardmember Sullivan:** Yeah.

**Village Attorney Stecich:** Yeah, that's peculiar.

**Boardmember Cameron:** Fifty percent for the building code. So they could renovate eight out of 20 stories and they wouldn't have to get a permit? That doesn't make sense. I mean, we would just renovate our offices and we'd have to get a permit.

**Deputy Building Inspector Minozzi:** I don't think it meant that you don't have to get a permit. I think it just means you're exempt from certain aspects of the code.

**Boardmember Cameron:** OK.

**Boardmember Sullivan:** Yeah, this is ... Buddy's actually ... there are a lot of provisions in the building code, like egress, you know, certain kind of structural grades. There's a whole variety of ... that leads to a whole variety of other issues. This is more focused on just the green issues.

**Chairperson Speranza:** Right. And the 50 percent for the commercial is just a definition of the alteration.

**Boardmember Sullivan:** Right.

**Chairperson Speranza:** So there are still things that are going to apply for any alteration.

**Boardmember Cameron:** Well, rather than getting caught up totally with the New York code, I think we should think of a commercial building or a multi-family residential building, and say when would we think it appropriate that these green alterations occur.

**Boardmember Sullivan:** Absolutely.

**Boardmember Cameron:** Fifty percent wouldn't be my definition. I mean, that just doesn't work.

**Boardmember Sullivan:** It's only there to start discussion. It's not [inaudible]. So for the residential, do you want to ... how would you want to do that? Go to the 1,000 square foot again?

**Chairperson Speranza:** Yeah, the lesser or 50 percent – 1,000 square feet.

**Boardmember Sullivan:** There's no real other modifications that I proposed to the one- and two-family residential except for [inaudible] definition.

**Village Attorney Stecich:** Kathy, on the exception for repair.

**Boardmember Sullivan:** Yeah.

**Village Attorney Stecich:** You're not covered if it's project work involving repair, which is *"the restoration to good or sound condition of any part of an existing building for the purpose of its maintenance."* Wouldn't that be easy to say, "Listen, I'm just repairing it"? I'm just wondering if that's an exception that could swallow the whole.

**Boardmember Sullivan:** Well, you have to look at what you're actually doing, and then compare it to how they define renovation or alteration: *"... the configuration of space, addition/elimination of any door, window, reconfiguration/extension of any system, or installation of any additional equipment."*

**Village Attorney Stecich:** This is how the state building code does it now?

**Boardmember Sullivan:** Yeah.

**Village Attorney Stecich:** Is there ever any issue ...

[cross-talk]

**Deputy Building Inspector Minozzi:** With repair?

**Village Attorney Stecich:** ... with deciding that something's a repair rather than ...

**Deputy Building Inspector Minozzi:** They're doing structural repair, they're getting an architect and a building permit. You have to.



**Boardmember Sullivan:** This is more ... when I read this, it seemed to be more surface stuff. You know, fixing plaster walls.

**Deputy Building Inspector Minozzi:** That would not require ...

**Boardmember Sullivan:** Repairing your doors; you know, repairing the tile, replacing your toilet.

**Village Attorney Stecich:** Well, might it be better not to put the exception in and let somebody argue it's not an ...

**Boardmember Sullivan:** No, because ...

**Village Attorney Stecich:** Because "*involves repair,*" which is "*... the restoration to good or sound condition of any part of an existing building.*"

**Boardmember Sullivan:** "*... for purpose of its maintenance.*"

**Chairperson Speranza:** So what does that mean if I'm going to replace the banister on my stairs? It's a repair.

**Village Attorney Stecich:** That's a repair. No, I'm not worried about a simple repair. I'm talking about where you would distinguish the bigger things.

**Boardmember Sullivan:** Like what?

**Boardmember Strutton:** Well, like say a fire. There's a fire, and you have to rebuild. Is that a repair, or is that an alteration? It's not an alteration, it's a repair. Right?

**Boardmember Sullivan:** That would be an alteration.

**Boardmember Strutton:** Would it be?

**Boardmember Sullivan:** Well, you're getting into structural issues. The repairs are not talking about structural issues.

**Boardmember Strutton:** For the purpose ...

**Village Attorney Stecich:** Yeah, but "*the restoration to good or sound condition.*" I don't know, it's just that definition of repair seems to me broader than what I would think of as just a repair. So that's why I'm suggesting maybe you don't even need to state the exception because you say it only applies to alterations.

**Boardmember Strutton:** Yes.

**Village Attorney Stecich:** So why do you need to put that exception in, which I could ... I don't know why I can't think of an example right now.

**Boardmember Strutton:** Well, OK. Here's an example: replacing your roof, right? Which is one of the things that I've put in my comments a hundred times, right? When you replace your roof, you need a work permit, right?

**Deputy Building Inspector Minozzi:** That's correct.

**Boardmember Strutton:** You need a work permit to replace your roof. Are you repairing your roof, or are you triggering the green code by replacing your roof? Which has to be done by every homeowner every 20 years.

**Chairperson Speranza:** And I think there is a difference. When you're repairing your roof you're patching your roof. You've got one area that's bad; a tree came down on it or a tree branch or something.

**Boardmember Strutton:** But you're not ...

**Chairperson Speranza:** That's a repair.

**Boardmember Strutton:** OK, but you're not altering it. You're not altering my roof when I replace it.

**Chairperson Speranza:** See, that's what I like about having the repair. I really think that people ...

**Boardmember Cameron:** But the word "replacement" appears in the definition. So replacement of the roof would be a repair.

**Chairperson Speranza:** Replacement of the roof ... no, see, replacing of the roof is not a repair. It's a replacement of the roof.

**Boardmember Cameron:** Well, where it says " ... *included in the patching or restoration or replacement ...* " why would you ...

**Boardmember Strutton:** Damaged materials, and my whole roof is damaged. It's leaking.

**Village Attorney Stecich:** Right. I'm going to argue, when I'm doing my roof ...

[cross-talk]

**Boardmember Strutton:** That it's a repair.

**Village Attorney Stecich:** ... I am just restoring it to good or sound condition for the purpose of its maintenance.

**Boardmember Strutton:** Yeah, I would make the same argument.

**Village Attorney Stecich:** That's a repair.

**Boardmember Cameron:** Right.

**Village Attorney Stecich:** I think it's a too broad definition of repair.

**Boardmember Strutton:** Or the question is, do you really want to trigger the green code when someone replaces their roof, which everybody has to? I mean, that's the question, right? And we can get into that when we look at which elements apply when you replace your roof.

One thing I really like about what Kathy's proposing is it talks about what the work area is and defines the scope of the work area. So you know you're not doing water ... I don't know, maybe you are doing water runoff when you replace your roof. I don't know.

**Boardmember Cameron:** This is a green code. We're not going to get it so that you don't have to put a better roofing material on the roof if you replace the whole roof.

**Chairperson Speranza:** Right.

**Boardmember Cameron:** So whatever definition we're writing, I don't think it should get there unless you want to totally [inaudible] Board of Trustees, "OK, it doesn't apply to roofs, guys. We just eliminated it because it's called a repair."

**Boardmember Strutton:** No, I agree with that. But when you get into the 1,000 square foot, which I think most people's roofs may easily – depending on how you measure them – be over 1,000 square feet, are you triggering 3.5, I think it is, of a code where you have to hit your five points because you're replacing your roof? Which, to me, seems like dramatic overkill.

**Boardmember Alligood:** Yeah, I think ...

**Boardmember Strutton:** And I totally agree we should be using good quality roofing material – it's green.

**Village Attorney Stecich:** Then let's not do the roof. Let's just say a kitchen. My kitchen's a total mess, and I want to restore it to good or sound condition. Is that maintaining?

**Boardmember Strutton:** That's not a repair.

**Village Attorney Stecich:** That's a repair. I know, but ...

**Boardmember Strutton:** [cross-talk] dishwasher is a repair if it's broken, and that goes to Jamie's comment, right?

**Village Attorney Stecich:** I don't think it's a repair. But if I were representing somebody, I could argue it fits in that definition.

**Boardmember Sullivan:** So I think what I'm hearing is that I think people like the idea that there's some nod to just defining repair, but there's concerns about this particular one.

**Village Attorney Stecich:** Yeah, but I'm back to I'm not sure it's necessary. Because if it's only a repair, it's not covered because it's not an alteration.

**Boardmember Strutton:** Here's another example.

**Chairperson Speranza:** OK, but then you end up in a situation where the definition of alterations is something that's other than a repair. You know, now we're kind of in a circular ...

**Boardmember Strutton:** But I agree. I mean, I think there should be an exemption for some sort of repair. Take the leaky basement, right? Where one needs to replace their slab, and the footprint of their house is ... you're replacing your entire basement slab because you

have water coming in. Does that trigger the entire green code for your house because you're repairing a leaky slab in your basement?

**Chairperson Speranza:** But are you repairing it or are you replacing it? I think people ... at least my understanding, OK, so you're repairing ...

**Boardmember Strutton:** OK, that's a good point.

**Chairperson Speranza:** You've got one window where you've lost the caulking and it's creating a water condition in your basement. You're repairing the window. You're not replacing the entire slab under your house.

