

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING
JANUARY 17, 2013**

A Regular Meeting was held by the Planning Board on Thursday, January 17, 2013 at 8:15 p.m. in the Municipal Building Meeting Room, 7 Maple Avenue, Hastings-on-Hudson, New York, 10706.

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

Chairperson Speranza: OK, good evening, everyone. I'd like to call the meeting of the Planning Board to order. It is Thursday, January 17.

I. ROLL CALL

Chairperson Speranza: First, I do want to make an announcement to anyone who might be here for the application that had been on the agenda for property located at 3234 Washington Street. It's the corner of Washington and Warburton. That application will not be here tonight. So if anyone's here to hear that, you can feel free to leave and come back in February.

II. APPROVAL OF MINUTES

Meeting of October 18, 2012

Chairperson Speranza: We have two sets of minutes that need to be approved. The first one is from our meeting October 18, 2012. Any changes or corrections to those minutes? I know, Bill, you weren't on the Board yet. Jamie?

Boardmember Cameron: I have one. And since it's something you said, I thought I would start out with it. Right after calling the meeting to order, you say, "*Oh, roll.*" And I think you mean to call for the "roll."

Chairperson Speranza: "Call for the roll," OK.

Boardmember Cameron: That's the only one I have.

Chairperson Speranza: Eva, anything?

Boardmember Strutton: Patty, I had a few that I submitted already. They just clean up comments.

Chairperson Speranza: OK. And I had one also, where there's a word that is noted as the word "tall." It should be "wall," so I'll give you where that is, OK?

On MOTION of Boardmember Strutton, SECONDED by Boardmember Cameron with a voice vote of all in favor, the Minutes of the Regular Meeting of October 18, 2012 were approved as amended [with abstention of Boardmember O'Reilly].

Meeting of December 20, 2012

Chairperson Speranza: OK, next item. We have minutes from our meeting on December 20, 2012. Any changes to those minutes?

Boardmember Alligood: I wasn't here.

Chairperson Speranza: OK, so you'll be abstaining.

Boardmember O'Reilly: Had no changes.

Boardmember Cameron: I was here. I have a couple changes.

Chairperson Speranza: OK, go ahead.

Boardmember Cameron: On the first page, when Michael is telling us who he is and where he came from, the second to the last line it says, "... *with my parents 'a' eventually.*" I think he means "'and' eventually bought the family house."

And then on page 18, in the middle paragraph where I'm talking, I'm talking about "... *a townhouse in which the first is straight up and down.*" And what I thought I said was the "units" are straight up and down. And that's the only comments I had.

On MOTION of Boardmember Strutton, SECONDED by Boardmember Cameron with a voice vote of all in favor, the Minutes of the Regular Meeting of December 20, 2012 were approved as amended [with abstention of Boardmember Alligood and Boardmember Sullivan).

III. ELECTION OF CHAIRPERSON

Chairperson Speranza: OK, the next agenda item is something which I dare say is kind of good and bad – but it's time – where we select a new chairperson. The Village has requested that all of the boards elect a new chairperson at the beginning of the year. This being the first meeting, we will have that election tonight. I did say I'm not interested in continuing on just because it's time for someone else to do it and it's been a long time.

So the first thing I'll do is hear nominations for anybody who is interested in serving.

Boardmember Alligood: I'd like to nominate Jamie Cameron. I think he would do a good job.

Chairperson Speranza: OK, that's great. Anyone else? No?

Are you willing to accept the role, Mr. Cameron?

Boardmember Cameron: Yes.

Chairperson Speranza: Then we should have a motion to ... do we do it this way? Can we have a motion to elect Jamie Cameron as the new Chair of the Planning Board?

On MOTION of Boardmember Alligood, SECONDED by Boardmember Strutton with a voice vote of all in favor, Boardmember James Cameron was elected Chairperson for the Village Planning Board.

Chairperson Speranza: Congratulations.