**Village Attorney Stecich:** That's easy, Patty, 'cause that doesn't meet the threshold, the square foot threshold.

**Chairperson Speranza:** Understood. But if you're beyond the square foot threshold, I have to agree that it's not a repair. I mean, what ... you know, you repair your roof or you're replacing your roof. If you're replacing your roof, you're replacing your roof. If you've lost tiles in a storm, and now you've got a leak and you're going to put new tiles up on your roof and reinforce it, that's a repair. It's not a new roof.

**Boardmember Cameron:** Their original draft of their suggestion to us I thought was well done because it said if you're building a new house, or ripping down the old one, then this part of the code applies to everything you're doing. If you're doing something which is over 1,000 feet it applies only to what you're doing, not the whole building. And then if you went down below 1,000 feet you didn't even get that last five points.

And somehow we're stumbling into something where if you do a certain part of a building it applies to the whole building. I think it should only apply to what you're changing. So in your example of doing the basement, you're replacing the basement. If we have a code requirement for a green code that you have to have molasses mixed into the cement, you have to do that. But other than that, it doesn't affect the rest of the building.

**Boardmember Strutton:** Right, right, right. But so as work area then works in your revision, Kathy, would that also then – in my basement slab scenario – would it be the whole code at that point, or only the molasses in the upgrade?

**Boardmember Cameron:** I'll get a better example, I'm sorry. "Can't you come up with something better that?"

**Boardmember Sullivan:** Typically when you get into the specific things, it's when you touch them. Like if you're not replacing your ... if you're not dealing with your heating system we're not going to make you put it in. If you're not doing stuff to your electrical system, it won't be doing ... you know, you won't put that in. So the work area is defined – if it meets the definition of an alteration – which replacing your slab probably doesn't. But for sake of argument, you need to meet these criteria. And if you get to a point you aren't making alteration-like changes to your basement, then you can be repairing your slab.

But I can understand ... just, again, I think the proposal was to try to make it be similar to existing building codes that are in place. Not trying to come up with new things.

**Boardmember Alligood:** But what about Marianne's point that ... you know, I see a big loophole with this exception of repair. Because I think that people will use it to get out of what this code intends. So can we live without that exception just because it doesn't fit otherwise?

**Boardmember Sullivan:** Let's say yes, you could, and then just see if it makes sense to delete it or change it. It's late, and we have other things to move on to. But I have a question mark. Like look at the definition, look at the logic of it, and maybe in the early morning light you could come up with a ...

**Village Attorney Stecich:** And this applies, as well, to the previous section. I just didn't pick up on it.

**Boardmember Sullivan:** I understand. Again, I'm not ... it's just how the code was structured, and if it's overkill for this then that makes sense to change it.

**Boardmember Cameron:** So the one big change we're making on page seven, if we're there by now, is that they had portions of the green code applying even where your alteration area was less than 1,000 square feet and was less, in our parlance, than 50 percent of the building.

**Boardmember Sullivan:** I felt that in both the commercial code and the residential code that you set the bar when you want to do it, but you don't capture everybody. When they went from 99 square feet or less, then you get into a very small change that you're making. Then you may have to apply it, and it would be out of scale for what ...

**Boardmember Cameron:** Oh, they were smart enough to make it only apply to those portions of the building you were changing. So if you were doing a bathroom, even if it was less than 1,000 feet, then it applied to the bathroom.

**Boardmember Sullivan:** Right. I would say that that's not appropriate, per se.

**Boardmember Cameron:** Oh, I think it is appropriate personally.

**Boardmember Sullivan:** I felt, for both the commercial and for the residential, to stay away from micromanaging some of the smaller renovations that people do. That was, again, how we stay with the logic.

**Boardmember Alligood:** Jamie, with the way you put it – that as long as what you have to comply with is within your work area – then I agree with you.

**Boardmember Cameron:** Right.

**Boardmember Alligood:** Because I think you could have a high-impact area that's relatively small, but really could be using up a lot of energy needlessly, or, you know ...

**Boardmember Cameron:** Your kitchen.

**Village Attorney Stecich:** Yeah, or the bathroom.

**Boardmember Alligood:** Some people have very small kitchens.

**Boardmember Sullivan:** So going back to, then, in section C – the text I added that exceeds 50 percent of the aggregate area of the building – you added in "or less than 1,000 square feet."

**Boardmember Cameron:** But you're doing a kitchen renovation. They're all less than 1,000 square feet, kitchen renovations. So we just got rid of kitchen renovations?

**Village Attorney Stecich:** You could change four bathrooms and you'd be exempt.

**Boardmember Cameron:** Right.

**Deputy Building Inspector Minozzi:** I think the intent of the code is to use a 1.2 gallon-per-minute toilets ...

[cross-talk]

**Village Attorney Stecich:** Like almost no bathrooms would get included.

[cross-talk]

**Deputy Building Inspector Minozzi:** ... shower [inaudible], which I'm sure is going to want to be addressed in this code. So that really doesn't work.

**Boardmember Alligood:** I think my biggest concern was what a couple other people have voiced in their e-mails and comments about triggering a lot of work outside of what you had intended to touch.

**Boardmember Cameron:** Right.

**Boardmember Alligood:** That becomes really big money. Like you weren't going to do any site work or you weren't going to replace your heating system, that's where I think it becomes very onerous to the homeowner. But if you've decided to invest in a new kitchen or a new bathroom, and it's small but it's an energy hog – you know, has a lot of appliances and a lot of new materials going in there – then I think it should be in there.

**Village Attorney Stecich:** And I thought, Eva, that their last draft did do that. Made it pretty clear that ...

[cross-talk]

**Boardmember Alligood:** Right, I just don't want ...

[cross-talk]

**Village Attorney Stecich:** ... language, but section by section this only applies if you're doing the work here, or whatever.

**Boardmember Cameron:** Yeah, I thought what we were doing is trying to take New York State code language and make it work within the confines of what they wanted to do. And now we seem to be going out of the confines of what they wanted to do, which is now a double-barrel problem. I know some things – and I don't like what they're doing, and I'll bring those up when we come to them – but I think we were trying to do ... they have a basic structure that complete renovation, everything applies; you know, their teardown, everything applies; for a new building everything applies. Then they had a list that applied just to the project you were doing. Then they had a more limited list that applied just to the project you were doing.

I think that structure, to me, is logical, and works. And I'm not sure whether ...



**Chairperson Speranza:** Well, I don't know if it's mutually exclusive. I think the work that's been done with respect to the alterations and additions, and the definitions that do coincide more closely to the building code, it does not mean that you can't have this other ... OK, so for anything that's not covered, or something that is 999 square feet or less, this applies. But it could be in addition to it.

**Boardmember Cameron:** Right.

**Boardmember Strutton:** Yeah, so if part three is the entire section three, then the one that says it's less than 1,000 square feet or 50 percent, I guess ...

**Boardmember Cameron:** Both less than 1,000 and less than 50 percent. Then we have another category.

**Boardmember Strutton:** Then you have only part 3.1 and part 3.2, or whatever the numbers are. You take out that third checklist: five points or ten points or whatever you end up with.

**Boardmember Cameron:** Right.

**Chairperson Speranza:** I was going to say it's time for us to think about how we're going to proceed with this.

Suggestions? I know within the next two weeks ... I mean, I had been thinking we could do something before our next meeting. That's going to be really difficult, I know at least for me. Suggestions?

**Boardmember Strutton:** Tomorrow night, Saturday night and Sunday night. There is a ton here, there's no doubt.

**Boardmember Alligood:** So we want to just kind of nod in on the big points where we have something to say?

**Chairperson Speranza:** Probably not.

**Village Attorney Stecich:** You can actually jump right to page 12 now. Because there's a bunch of the other stuff, the definitions and whatever. I mean, you're actually further along than you thought.

**Boardmember Alligood:** Exemptions and appeals.

**Village Attorney Stecich:** Yeah, that'll just be written in later when they just ... you can't even write that now because you don't know who's making the decisions.

To finish up, though, just on one thing that might still be open, this point that you were making about it should also apply to smaller stuff. Do you believe that's also true of the commercial?

**Boardmember Cameron:** Yes.

**Boardmember Alligood:** Yes, absolutely.

**Village Attorney Stecich:** So the change should go there as well.

**Boardmember Cameron:** There's a lot of commercial that'll be less than 1,000 square feet.

**Boardmember Alligood:** Absolutely.

**Boardmember Strutton:** And then I think as just a broader-brush comment – maybe we don't get to this on the molecular level as we walk through this – I'm still confused about when different sections ... some sections are very clear: this only applies when you are touching your heating system, this only applies when you are touching your roof. But then there's another provision in the draft, as presented, that says that the Building Inspector has some discretion to decide when it applies and when it doesn't; when what applies and what doesn't.

So I'm just not clear how those two sections work together. And I can point you to the language, if you want, or we can just ...

**Boardmember Cameron:** Yes, go ahead.

**Boardmember Strutton:** OK. So let's see, sorry, 1.2-B2. And I think there's language like this in other places, as well, 1.2B2: "*... shall be in compliance with the provision of part three of this code that are applicable to such addition, renovation and/or alteration as determined by the Building Inspector.*" So does that give the Building Inspector the right to decide carte blanche which provisions of the code touch the sort of "work area," to use Kathy's parlance? Or does the Building Inspector have to say, "Well, you're not replacing your boiler so this section doesn't apply, you're not replacing your roof so this section doesn't apply" – by reading, by interpreting the code?

So that's my question.

**Boardmember Cameron:** But isn't that language supposed to read – even though you don't write it that way – "as reasonably determined by the Building Inspector"? That can't be arbitrary.

**Village Attorney Stecich:** I thought you were taking that out and recommending what's in column two.

**Chairperson Speranza:** Right, right.

**Boardmember Cameron:** (Inaudible).

[cross-talk]

**Chairperson Speranza:** And there's no discretion by the ... and then it's kind of all, the Building Inspector's looking at everything then.

**Boardmember Strutton:** So then as we go through this, we need to make sure that every section ... or do we have a – again, I'm sorry – do we have a section that says only the parts that your work area touches?

**Village Attorney Stecich:** No. Because what they did was, they changed it change-by-change.

**Boardmember Strutton:** Right. So if there's sections that don't say ...

**Village Attorney Stecich:** There wasn't an overall.

**Boardmember Strutton:** But there was a section – what is it, 3.1C? – sorry to jump around. So 3.1C, I thought, looked like something that would apply to only a particular section. Let's see what it is.

**Village Attorney Stecich:** Oh, the stormwater control thing?

**Boardmember Strutton:** Yeah. But it doesn't say, on there, this only applies when you're doing something outside.

**Village Attorney Stecich:** Yeah, but you know what? They didn't even work on that section because they're just leaving that to us to write, to Deven and me to write.

**Boardmember Strutton:** OK.

**Village Attorney Stecich:** But no, there was a different section. And I know what you're talking about, Rebecca. Because they said, "Wait a minute. You're saying this applies to everything?" And they said, "Yes, it should 'cause it's not a big deal."

**Boardmember Strutton:** And I went through this pretty carefully to try to identify, and I thought I noted some ... more than one, but I didn't write down what they all were.

**Village Attorney Stecich:** Yeah, I had asked them about it because it seemed odd to me. But that was their intention (inaudible).

**Boardmember Strutton:** "Needs and natural resources"? No, that's only paving. Anyway, maybe it's just something to keep in the back of our mind as we go through this.

**Boardmember Cameron:** So are we into the ...

**Village Attorney Stecich:** Oh, OK, here. Here's a good example – 3.2-B: *"Control all heating and cooling systems with the programmable thermostat which allows for a variety of time and day and seasonal sections. This section does not apply to projects involving only outside work."* So my question was, hey, listen, if you're just doing a kitchen you have to put in this thermostat for the whole house. And that was their intention because supposedly it's inexpensive.

I mean, whether you agree or not, that was the intent.

**Boardmember Cameron:** Programmable.

**Village Attorney Stecich:** It doesn't say it there because they don't intend for it ... they do ...

**Boardmember Cameron:** A programmable thermostat's like \$100, \$125.

**Boardmember Strutton:** But if you're renovating your bedroom by moving a wall 3 feet, and your thermostat's in the kitchen, do you have to replace the thermostat?

**Village Attorney Stecich:** That was their intention.

**Boardmember Cameron:** Well, my problem with them is they don't actually work.

**Village Attorney Stecich:** They don't work?

**Chairperson Speranza:** Then you're not doing the work area.

**Boardmember Cameron:** We have a new [inaudible], and I turned them all off.

**Chairperson Speranza:** Then your work area's changing.

**Boardmember Cameron:** We have four of them.

**Village Attorney Stecich:** No, but work area's relevant only for determining whether you pass the threshold or not, so far.

**Boardmember Strutton:** So far, unless we ...

**Village Attorney Stecich:** That's what work area is relevant to, is whether you get ... I don't know, when we get into the substance of these sections. But up until now, that's all it's applied to is determining the threshold.

**Boardmember Cameron:** Well, they do have some exceptions. Like in 3.2-A, it says, "*... this does not apply to projects identified in 2 and 3,*" which is unless the new heating system is ...

**Village Attorney Stecich:** But they went through the whole thing. They went through every one of their requirements and said it doesn't apply unless. I mean, you might not agree with some of them.

**Boardmember Cameron:** [cross-talk] 3.2-C.

**Village Attorney Stecich:** Right.

**Boardmember Cameron:** Then 3.2-D is, you have to be replacing the boiler for it to apply to you. And 3.2-E is my favorite section. I'm just kidding ... 3.3-F. So there's really only one word that raises that question you raise, which is electronic thermostat, which is 150 bucks.

**Village Attorney Stecich:** Yeah, and that was their intention.

**Boardmember Cameron:** The rest of them actually are self-defining.

**Village Attorney Stecich:** Yeah.

**Boardmember Strutton:** OK.

**Village Attorney Stecich:** That was a big change between the two drafts.

**Boardmember Cameron:** Right. Now, can I go back to ... can we go to 2.1? Can we go to the "2" sections?

**Chairperson Speranza:** Can we go to the 1.4 – the proposal checklist? Because I think this needs to be changed, given that ... this is: *"Along with the submittal of a building permit application, the notarized proposal checklist shall be submitted."* So it's got to be before then in certain circumstances.

**Village Attorney Stecich:** Well, just say "a building permit application or site plan application, if required."

**Boardmember Alligood:** I just have a general comment about the notarizing. I don't understand. The only thing a notary does is certify that it's you presenting the document.

**Village Attorney Stecich:** Don't you remember I raised that? They said there was a ... what was their answer?

[cross-talk]

**Village Attorney Stecich:** ... something about their ...

**Boardmember Cameron:** Let's take it out of our draft.

**Village Attorney Stecich:** Yeah, take it out. I think it's dumb, too.

**Boardmember Alligood:** Just say we don't think anything should ...

**Boardmember Cameron:** Well, the notarization doesn't do anything except to say that you really signed it.

**Boardmember Alligood:** It doesn't do anything.

**Village Attorney Stecich:** It's not a certification ...

[cross-talk]

**Boardmember Strutton:** ... building permit, anyway, aren't you? Don't you notarize the building permit anyway?

**Village Attorney Stecich:** I don't know, but I would take it out.

[cross-talk]

**Boardmember Cameron:** The notarizations are ...

**Village Attorney Stecich:** It's a meaningless ...

**Boardmember Alligood:** Totally meaningless.

**Village Attorney Stecich:** So I would just take it ... just cross it out.

**Boardmember Cameron:** Can I do paving materials, just so I [inaudible]. I would just add to the paving materials the sidewalks.

**Village Attorney Stecich:** Where are you, Jamie?

**Boardmember Cameron:** It's 2.1-D. One of my comments, earlier comments, was we really need a substantive test here. Because "*... new or replaced driveways, sidewalks*" means nobody ever has to do this.

**Village Attorney Stecich:** Right.

**Boardmember Cameron:** I mean, if it's new or replaced, well, I left a little piece over there. And I wrote in a suggestion that we go with 50 percent. And we should lump together driveways and parking spots because they're really one and the same thing, in my mind. And I would add sidewalks to this thing. Because as all of you know, but nobody obeys it, the sidewalk in front of your house is your responsibility. I was just walking past a sidewalk – that shall be nameless – and they had solved their sidewalk problem by applying that black tar to the sidewalk. There's a black tar sidewalk. It's downtown, too, by the way.

**Village Attorney Stecich:** Well, you also made a good point about the 50 percent of the new paving materials. It doesn't make any sense.

**Boardmember Cameron:** I think they got the 50 percent in the wrong place.

**Chairperson Speranza:** So how would you ...

**Boardmember Cameron:** Well, I would have a test if you're replacing more than 50 percent of your driveway ... so this provision applies if you're replacing more than 50 percent of your driveway and parking spots, making them one. Your walkway, your patio or other paved areas, the sidewalk, that you must pave them with a 29 Solar Reflective Index material. And forget about the 50 percent – 100 percent of it. I don't understand this 50 percent. I don't know, maybe they have a reason. They couldn't express one to us.

**Boardmember Strutton:** But if you're putting in a new patio, are you measuring your 50 percent on the total paved ...

**Boardmember Cameron:** No, the patio's separate. In other words, I would have ... one would be driveways and parking spots. Because I think they're the same thing. Another one would be walkways. Another one would be patios. And I don't know what "other" is. Another one would be sidewalks. And each one of them, if you're replacing more than 50 percent of it, then you go 100 percent with this stuff.

Certainly, if it's applying for residential, that should not be a really hard thing to do. I understand an argument if it's applying to a very large apartment building's parking area, like where they have 50 or 60 spaces. And that may be ... it may come different for commercial.

**Village Attorney Stecich:** Well, 2.1-D is the commercial one.

**Boardmember Cameron:** I know it is.

**Village Attorney Stecich:** OK. But then are you changing that? Are you going with ...

**Boardmember Cameron:** Well, I think the ...

**Chairperson Speranza:** Which, I think, in line with what you're saying: *"hardscape materials with an SRI of at least 29."*

**Village Attorney Stecich:** *"Use any combination of the following strategies for 50 percent of the site hardscape."*

**Chairperson Speranza:** *"Including roads, sidewalks, courtyards and parking lots."*



**Boardmember Cameron:** So where are you?

**Chairperson Speranza:** If you look in the middle column of 2.1-D.

**Boardmember Cameron:** OK, sorry.

**Village Attorney Stecich:** But where is that triggered? *"Use any combination for 50 percent of the site hardscape."* But what's the trigger? How much do you have to change before that kicks in? Oh, so that would be ...