[applause]

Chairman Cameron: While we're switching seats, quickly, I notice there are two ... a current mayor and a past mayor. I was going to say something nice about Patty, which I still

will, but would one of you like, or both like, to say anything? Please feel free to do it.

Boardmember Speranza: Just don't embarrass me unduly.

Lee Kinnally, Jr. – former Mayor: No embarrassment. And congratulations, Jamie, on your new position.

I can't remember when there has been a male chair of this committee.

[laughter]

We had Louise Leaf, we had Rhoda, we had Patty. So congratulations on cracking the glass ceiling.

[laughter]

But tonight ... it's not always all about you. It's about Patty, and the incredible work that she has done. She reminded me that I appointed her 18 years ago to the Planning Board, and that I promised her that the work would be less than what she was doing for CYO. Obviously, the work that was done for CYO has really vastly diminished and this has stayed the same, so I kept my promise.

Boardmember Speranza: Thank you.

Mr. Kinnally: But congratulations on everything that you have done, your stewardship. And this is, I think, one of the premier planning boards in the county. And the expertise we have on the Board is obvious, but her leadership, I think, has brought everybody to another level. Patty, I guess it was 15 years I had the privilege of serving with you, and I thank you for everything. I thank Joey and your family for allowing you out. I mean, there are many nights – even after I was off the Board – where I would be driving through the Village and I'd see her schlepping home with bags and everything and I said, "Oh, it must be Planning Board night."

But thank you for everything you've done, congratulations on all you've done, and enjoy your, quote, "retirement." I'm sure we'll hear from you again. Thank you.

[applause]

Mayor Swiderski: Jamie, congratulations. Big glass slippers to fill.

Patty, when you joined, I was thinking, Gingrich was head of the House, Monica Lewinsky was just an intern, I think *Forrest Gump* won the award that year for best picture. It's been awhile up here on the Board. And it was two years before I came to town, so you've been there as long as I've been in town. You've really set a standard in dedication, in even-handed treatment of the applicants before you, in a vigorous deployment of the resources here on the Board – which are remarkable – and your own skill set. It's quite a bar, and I thank you for your service. Very impressive.

Jamie, good luck.

Chairman Cameron: [off-mic].

Mayor Swiderski: It's going to be a very interesting next few years. There's projects down the horizon we see, and I'm sure you'll do a marvelous job. You bring a remarkable skill set, as well – including not just experience here, but in your previous life – and we will benefit from that.

Chairman Cameron: Thank you.

Mayor Swiderski: Thank you, and good luck.

[applause]

Chairman Cameron: Funnily enough, I was on the Planning Board in 1982. I went on just for a couple years. Fran MacEachron appointed me, and then I was too busy at work to continue. Louise Leaf had been there absolutely forever, so it's back at least 1977-'78 that a male has fulfilled this position. I tremor at the ability to carry it out. Patty, I was trying to nominate her tonight, but she just wouldn't do it.

[laughter]

None of us want to see her go but, you know, we do have a rule that if somebody wants to go after 18 years maybe they're allowed to go.

[laughter]

It must make you feel extra good to be here with your father's picture right over there looking down at you, as a mayor of this town, and just show you that there are people in this town who give considerable amounts of their time and efforts over a whole bunch of years, which is what makes this town really work. So thank you very much, and correct me any time you

want to.

[laughter]

Patty was also very nice to me. She sort of cleaned off the agenda for tonight.

IV. OLD PUBLIC HEARINGS (None)

Chairman Cameron: We do not have a new public hearing, if you are here for that. In fact, we don't have any old public hearings, either.

IV. NEW PUBLIC HEARINGS

**** Now Deferred Until February Meeting ****

View Preservation and Site Plan Approval - application of CCI Properties Inc. for the View Preservation and Site Plan approval for the construction/addition of a new detached 12-dwelling- unit building to an existing three-story, two-family dwelling at 32-34 Washington Street. Said property is in MR-1.5 Zoning District and is known as SBL 4.70-53.11 on the Village Tax Maps.