**Chairperson Speranza:** The 50 percent.

**Boardmember Alligood:** No. *"... for any new or replaced driveway, parking spots ..."*

**Boardmember Strutton:** Right. I think we need to use that lead-in from the first column and the second column.

**Village Attorney Stecich:** Yeah. Right now it has no lead-in.

**Boardmember Strutton:** Right.

**Boardmember Cameron:** I don't think we can do it so it applies to just a patch job. As somebody said to me the other day, "You know, they only sell that asphalt paving stuff in a bag in one color" – which I'm not sure is true – "and when you go buy it, you rip open the bag and you put it down and pound it into your driveway." You know, you can't go find a 29 Reflective Index piece.

**Boardmember Sullivan:** The only reflective index would be a white concrete or some type of pavers that are a light color like that. So this was nice. This is the original text for LEED standards, and it gave you some options where you can provide shade from trees or shade from a structure, or use hardscape materials or the open paved grid. Because the point of this is to stop having, near your structure, a surface that's going to retain heat and create around your building a kind of heat zone.

So the paving material, this particular heat island section, also included the heat island effects section a few down. I think you had to go [online]. So I think it gave some flexibility by giving you some choices, depending upon your situation.

**Boardmember Cameron:** I have seen asphalt other than black. I mean, they do have lighter-colored asphalt and it doesn't have to go to white concrete.

**Boardmember Sullivan:** Well, the issue is whether it meets the criteria of the 29 solar reflex index. So LEED had in it, actually, originally gray concrete. But then they tested it and discovered that gray concrete didn't have that reflective index, and so they actually deleted it later editions.

**Boardmember Cameron:** Interesting enough, if you look at the village street going through Hastings it's actually rather like colored asphalt. And I'm not saying that's what it started out with, and maybe it's been bleached over with age. But it's actually quite light-colored. Now it may not get the reflective 29 percent which you're hoping, but I was actually quite intrigued by that. Also, evidently, one of the adjacent towns just laid down a beautiful, very dark black asphalt road.

**Boardmember Strutton:** I think what Kathy's proposing here for heat island language works better and addresses a comment that Jamie made last time around. Which is, people want a dark driveway in the winter when the heat reflected is not as important to help melt the snow. And then you put in shade trees in the summer, you cover it up with a shade tree in the summer. And then in the winter you can have your dark driveway if it helps with snowmelt. But then you don't have to use a bunch of salt.

**Village Attorney Stecich:** Well, I think it's right that the green part of this is right and the substance of it. But what's the trigger?

**Boardmember Strutton:** What's the trigger? So we need to add a lead-in sentence.

**Village Attorney Stecich:** Well, if you could say for any new or replaced site hardscape, including [road/sidewalks], use any combination of the following. But then are you saying any new, or are you saying for any new ... so that would be any new or replaced? Because I went back to the applicability section to see whether that would cover it. And it doesn't because that only covers buildings.

**Boardmember Cameron:** Let's just switch over to an apartment building or to a commercial space for a moment.

**Village Attorney Stecich:** Yeah, that's what this would be anyway.

**Boardmember Cameron:** Yeah, that's where we are. What do we want the person to do? They've come along, they're about to replace a certain portion. We have patch jobs, but

they're about to replace a certain portion. You know, asphalt's a bit different than other things. In other words, you actually can replace a portion of it with something with a reflective index without having to replace the rest of it.

**Village Attorney Stecich:** So what you're saying is all the replaced stuff has to do this stuff. So I don't think it would be bad to just say for any new or replaced site hardscape, including [road/sidewalk]. So all you're really adding is for any new or replaced, and moving the end of that to the beginning.

**Boardmember Cameron:** Well, we're getting rid of the 50 percent.

**Village Attorney Stecich:** Pardon? Use any combination of the following strategies – oh, I see – for 50 percent of the new hardscape, I guess.

**Boardmember Sullivan:** I think this has to be in a new construction situation. I don't think you can apply it very easily to an alteration. I think this needs to be a new site, a new lot, that someone has complete say and control over. And the 50 percent of the site hardscape is just giving you the ability to not ... maybe you can't accommodate that, based on the configuration of your lot. It's giving you a little bit of a special to have something not comply.

**Village Attorney Stecich:** So you're saying only a new building?

**Boardmember Sullivan:** Only in a new project, yeah.

**Village Attorney Stecich:** Well, what if it's an old building but it's a new parking lot?

**Boardmember Cameron:** I'm replacing the parking lot in one of those apartment buildings up on Broadway. I mean, do they say it's not a new driveway?

**Village Attorney Stecich:** It's not a new building.

**Boardmember Cameron:** I'm just putting asphalt over the top of it again.

**Boardmember Sullivan:** Asphalt will never be allowed under this.

**Boardmember Cameron:** Excuse me?

**Boardmember Sullivan:** You would never ... people would not be able to put asphalt down at all.

**Village Attorney Stecich:** Yeah, if this applies to them. But what you were just suggesting was it wouldn't apply to that.

**Boardmember Cameron:** Only to a new building.

**Boardmember Sullivan:** Only to a new project, yeah.

**Chairperson Speranza:** Right. So the additional parking that was constructed actually is part of [The Terraces]. When they came in they had an existing driveway and they wanted additional parking spaces off that driveway. Well, that would have to comply with this even though there's no change to the building.

**Village Attorney Stecich:** So then you have to add some language that says for any new hardscape.

**Boardmember Alligood:** I would want it cover that because they took away green, they took away grass and trees – or bushes anyway – and they added more parking which they clearly didn't need. It was for economic purposes. So I think they should have to do that in a green way. It doesn't bother me that that would cost them more because it's creating more impervious surface.

**Boardmember Sullivan:** This isn't addressing impervious surface, per se.

[cross-talk]

The Solar Reflective Index is not water.

**Boardmember Cameron:** Well, I think actually I'm liking 2.1-D as it exists now, except I don't see why we need the 50 percent.

**Boardmember Sullivan:** Well, you'll never have asphalt put down at all ever again because it doesn't meet the criteria. So if you want to restrict it, ban it ...

**Boardmember Cameron:** It doesn't meet the criteria because they can't make it in a pale color.

**Boardmember Sullivan:** Correct. It does not exist ... very little on the market meets that criteria, the Solar Reflective Index. There are very few materials that can be used.

**Boardmember Cameron:** Is the 29 too high then? Should it be 15 or 18?

**Village Attorney Stecich:** Eighteen.

**Boardmember Strutton:** Twenty-one.

[laughter]

**Boardmember Cameron:** I'm just saying ...

**Boardmember Sullivan:** Well, the goal isn't to not use asphalt. The goal is to put a material down that doesn't heat up [inaudible] the building site and creates more heat that reflects on the building, increases the cooling [inaudible]. That's the point of this.

**Boardmember Cameron:** And other than concrete, we don't know.

**Boardmember Sullivan:** No. That's why, when I went to the original text, it gave me some options to create shade [cross-talk].

**Boardmember Cameron:** But they didn't have an option. They had an option in the residential.

**Boardmember Sullivan:** Right. But they also had, under 2.1-J below, the heat island effect, which is some of the other items that I put into one big piece.

**Chairperson Speranza:** Right, OK.

**Village Attorney Stecich:** Oh, yeah, so you're addressing what's in 2.1-J for ...

**Boardmember Sullivan:** And D because they work together. They aren't really an either/or. So I put them back in the home that they all had because that's the goal of what they're trying to do is to stop ...

**Village Attorney Stecich:** So what you address in your column two is what was in 2.1-J essentially. And Jamie is saying he also wants to do what's in the first column.

**Boardmember Sullivan:** In the original that was used as a basis for both 2.1-D and 2.1-J, they were both combined in the original. And for some reason they were separated. People lose the flexibility to choose. I'm in a situation where I can use paving, I have to use this paving because I can only afford asphalt. But I'm going to go and do the shading techniques

which are just as effective as looking for the one material that I can get, on the market, that can give me the reflective value.

So it gives people their options, and gets to the goal. Which is not to be in asphalt. That's a whole other conversation. I think this is just the original. This is where it came from.

**Boardmember Cameron:** Right.

**Boardmember Sullivan:** For some reason it got split out into two pieces. I think they belong [better back]. You get the same ... I think people have more choice. But I am kind of back to just the statement that it may be difficult in an alteration to an existing site, where someone doesn't have the ability to play with these measures, to get this whole, to have this apply. It just may be difficult.

**Village Attorney Stecich:** But you mean, for the example, like somebody adding on, adding a parking area?

**Boardmember Sullivan:** Well, I'm just saying we need to ...

**Village Attorney Stecich:** Well, maybe they wouldn't be able to put the trees, but they'd be able to do the other stuff like using an open grid system or hardscape materials with an SRI of less than 20.

**Boardmember Sullivan:** Maybe you use 50 percent in a new site condition, and they you use ... in an alteration to the site when you add something. So, Eva, to your point, you're putting in these three parking spaces and you have to use one of these strategies. Forget the 50 percent, but it's only in the new stuff that you're adding. Having someone come back and have to re-landscape their whole yard or add structures or something like that. You know what I'm saying?

**Village Attorney Stecich:** Yeah.

**Boardmember Sullivan:** So that gives them some ... maybe they give them some ability to at least make a nod towards this. That make sense?

**Boardmember Cameron:** So as we look at the train parking lot, what we're saying is that we'll never get rid of that heat island. Because they'd have to go in there and dig holes and put trees in, or put stone or some other material than this, or pour cement.

**Boardmember Sullivan:** I'm not familiar with what's at ...

**Boardmember Cameron:** The parking lot at the station. I'm talking about the town, which is the biggest heat thing in the town.

**Boardmember Alligood:** That should have ... I mean, there are ways to make that more green for sure.

**Boardmember Cameron:** Lots of trees, yeah.

**Chairperson Speranza:** So it's for 50 percent of new ...

**Boardmember Sullivan:** Say "altered," or you added on to something existing.

**Village Attorney Stecich:** Well, doesn't it work to just say for any new site hardscape? Because if you're adding it, it's new.

**Boardmember Sullivan:** If you're doing a whole new project you have the 50 percent threshold.

**Boardmember Cameron:** Well, they had "new" or "replace" in both of them, didn't they?

**Boardmember Sullivan:** Right. In the new would be 50 percent. In the replaced it would be just what you're replacing. Or in the case of adding, just what you're adding.

**Boardmember Cameron:** Well, let me ask you, why with the new one do you have 50 percent?

**Boardmember Strutton:** Well, because it's 50 percent ... oh, I see what you're saying.

**Boardmember Sullivan:** Because these measures are expensive, and you know you can't use ... I have to have a parking lot of some type, but I have to use asphalt because that's the only material I can afford. But 50 percent of the other things – be it sidewalks or patios – I have to look to these other measures. So you're giving me the choice.

**Boardmember Cameron:** Isn't there any other kind of asphalt other than pitch black?

**Boardmember Sullivan:** No, not that meets the solar reflective value. That's the issue, Jamie. It's meeting this particular standard.

**Boardmember Strutton:** I thought I had made this written comment, as well, but I think I didn't ... is that also, when we get to the residential it's the same language in residential. But patios, I mean do we really want to say that a patio has to have an SRI of 29? Can people no longer put down slate?

**Boardmember Cameron:** I think actually, since ... I'm glad you brought it up. Certainly, parking may need asphalt. But give me a break that walkways, patios, other paved areas for sidewalks need asphalt. So I'm not going to forgive them on the asphalt side for those sections of their homes.

**Boardmember Strutton:** Well, I think what Kathy is saying is that there's not a lot of other options for those areas. So are you going to have to have ...

**Boardmember Cameron:** Oh, come on. Lots of people have stone in ...

**Boardmember Alligood:** She's saying that for parking, but you can't say that about walkways and patios.

**Boardmember Cameron:** You have an asphalt walkway by your front door, you don't have a very nice house anymore

[cross-talk]

**Boardmember Strutton:** But I think the language tracks. What I was saying is, if you're trying to get to a 29 Solar Reflective Index, can you no longer use normal, sort of classic building materials like stone or slate?

**Boardmember Sullivan:** Some you can't use.

**Boardmember Strutton:** Right. Because some of them are dark, right?

**Village Attorney Stecich:** No, but you could do other things. If you want slate you could have slate, but you have to do some of the other things by putting shade trees or ...

**Boardmember Strutton:** Right, right, right, right.

**Boardmember Sullivan:** That's why you don't make it 100 percent. You give people the flexibility to be able to make some choices and not just have ...

**Village Attorney Stecich:** Yeah, you could have slate but shade it all by trees.



**Boardmember Sullivan:** Same issue when it comes to residential roofs and what meets the residential reflective value, as well. Traditional materials like slate wouldn't cut it. Very few asphalt shingles cut it – my comment in the residential section – and I have to say there are some cost implications that I know from being in the ...

**Chairperson Speranza:** No, I understand that.

**Boardmember Sullivan:** No, in the e-mail chain between [Christy], Doug, Deven, myself and Bill. And we looked at this. One of Christina's last comments was – because she had to fall away also because of work reasons – we should have people look at these contractors and help us get some pricing to understand that. I'm sidetracked for the residential, but I tried to do that. And I came ... tried to look for some sources. I started doing this spread sheet – and I'm not attuned to this market so I'm being very conservative, I think – looking at some of the things for the residential.

Just taking the code without any ... as it was, as the draft is without any modifications, I was getting up over \$10,000 to \$15,000 in additional costs in just the required stuff. I don't want to say that, and I didn't share that. But I need to believe that it really needed to be looked at for the cost impact. And then the mandatory stuff, to be honest with you, needs a real strong look at it. Because when you try to ... say you stay with the five-point threshold: *very expensive*.

**Boardmember Cameron:** You can't get them.

**Boardmember Sullivan:** *Very expensive.*

**Boardmember Alligood:** And I think your point about the Ikea cabinets ... I mean, you can't tell people not to buy Ikea kitchens. I just think that's going too far.

[cross-talk]

**Boardmember Sullivan:** ... had that conversation going home after the last meeting. I just said if I'm going to get an Ikea cabinet, and I'm going to get a particular residential cabinet that meets the low VOC, meets the formaldehyde levels, I mean, I looked into that for my own home. There aren't that many, and it's kind of expensive. That's a big chunk of change when you have to do that.

And the model I had in my mind when I was looking at that pricing was a new home, straight out of the book. You've seen so many of them, people coming in with something that's

brand-new. What's the cost of that? Frankly, \$10,000, \$15,000 – whatever thousand on top of what someone needs to spend to build a new construction – is that an appropriate level?

**Boardmember Alligood:** Because with the example of the Ikea cabinets, you can't say that it's going to save you money long-term. It's not like an appliance or a new boiler – you say, "Well, OK, over time it pays back."

**Boardmember Sullivan:** So I appreciate that they did this, but I think ... being part of the process maybe I feel, incorrectly, there should be a little bit more ability for it to modulate a little bit, based on some of these comments, rather than just saying this is it. Because I've had some concerns like that with the residential.

**Chairperson Speranza:** So we're going for this section ... for 50 percent of new or altered or on developments for heat islands? And where are we now? Almost 11.

**Boardmember Alligood:** Five minutes to 11.

**Village Attorney Stecich:** Why don't we just finish this part because we got so far into it.

**Boardmember Sullivan:** I think we want 50 percent of the new site hardscape, and then somehow 100 percent of any added or altered existing.

**Village Attorney Stecich:** Fifty percent of new, but 100 percent of added?

**Boardmember Sullivan:** Well, I think that's what ...

**Boardmember Alligood:** Adding, but not replacing, right?

**Chairperson Speranza:** And it's the entire hardscape. It's not just of the driveway.

[cross-talk]

**Boardmember Strutton:** No. For new construction, 50 percent of the entire hardscape. And for replacement, whatever – repair, replacement, alteration – 100 percent of the new.

**Boardmember Cameron:** Well, I was saying that. But at least for driveways and parking spots, Kathy was convincing me that you just can't do a large ... even if you're replacing a parking lot, you can't do it with 100 percent. You can't afford it.

**Village Attorney Stecich:** Why would you make new or replacement 100, but new only 50?

**Boardmember Cameron:** The problem I'm getting from your end of the table – that's not from *you* – is that there's not another material to use other than asphalt. And I guess you could have a concrete driveway, parking area.

**Boardmember Sullivan:** I was just trying to react to something I thought I heard. So 50 percent of new and 50 percent of ...

**Village Attorney Stecich:** Yeah, I would say all of it should be 50 percent.

**Boardmember Cameron:** OK.

**Village Attorney Stecich:** Fifty percent of the new stuff.

**Boardmember Sullivan:** Right.

**Boardmember Cameron:** Right.

**Village Attorney Stecich:** Whatever's new. Whether it's new from the beginning, or whether it's new. That's why I said for any new hardscape.

**Boardmember Cameron:** We'll make them checkerboard it, don't worry.

**Village Attorney Stecich:** Any new hardscape, 50 percent has to be ...

**Boardmember Cameron:** I'm a little bit opposed, quite candidly – but they go at in it in their bill – to allowing people to put asphalt in, and maybe just won't, on a walkway or a patio. I mean, I've got a lot of trouble with it. And maybe we just don't do it, but we're giving them an opportunity to have an asphalt patio.

**Boardmember Sullivan:** People could choose to do that now, and then would be the option to try to mitigate by some shading or some other means.

**Boardmember Cameron:** I know. I'll go with the 50 percent.

**Village Attorney Stecich:** I think your point's a really important point, though, Jamie.

**Boardmember Cameron:** I personally do not see ...

**Village Attorney Stecich:** And I understand with the driveways. But short of driveways, there's no reason.

**Boardmember Cameron:** I think driveway parking spots, 50 percent. And for sidewalks, patios and other paved areas, 100 percent.

**Boardmember Sullivan:** I think you need to have the flexibility to choose. Put down gray concrete, it doesn't meet the reflective value. So that's a material that's pretty standard for sidewalks.