V. NEW BUSINESS

Steep Slopes Approval – Revised and updated application of Hudson View LLC for construction of a single-family home at 683 Broadway.

Chairman Cameron: So our first order of business, actually, is Hudson View 2007 LLC. I can guess who's going to stand up because he's been here before. Welcome.

They are seeking approval for a steep slopes application under the Village code, chapter 249.

David Steinmetz, Esq., attorney - Zarin & Steinmetz: Good evening, Mr. Chairman. I'm honored to be able to say, for the first time, "Good evening, 'Mr.' Chairman." As an applicants' attorney that's appeared here several times, we would certainly say, Patty, it has certainly been a pleasure dealing with you throughout the years in your capacity as chair. You have been dedicated and honest and open, and we appreciate all your efforts.

Boardmember Speranza: Thank you.

Mr. Steinmetz: Looking forward to the new constitution of the Board.

We are, hopefully – a relatively straightforward what I would call the second half of the steep slopes application – here tonight on behalf of Hudson View 2007 LLC. With me this evening, Michael Robinson on behalf of the applicant; our project architect, Noah Yaffe; two of our engineering consultants from Langan Engineering, Kelly Tuffs and Clay Patterson. You will all recall, we were here several months back with part one of our steep slopes application for this single-family residence, namely the removal of debris get to the steep slope that we were seeking to address.

The good news is, you gave us a permit. We were successful in removing 1,300 cubic yards of garbage, trash, assorted metals. We're going to walk you through that and show you some of the photographs of the substantial amount of waste that we removed. We removed everything, literally, including the kitchen sink – everything: pipes, sinks, tires, all kinds of metal rebar, et cetera. Tonight, we're really here to focus on the next phase, the restoration of the slope and completing the structural integrity that was requested by your board and, in particular, by your engineering consultant.

Deven was good enough to transmit to us the memo that you all hopefully received today from Hahn Engineering. Just kind of jumping to the conclusion, Hahn Engineering concluded, quote, *"At this time, the applicant has satisfactorily addressed our concerns regarding the steep slope improvements, therefore we have no objection to approval of work on the slopes."* The memo says more than that. That is ultimately the conclusion. Langan spent a great deal of time prior to tonight's meeting. And one of the reasons it has taken us until now is, we wanted to make sure, before we returned to your board, that your engineering consultant and ours were in agreement on the best means/methods to accomplish what needs to be done here to stabilize the slope to ensure the protection of the Metro-North tracks and the county sewer line, and to proceed safely.

So without further adieu, I'm going to turn it over to Clay. We have some photographs we want to show you of the work that we completed. We want to walk you very briefly through some of the cross-sections that we talked to you about months ago, and tell you how they're still relevant today and we're now able to achieve the structural slope stability that Hahn requested of 1.5. And we are hoping that you will permit us to move forward with the completion of the project.

Clay Patterson, PE, Langan Engineering: Hello. I'm going to set these up over here. My name's Clay Patterson.

Mr. Steinmetz: Hold on one second.

Chairman Cameron: The old mic.

Mr. Patterson: Can you guys see those OK? How's that, good? OK. I'm with Langan Engineering. I'm a geotechnical engineer. You may recall last time, my colleague Marc Gallagher presented. He wanted to be here tonight, but he was pretty ill so instead you got another geotechnical guy named Clay. And it somehow worked out I'm still playing third. I also like soils, I like this stuff, so I'm just going to kind of run you through it. If you have any questions, feel free to stop, ask some questions.

It's been awhile since Marc was last here. It's probably been six or seven months, and we've been busy so I'll walk you through what we've been doing. The first part – of that first part – of the slopes application was really to get the cleanup approval to actually get into the slope and start removing some of this non-natural fill that we saw, and clean it up to really what's more of its natural, stable condition. And then from there, we've done some additional design which I'll walk you through.