**Village Attorney Stecich:** Or bluestone might not either.

**Boardmember Sullivan:** Bluestone would not, yeah. I think you've got to give people ...

**Boardmember Cameron:** I have red brick in my driveway, [but all of us do].

**Village Attorney Stecich:** Why don't we add something that says no asphalt except on streets. Wait, now that would be green.

**Boardmember Cameron:** No asphalt next to my house.

[laughter]

**Boardmember Strutton:** But you're doing aesthetic.

[cross-talk]

**Chairperson Speranza:** And we got to watch that, too.

**Boardmember Cameron:** I'm just kidding.

**Village Attorney Stecich:** No asphalt west of Broadway. That would be fair.

**Boardmember Strutton:** What did you say? No asphalt west of Broadway?

**Village Attorney Stecich:** Well, wait a minute. Why couldn't you just have that provision separately? I mean, it's not so crazy if what you are doing is making a green code.

**Boardmember Sullivan:** Asphalt's actually a really green material because all asphalt is recyclable. So it's not intrinsically a bad material.

**Boardmember Cameron:** It's a heat sink.

**Village Attorney Stecich:** OK, take it back. I didn't know that.

**Boardmember Sullivan:** It's not a bad material in its own little place.

**Village Attorney Stecich:** See, you should have appreciated that, Jamie.

**Boardmember Alligood:** But we do have an issue of runoff. I know you're saying that's ... but I think that's a huge issue with asphalt.

**Boardmember Sullivan:** Well, a huge issue with anything that water doesn't sink through.

**Boardmember Strutton:** Anything non-impervious, yeah.

**Boardmember Cameron:** Invasive plants is one of these.

**Boardmember Alligood:** I mean, to ask people to remove all their invasive plants?

**Boardmember Cameron:** You like my suggestion of asking our good friends who are building their new house along here to remove all the invasive plants?

**Chairperson Speranza:** Make it \$76 million. All the way down to the railroad tracks, right?

**Boardmember Strutton:** I think they are, frankly, if they're taking all that topsoil off.

**Boardmember Cameron:** I think so.

**Boardmember Sullivan:** Marianne, I think when I looked at the stormwater control and I looked at the current code it seems that the current code covered everything in ...

**Village Attorney Stecich:** No. But it only covers them if it's 10,000 square feet. They're not going to ...

**Boardmember Sullivan:** What I was going to say is, it seems like it covered a lot. What they were asking for, it seemed like the current code covered all the parts and pieces. It was the threshold, and I'm not sure the threshold is what they were talking about.

**Village Attorney Stecich:** And the Village spent a lot of time determining that threshold. Because the stormwater pollution plan is pretty specific. And I'll tell you why this one isn't further along. I know that the building inspectors in the villages I work at – and most villages – require that all runoff be retained on-site. And I've asked them all what law requires that. "Oh, yeah, yeah. There's a law, there's a law." And there's not. And I've spent a lot of time on it. I looked for myself. I asked all of them where they're applying that.

**Chairperson Speranza:** Isn't that in best management practices?

**Village Attorney Stecich:** It might be in best management, but ...

**Chairperson Speranza:** In Westchester County.

**Village Attorney Stecich:** It may well be best management, but that doesn't make it law.

**Chairperson Speranza:** I'll check on that.

**Village Attorney Stecich:** Yeah, go on and check. Everybody I've asked to check was going to get back to me – all the engineers I work with, whatever – nobody got back to me with it. It's not that significant. Because I think the requirement should be just make that part of the green code – because in fact it's not a change, it's what they're doing anyway – that you require that all new runoff be retained on-site. That happens to be what all the building inspectors around here are doing anyway.

[cross-talk]

**Chairperson Speranza:** I want to write it down.

**Village Attorney Stecich:** And then just make that the provision. And the only reason it's not in there now is, I was waiting. All these people were going to find me the law, and none of them have.

**Boardmember Sullivan:** OK, great. Fantastic.

**Village Attorney Stecich:** I think that's probably the best way to do it.

And the other question I had about that is, I thought they had a very low threshold for the storm. Didn't they say a two-year storm? I mean, that seems to me a really low threshold. What it seems everybody's designing now for is the 100-year storm.

**Boardmember Sullivan:** See, this is where I kind of wonder – and I haven't brought this up in this conversation – about whether the site stuff belongs here or in site plan review. But wouldn't it be a better choice to not have this, not have what you're suggesting be in the green code, but just change the stormwater code? I mean, it's there.

**Village Attorney Stecich:** No. Because the stormwater law is ... it's one thing to say that you have to retain everything on-site. But what the stormwater section requires you to do is submit a stormwater pollution prevention plan, which is really expensive for an individual. So you just write down here what the practice is anyway: that they have to design things to keep the runoff on-site.

**Boardmember Sullivan:** Maybe your engineers can tell you what year storm you should have.

**Village Attorney Stecich:** Not the engineers, it's what the building inspectors ... and I talked both to Deven – who says he is applying that – and then Ed [Marin], the excellent, excellent building inspector in Irvington, and that's what he requires. But I'll find out what storm they require. So if everybody's agrees, I think that's probably the best way to deal with that.

**Boardmember Sullivan:** It's nice to know how ...

**Boardmember Cameron:** Can we go to bicycle racks?

**Boardmember Sullivan:** Where's that at, Jamie?

**Boardmember Strutton:** You've already made your point on that one.

**Boardmember Cameron:** I think one of the other problems with this thing was 5 percent, the estimated number of building users. So while you're thinking about it, how many – at peak periods, mind you – how many people at the supermarket would have to have a parking spot for their bicycle. Building users deliberately, I guess ... I would have thought building employees would be a good way to start.

**Boardmember Alligood:** I think that section just has to be applied as practicable, you know? Because there are going to be buildings that are in a site where people just aren't going to bike. It's not easily ... you know, there's a huge hill, and maybe a store where you always come away with lots of bags and it's just totally unrealistic.

**Boardmember Cameron:** No, doesn't work.

**Boardmember Alligood:** I don't think we should ...

**Boardmember Strutton:** And for a partial renovation you're going to make every storefront in the downtown ...

**Boardmember Alligood:** How do you even fit them in?

**Boardmember Strutton:** And then you're blocking all the sidewalks with all these bike racks? It's not practicable.

**Boardmember Alligood:** It's got to be logical, too.

**Boardmember Cameron:** It was initially a steak restaurant, where everybody would go at night and drink. I didn't want them all coming ...

**Boardmember Strutton:** That's when you need your bike.

**Boardmember Alligood:** Listen, the one place we don't have bike racks where it really makes sense is down at our train station.

**Boardmember Cameron:** Yes.

**Boardmember Alligood:** You know, why don't we have bike racks there?

**Boardmember Strutton:** There's one, I think, isn't there?

**Boardmember Cameron:** There is one.

**Boardmember Strutton:** It's under the steps, next to the recycling.

**Boardmember Alligood:** But it's not on the side.

**Boardmember Cameron:** And I bicycled to work in New York City for 15 years. Only got hit by a car once.

**Boardmember Strutton:** How many times did your bike get stolen?

**Boardmember Cameron:** I also bicycled to law school for three years.



**Boardmember Strutton:** I biked to work for years. Well, it's great to have bike racks.

**Boardmember Cameron:** And I just biked over and back to Bronxville to get my car, which was being repaired over there. Now they got to electric vehicles and plugs.

**Chairperson Speranza:** Well, hold on. Bike racks. This says for any addition or renovation that increases the parking requirement. So it's any new building or any additional renovation that increases the parking requirements, as practical.

**Boardmember Alligood:** My comment would be I just don't think that should be "*... in no event shall there be less than one rack that can accommodate ...*" – I mean, there may be cases where that makes no sense at all.

**Boardmember Cameron:** OK, I'll go along with that. I mean, I could have gone for building employees because that would be a much smaller number. But it's hard. You'd have a bicycle rack for every ... well, anyway.

Electric vehicles. The two things that caught me is "*... charging stations for 20 percent of required parking spaces.*" I mean, again, a supermarket with 20 percent of the parking spaces having electric chargers?

**Boardmember Alligood:** Don't you charge that at your home?

**Boardmember Cameron:** Well, you would. You got to be in there for a bunch of hours. It can't be a place that you go and pick something up. And then the sentence at the end, it says, "*... installing charger stations as and when requested by building occupants.*"

**Boardmember Sullivan:** That doesn't work when you have a code. I looked into this, and my big question was how many electrical cars are on the road right now.

**Boardmember Cameron:** Well, the comment back to you is going to be, well, if you put these in we'll have more.

**Chairperson Speranza:** Yes, if there were more charging stations.

**Boardmember Alligood:** Follow the market. This is an example of where ...

**Boardmember Sullivan:** Yeah, but I think this could become an option.

**Village Attorney Stecich:** But wait. If you have an electrical vehicle, don't you have it charged at home?

[cross-talk]

**Chairperson Speranza:** But then you go to work, and you're there for eight hours. You want to plug it in someplace.

**Boardmember Cameron:** What would be ideal, actually, is to have eight or ten of them at the train station, then you just ...