I just wanted to show you some of the stuff that we found. It was pretty incredible. This first photo is really kind of some of the stuff we were pulling out *in situ* out of the ground: you know, tires, metal debris, working parts. It was pretty amazing. This is just kind of the level of debris that you guys can see with the backhoe there, pulling out. David mentioned it's literally bathtubs and kitchen sinks and things like that. Just another stockpile of miscellaneous house parts and things.

So as David mentioned, we've counted trucks and we got to about 1,300 cubic yards of material – which for a 12 cubic yard dumpster that's about 100 trucks that we took out – some pipes and things we had to do there, more miscellaneous material stockpiled up. We found more than one of these.

Chairman Cameron: Well, the prior owner was a plumber.

Mr. Patterson: So we found several, and we pulled a lot of material out. The end goal is, we really did remove quite a bit of material to return it what it really wants to be – a more natural, stable condition, which I could talk to you about a little more later. But the end goal is, this is what the slope really kind of looks like now. It's definitely at a better grade. Slopes kind of want to tend to be in a stable state. If they get to be too marginally stable – like we kind of addressed last time, through natural causes, erosion or whatever – the case is, you should see this stuff wear down. So this is a case where we actually have a nice grade, it's more natural, we've got the E&S controls on it. And it looks great right now.

So kind of going on from here, we now have what we're calling our "post cleanup conditions," where we've gotten a lot of this trash out and what does that really mean for next steps. Well, that was where we came in and did additional analysis. We needed to see, based on that more natural slope, is it stable enough to meet our project requirements with a factor of safety of 1.5, or do we have to do some additional work. So that's kind of a refresher.

This is what our cross-section was prior to our slope cleanup. This black area kind of shows what we had estimated as the non-native material, and we were actually fairly close. So I'll go through that a little more in detail later, but this second scenario is kind of our post slope cleanup condition. We did a survey in October to kind of understand the actual grades, and we used that as our baseline to do our stability analysis. When I'm talking about stability from a geotechnical standpoint, I'm talking about the factors of safety that we have for analysis.

From a stability standpoint, the factor of safety is designated on the amount of force that you're pushing against the amount of force that can resist. I think Marc used a nice analogy last time he was here about the pencil, where if you're holding a pencil and you apply a little bit of pressure to it, it has a certain point that it wants to break. If you're only putting a little bit of pressure to it, it has a good factor of safety against breaking. A factor of safety of one would be as you're pushing on that pencil to the point where it's going to snap. So our project requirements are to design this with a minimum factor of safety of 1.5, which is 50 percent over the point of where it wants to fail.

The initial conditions, of which I'll show you guys the analysis in a minute, the slope conditions were what we found marginally stable. We got a factor of safety of 1.1 to 1.05, somewhere in there, so that's where we had to move down. We did some analysis on our post cleanup conditions, and we found that the removal of this stuff really helped. It did a great deal in improving the stability. Removing the material up top here, we took away that driving load that wanted to push the slope down to failure. By doing that analysis, we've shown that just taking the material off probably improved the factor of safety by 25 to 30 percent. Even though it improved, we still hadn't gotten to our factor of safety of about 1.5. So we had to do some additional design analysis to get it up to the actual requirements of 1.5, which is our final design here.

So the final design is doing some minimal grading, respecting the steep slope ordinance now that we've kind of established this natural slope condition. And we're adding an additional one single row of deep piles. If you're not familiar with a pile, it's basically cylindrical steel filled with concrete that we're going to drill into the slope. That steel and concrete gives it

the added resistance of flexing against, and holding up, that slope. So it's kind of acting almost like a wall holding it in place. Essentially what that did was improve the slope conditions enough to get to a minimum factor of safety of 1.5. So it's a single row of piles, they're about 6-1/2 feet on center across the slope.

Let me get the next one here. You guys might recall this from the last time. This is a similar slide analysis for the geotechnical analysis that we do, with this first corner being the pre-cleanup conditions showing this global failure of marginal stable of about 1.1 – it's about 1.08. So this is the model that we ran after the October survey, and you can see here that this greatly improved our factor of safety. If you can't read it, it reads about 1.35. So just pulling that weight off the top of the hill from all the years of piling up there really helped improve our slope's stability, but we didn't get there yet.

So with this final model, we've included this row of piles to help increase the stiffness of the slope. This is all the same model, by the way. It's just run with a couple different analyses so you guys can see a couple different ways. But essentially, all of these methods show that with the inclusion of the single row of piles we get to a factor of safety of 1.5 or greater. So that's kind of our design plan for the slope stability analysis, which is really our primary concern for the steep slopes: making sure this thing is stable. Going forward, it's going to be maintained at this more natural slope. I think it's just very much better in the long run that this is going to be maintained and protected at what this slope really wants to be.

Going through some other aspects, this is our site drainage and grading plan. We're using a combination of infiltration, sheet flow and lever spreaders to show that we are basically decreasing the amount of pervious stone, decreasing runoff, and promoting sheet flow by this natural better slope of the slope. It's at a natural angle, it's going to want to infiltrate more and, inherently, it's meeting all the steep slope requirements.

Finally, this is our landscape plan, the planting plan. The landscape architect couldn't be here tonight, and I'm not the landscape architect but I can touch briefly to the fact that it will be replanted and regrown with native species of grasses and shrubs to the point where we can restabilize the slope without injuring the view protection.

That's kind of our main points. I'd be happy to answer any questions you may have.

Boardmember Sullivan: Can you show on one of the plans where the sheet piles are going?

Mr. Patterson: Yeah. Do we have that?

Mr. Steinmetz: We can show it here.

Mr. Patterson: Sure. So the piles will essentially run along this line of the grade.

Boardmember Sullivan: And after you did the removal ... at one of the previous applications we saw also view preservation. Have any of the elevations changed from the house or the terrace?

Mr. Patterson: Generally speaking, the house has not changed elevations. Correct.

Boardmember Sullivan: Thank you.

Chairman Cameron: How long are the piles?

Mr. Patterson: They're about 65 feet. And that basically helps you with the resistance of forcing ... the failure plane that wants to cut through that soil wants to happen higher. But when it hits that metal and steel, it can't break through there so it forces that deeper. So that's why we have them at about 65 feet.

Village Attorney Stecich: With the pile at the north and the south – the part beyond that – is there no slope there? Or is it any more likely for that slope to be compromised by the fact that there's no piles there?

Mr. Patterson: No, we're focusing on our project here.

Village Attorney Stecich: No, but I'm just curious. Would it have an effect?

Mr. Patterson: No, not necessarily.

Village Attorney Stecich: I'm not saying would it improve it, but would it make it any more likely that property adjacent to where the piles are that the slope would ...

Mr. Patterson: No, not really. Because it happens along kind of the cross-section that we see, where driving forces from here are acting primarily through the cross-section. So you don't get a lot of load shed through the slope this way or this way.

Chairman Cameron: So the piles do go up to your property line, though, on the north?

Mr. Patterson: Almost. They're going to up to about here. They're going to kind of follow this line. But there's a little bit of room for where we can set these along this line in here

where it's still functioning the same way for the steep slopes.

Boardmember O'Reilly: The piles are supporting the soil, and the soil is supporting the piles? Are they both dependent on each other?

Mr. Patterson: What's happening is that you're having a driving load from the soil, right? And the steel, in itself, is supporting that driving load. And then you have a portion of the pile that's socketed in soil that's transferring load to lower soils. So you have a socket that's bearing in a geotechnical capacity, and then the pile itself which is basically doing the design effort.

Boardmember O'Reilly: So your strain would be at the top.

Mr. Patterson: Yes, the high strain's at the top. Correct. You think about like a cantilever, right?, where you're going to have the most deflection up at the top. That's where you get the most strain.