**Village Attorney Stecich:** It doesn't last very long, or what?

**Chairperson Speranza:** They should be recharged.

**Boardmember Cameron:** Maybe they go 40 miles, and then they have to have a new charge? So the train station would be an ideal place.

**Boardmember Sullivan:** My suggestion would be to make it an option; let it be something that someone chooses to do.

**Village Attorney Stecich:** They get points for it.

**Boardmember Cameron:** So maybe we put it under the point category.

**Boardmember Sullivan:** Yeah, it's a point category.

**Boardmember Alligood:** Because then, that gives the owner the option to research whether there's a market for it. Because I really do think this has to follow the market. I mean, there's no sense in putting these expensive things in if it's not needed in certain circumstances.

**Boardmember Sullivan:** One thing that LEED – which is the basis of this stuff – they used to do something, and I had it here for just a discussion, was what they called "preferred parking." A little bit like, you know, you have your handicapped lot – spaces you need to provide – but then you provide some spaces that are for hybrid or for some kind of alternate fuel vehicle. My only problem thinking about that is, who is enforcing that? Maybe then it's just better to make it an option for the electrical stuff when someone's that excited about that, and let it be that.

**Boardmember Alligood:** It makes sense on multi-family buildings where you'd have an assigned space. And it gives you an incentive, the next time you need to buy a car, to get a hybrid if you're going to get the best spot in the line.

**Boardmember Sullivan:** But that could be the marketing issue, something for the owner.

**Village Attorney Stecich:** What else that's also really hard is coming up with the number because you don't know what the number is. Because you know how, often, you'll go in front and all the handicapped spaces will be empty? Which is fine; that, I understand. You have to weigh the benefits, and there's a real benefit to providing for the handicapped. But this benefit doesn't weigh quite as much, especially when there's usually limited parking. You'd never be able to come up with the numbers.

**Boardmember Sullivan:** So strike my preferred parking.

**Boardmember Cameron:** So how're we doing?

**Village Attorney Stecich:** How about low VOC paints?

**Boardmember Strutton:** We're just striking invasive plants and the plant materials, is that right? Do we agree on that?

**Boardmember Sullivan:** The plant materials, at least here, I found a home for that I think was in a positive sense rather than a negative sense. And what that was, in 2.1-D – which is site development, protect and restore habitat – what I did was, I went into LEED and looked at the original text. And this was kind of neat because it had greenfield in the definitions of a site that's never been built upon. So you could stretch that to some of the large tracts.

So when they talked about limiting site disturbance, what it did is actually gave some criteria on just saying limit, which means you tell me what that means. It's a little bit like [inaudible]. So this kind of is a greenfield, if you're building your first building on that, that you don't go 40 feet away from it. If you're doing a sidewalk or surface parking you don't disturb more than 10 feet away from that boundary. So that gave me something tangible to look at.

But then when it had previous-developed sites or graded areas, it had " ... *restore or protect a minimum of 50 percent of the site area, or 20 percent of the total site area, whichever's greater, as needed for adaptive vegetation.* " So in a sense, if you're going to have an existing site that you're working on, this gave you some choices to use native plants. And adaptive plants, I'm not sure I know how to define that.

I did find a reference from Lady Bird Johnson's native plant directory, which is a really nice directory which has specific plants that are native to New York. It's the list of plants that everybody's looking for. So I just made that as a suggestion. I think it's more positive; it's [meeting the void] of restoring the environment with native plants rather than mandating that in my planting bed in front of my house I have to put native plants.

**Boardmember Strutton:** I think that works nicely. So on your chart, Kathy, can you just put in the cross-reference for people? Instead of saying "delete, see above," just say "delete, see above 2.1-B," something like that.

**Boardmember Sullivan:** Not a problem.

**Boardmember Strutton:** So it doesn't look like we're just saying strike it.

**Boardmember Cameron:** Well, why don't we, with 2.1-F, stick it in under the points category?

**Boardmember Sullivan:** That's a good idea.

**Boardmember Cameron:** It makes them happy, and somebody can go to ...

**Boardmember Sullivan:** Absolutely. If someone's totally into it, absolutely. That's a really good idea.

**Boardmember Cameron:** I can keep my pear tree.

[cross-talk]

**Village Attorney Stecich:** Ivy's invasive, and it's wonderful. I mean, we don't eat it so that's not so good.

**Boardmember Strutton:** What is it, sorry?

**Village Attorney Stecich:** English Ivy is invasive. So not all invasive plants are bad. I don't even want to go there.

**Boardmember Strutton:** I like Jamie's suggestion.

Whoo-hoo, making progress.

**Village Attorney Stecich:** Page 18.

**Boardmember Cameron:** I was on 2.4-B.

**Boardmember Strutton:** Now we're on 2.1-K.

**Village Attorney Stecich:** You know what? We jumped over a bunch of stuff.

[cross-talk]

... there's really quite a bit more.

**Chairperson Speranza:** Fixtures, appliances.

**Boardmember Sullivan:** Well, one thing we can talk about was the natural resources survey, 2.1-A.

**Boardmember Cameron:** Natural resource.

**Boardmember Sullivan:** I love the intent of it. I had some questions about some practical things about who prepares the survey, who decides what's an existing feature that should be preserved. Because usually there's a measure or a standard of some type so you can compare it. I also thought this was really what Jamie and others had alluded to. Right now, it's a little bit like where's the threshold. As soon as I touch anything on my site – doing a renovation or something – I end up triggering a whole shebang.

**Boardmember Cameron:** " ... *any new landscaping, paving, or ...* "

**Boardmember Strutton:** " ... *on stormwater ...* "

**Village Attorney Stecich:** " ... *all projects that include any new landscaping, paving, or impact on stormwater quantity.* "

**Boardmember Sullivan:** So if I have a really steep slope with huge boulders, and I'm adding a sidewalk, I end up needing to do this to my whole site. I'm not sure that's the ...

**Village Attorney Stecich:** Well, you probably would anyway because you're going to need steep ...

[cross-talk]

**Chairperson Speranza:** Although not ...

**Boardmember Sullivan:** I'm doing it just to give an example of my ...

**Boardmember Strutton:** You want to put a patio in your backyard. Do you need a natural resources survey because you're paving ...

**Boardmember Sullivan:** So I think there just needs some thought. But the thought behind this is pointless to me. People think about their site, and I think there's some criteria and some things ...

**Boardmember Cameron:** Well, we certainly should require this for new construction, I would say.

**Boardmember Sullivan:** Yes, correct.

**Boardmember Cameron:** One of our suggestions could be that some of these things may be more dramatic to absorb. Maybe we start off by introducing it for one level of construction, see how it works, and then move it up to a different level of construction.

**Boardmember Sullivan:** I personally think this would be really good in some site plan review and steep slopes.

**Boardmember Cameron:** Well, maybe we do it for anything that requires site plan review and anything that is new construction. I mean, I'm just throwing this out. I'm just the lawyer in the group, I'm not one of the designers.

**Chairperson Speranza:** So if someone's building a new house it wouldn't be covered under site plan review, but it's not ...

**Boardmember Sullivan:** This is ...

**Chairperson Speranza:** We're still commercial.

**Boardmember Cameron:** Oh, I'm sorry. You're right. We are in 2. Doesn't it reappear later?

**Boardmember Strutton:** It does, almost verbatim.

**Boardmember Sullivan:** [off-mic] bigger project [off-mic].

**Boardmember Strutton:** You almost feel like where we're talking about these things that occur in both places we ought to just talk about them in parallel, and make the comment in the other section, as well.

**Village Attorney Stecich:** Oh, right. So this isn't under ... oh, gosh, this is so hard to ...

**Boardmember Cameron:** In 3.1, it appears again.

**Village Attorney Stecich:** It does?

**Boardmember Cameron:** Yeah, word for word.

**Village Attorney Stecich:** Yeah, see. All new construction and anything requiring site plan review.

**Boardmember Strutton:** I like that idea.

**Village Attorney Stecich:** And then ... you know what? You could make that same change to 3.1 because if ... I think you need ... yes, you do. If you were doing a development of a bunch of one-family houses you do need site plan review.

**Boardmember Sullivan:** Sure.

**Village Attorney Stecich:** The only time you don't need site plan review is if it's a single-family house or  
A two-family. So if you made that the trigger for both of them, for any new construction and anything requiring setback ...

**Boardmember Cameron:** I think the comment I would like to make if we do that is to say this is something we should try on a trial basis and see how it works. And then increase it if it's working fairly well. I think it would apply to other topics. Because they're going to be really leery of this.

**Village Attorney Stecich:** Who, the Board of Trustees?

**Boardmember Cameron:** Yes.

**Village Attorney Stecich:** I hope so. But they're so eager ...

**Boardmember Cameron:** Well, I know but [off-mic].

**Village Attorney Stecich:** I'm telling you, Bruce Jennings has been working on this. He thinks it's fine.

**Village Attorney Stecich:** So wait. So what are we doing for the residential?

**Chairperson Speranza:** So if we do the same thing, it should be new construction and anything requiring site plan review.

**Village Attorney Stecich:** Yeah, because Kathy was saying just for a single single-family house, I think. Yeah.

**Boardmember Cameron:** Sure.

**Boardmember Alligood:** OK.

**Boardmember Sullivan:** That's good.

**Boardmember Strutton:** But I go back to, I think it was, Kathy's question before. Who's doing this, and what qualifications do they have to have? And does it have to be drawn by an architect, and what's the cost?

**Chairperson Speranza:** And what does it have to be? I mean, remember, if it's something that's going through site plan approval we require a number of different things on the site plan submittal. So is it something that can be best incorporated ... I mean, obviously we don't ... you can figure out solar orientation to some degree with the site plan for something that's going to be larger. But we require rock outcroppings, wetlands. All those things would have to be noted anyway.

**Boardmember Sullivan:** So this is your requirement. You have to hire, to Rebecca's point, licensed landscape architects. And you do one until you have this survey. Then you identify all those things, then we bulldoze them all. You know what I mean? I don't know what the regulatory purpose of it is.

**Boardmember Strutton:** Well, according to the drafters it's to make people think about it before they bulldoze it. We asked that question, and that was their response.



**Chairperson Speranza:** Right.

**Village Attorney Stecich:** Patty, you make a really good point. So if it's site plan approval, they have to put this stuff in anyway.

**Boardmember Sullivan:** For a large project.

**Village Attorney Stecich:** You know what? Just dump it, you get extra points.

[laughter]

[cross-talk]

**Chairperson Speranza:** One's called site plan, and one's called the natural resource survey?

**Village Attorney Stecich:** No, forget about it. If it's required ... we're saying for any new construction of any site plan approval. OK, any commercial stuff is going to require site plan approval. So they have to put all this stuff in, except maybe solar orientation. But that would be easy enough to add to your requirements for site plan approval.

So the only issue then is what do you want to require. So for the commercial stuff, it can just come out in the 2.1-A. Just come out.

**Boardmember Sullivan:** It's already under site plan.

**Village Attorney Stecich:** Yeah, it's already required.

**Boardmember Cameron:** But the sentence down here that allows the Building Inspector to [off-mic] ...

**Village Attorney Stecich:** Or require.

[laughter]

**Boardmember Sullivan:** The multi single-family house development would be [off-mic].

**Village Attorney Stecich:** Yes. So then you have to decide what you want to do for one- and two-family. Do you want to do the extra point thing? It keeps it in there. Well, you know, it's kind of hard to get your five points.

**Chairperson Speranza:** For a single-family.

[laughter]

**Boardmember Sullivan:** I think it's too late.

**Chairperson Speranza:** I know. I think we're done.

[cross-talk]

It's going to be entertaining television tomorrow.

**Boardmember Cameron:** It can't go in for points because it's actually not doing anything.

**Chairperson Speranza:** Well, that's true. It's just survey.

**Village Attorney Stecich:** OK. So if you want to require it for one- and two-family houses.

**Boardmember Strutton:** On new construction.

**Boardmember Alligood:** No. I think most lots are so small there's not ... I don't even know if the point is to restore the natural habitat. I mean, most people's properties don't ... other than we don't want to encourage the deer.

**Chairperson Speranza:** You know, we've had a shortage of raccoons recently.

**Village Attorney Stecich:** If it's got significant rock outcroppings, chances it's got steep slopes and it's coming anyway.

**Boardmember Cameron:** So I think it just stays under section two, and it only applies to ...

[cross-talk]

**Village Attorney Stecich:** No. But you don't need it under 2, Jamie.

**Boardmember Strutton:** You don't need it under 2.

**Village Attorney Stecich:** Because all that stuff is required in site plan approval, and everything in 2 needs site plan approval.

**Boardmember Cameron:** That's why I made the comment that it be [off-mic].

**Boardmember Strutton:** Leave it in there so we can say except as already provided in the site plan. Then all we have to do is solar orientation.

**Chairperson Speranza:** No, we'll just note this is already required: these items are required as part of site plan.

**Boardmember Cameron:** Yeah, we should just say we don't think this is ... that perhaps we should start out with only requiring this, in essence, for new commercial construction. And most of it appears already to be covered under the site plan approval. Perhaps add solar to the site plan approval.

**Boardmember Strutton:** I think Jamie's got a good suggestion.

**Boardmember Cameron:** Well, I heard it from other people.

**Boardmember Strutton:** You summed it up well.

**Boardmember Cameron:** I'm not taking credit for that one.

**Boardmember Sullivan:** I think you [move] to "light trespass."

**Boardmember Cameron:** OK, where are we now?

**Boardmember Strutton:** I've lost my page.

**Boardmember Sullivan:** It's 2.1-J.

**Boardmember Alligood:** So then we'll just end before we get to energy.

**Village Attorney Stecich:** Wait. What about irrigation, 2.1-E?

**Boardmember Sullivan:** The only thing I did is clarify ...

**Boardmember Strutton:** Yeah, that looked fine.

**Boardmember Sullivan:** ... some of the things that actually ... high-efficiency equipment.

**Village Attorney Stecich:** That probably will change it all.

**Boardmember Sullivan:** Just adding things to it that are good.

**Boardmember Strutton:** Light trespass.

**Boardmember Cameron:** I just wanted to ask the question – because I ask this question of low-sloped roofs and steep-sloped roofs. And I did happen to notice that New York City defines a low-sloped roof as 3 and 12. And anything below that is low-slope, anything above that is steep-slope.

**Boardmember Strutton:** So where are we on roofs?

**Boardmember Cameron:** This is 2.4-B. Because they don't have anything. They just say low-slope and steep-slope without defining what it is. I did a quick computer check, and up came New York City. And it was 3 and 12; otherwise known as 1 and 4. That was their definition.

[cross-talk]

**Boardmember Cameron:** I just had a question ...

[cross-talk]

... but we need to come up with a definition for low-slope and steep-slope.

**Chairperson Speranza:** Because it's reached that point.

**Boardmember Cameron:** [off-mic].

**Chairperson Speranza:** OK, we are stopping at energy, folks. OK?

[cross-talk]

**Boardmember Alligood:** "Irrigation and light trespass."

**Village Attorney Stecich:** Irrigation was OK.

**Boardmember Strutton:** Irrigation was fine.

**Village Attorney Stecich:** Irrigation's hardly a change.

So light trespass. That actually brings us about halfway through, I think. That's page 18 – and it's 42 pages – but we already did a bunch of the stuff in three.

**Boardmember Cameron:** Well, more importantly, we're on page seven of 16 of theirs, and to stop at three is ...

**Village Attorney Stecich:** Largely repetitive, and we've talked about it already. So we're more than halfway through it. So light trespass.

**Boardmember Alligood:** You put a lot more in here.

**Boardmember Sullivan:** What it is, the LEED 2009 for new construction and major renovation, version 2.2, site credit eight will basically ... what I put in is a modified version of that. There's four lighting zones, two of which are not applicable, per se. One of them would be like the lighting of Times Square, and the other one would be the lighting for national parks. So lighting zone two and three are actually standards that are sort of established. This is the text that is hidden.

**Chairperson Speranza:** In that code, the LEED 2009.

**Boardmember Sullivan:** For new construction, major renovation, version 2.2, site credit.

**Chairperson Speranza:** This is the language so that people can understand without having to go to ... yes, agreed.

**Boardmember Sullivan:** Standardized. This is all good stuff. It controls lighting leaving the site, controls how much light goes up to the sky, controls how much light goes over to your neighbor's boundary. So it would involve some engineering, but that's the text.

**Village Attorney Stecich:** OK, so then we'll do it at the next meeting?

**Chairperson Speranza:** The rest? Yes.

**Village Attorney Stecich:** And we should probably look ... I know I want to look at this first section that we worked on tonight again, because I actually wasn't thinking in terms of we were going to be taking this center column. I think we might just all ... just to make sure that we didn't miss anything by taking that and throwing their stuff out. But I think we went through most of that. I bet you it won't take any time, not this much time, next meeting.

**Boardmember Cameron:** I think it would be important, if we can do it, that we come away with the position that what we're doing is matching the New York State code, which is what Kathy did. And that we are still keeping in place their essential theme of a certain bunch of sections apply to the entire building if it's new construction. Then it's a different bunch of sections apply to what you're changing if it's less than that. And then if it's below 1,000 feet, or 50 percent – the lesser of – then there's a smaller group of sections. That we keep that construction and be happy with it.

**Chairperson Speranza:** I think anything that's going to make it easier for people to understand what is going to be required is a big factor.

**Village Attorney Stecich:** You know, they really were, I think, trying to send ... that's what they said. They were really trying to simplify it, using simple language and trying to get away from the building code. But I think it ended up complicating it.

**Boardmember Strutton:** Complicating, I agree with that.

**Boardmember Sullivan:** I'm going to look at it in the morning light, and make sure we're keeping it parallel to the building code.

**Chairperson Speranza:** OK, we're finished. I remember walking out of the house and saying to my husband, "I think it's going to be an early night."

## VII. ANNOUNCEMENTS

### Next Meeting Date – September 20, 2012

**Boardmember Strutton:** Did we decide when we're doing this again, then?

**Chairperson Speranza:** Next meeting, our September meeting. Is everyone good, everybody'll be there?

**Boardmember Alligood:** It doesn't conflict with back-to-school night.

**Chairperson Speranza:** All right, we're done.

**Boardmember Strutton:** Kathy, thanks for doing this.

## VIII. ADJOURNMENT