Kelly Tuffs, PE, Langan Engineering: This section may help, if you're showing the section.

Mr. Patterson: Sure.

Boardmember Strutton: How many are there, and how far apart are they?

Mr. Patterson: There's about 40, and they're about 6-1/2 feet on center. Here's the section. Essentially, this section of pile, this is about 45 feet. And that's an outer casing with a concrete shell and a reinforcement. And this lower 20 feet is what we call our bottom socket, where that's concrete socketed in soil. And that's where you're getting your load transfer. But again, most of the pile's working in a "sheer capacity," is what we call it. So it's resisting a force that's wanting to push directly against it.

Chairman Cameron: So how big around are the piles?

Mr. Patterson: They're 9-5/8 inch diameter.

Chairman Cameron: Then you fill them with concrete. Are they filled with concrete before you drive them in?

Mr. Patterson: These are actually going to be a drilled system. So we use a rig, we drill them in place, they get grouted in place and reinforcement gets placed inside.

Chairman Cameron: Anyone have any more questions? Do you have more in your presentation?

Mr. Patterson: No, that's it for me. So thank you for your time, I appreciate it.

Chairman Cameron: Say who you are.

Doug Hahn, James J. Hahn Engineering PC: Clay did a very good job of summing up what they've done since the last application. We went back and forth on a couple things. They provided us the additional information we were looking for. Well, the factor of safety was our main concern, and they've significantly increased it. Even just by taking the existing load off of it, it went up to 1.3, which is good, too.

The main thing was the factor of safety. They notified Westchester County and also got letters from Metro-North, which we were concerned about. There were a couple other technical items that they addressed and provided us additional information on, and we're satisfied with the level the changes.

Chairman Cameron: Well, I have another question for you, actually. On the veranda ... by the way, on the planting one the conversion of feet to inches was done wrong because it ran up. It came to 130 feet long, which I'm sure you don't mean. It said 20-to-1 and all the other say 10-to-1.

Mr. Patterson: Gotcha.

Chairman Cameron: But it actually has something like a 12-1/2 foot long, 1 foot wide or 1-1/2 foot wide, shaft holding up one end of the veranda. Do you know how deep that goes down into the ground?

Mr. Patterson: Are you talking about the column [off-mic]?

Chairman Cameron: It's a pier. It's a foot wide, I think, and 12-1/2 feet long. I don't call that a column.

Mr. Patterson: Sure.

Chairman Cameron: Call it a rudder on a sailboat maybe.

Mr. Patterson: I think you're talking about this.

Chairman Cameron: Yes.

Mr. Patterson: I'm not the structural engineer. But essentially, this is going to also be supported by ...

Male Voice: Mic.

Mr. Patterson: Oh, sure.

Chairman Cameron: That's all right. Sorry.

Mr. Patterson: No, it's OK. So, yeah, I'm not the structural engineer. But I know, geotechnically, this is going to be supported by a pile cap with another deep foundation element. A similar pile – it might not be the same size – but it's going to be a pile that's going to transfer that load down into the deeper bearing stratum so it's not adding force to the slope.

Chairman Cameron: Because the diagram you gave us did not show how long this pile was.

Mr. Patterson: Right, right. So it'll transition from a pier to a pile.

Chairman Cameron: And this is only a foot wide. It's a little peculiar, but I know you want it for architectural ...

Mr. Hahn: Yeah, we did discuss that, and they were going to provide it upon the building permit.

Chairman Cameron: Do we have any other questions on this application? So are we ready to vote?

Village Attorney Stecich: Jamie?

Chairman Cameron: Oh, yeah, sorry. Well, it's not a public hearing.

Village Attorney Stecich: No, I'm sorry.

Chairman Cameron: If somebody would like ... public comment from a neighbor, if you wish. No? OK.

So we're voting on the approval of the steep slope application of Hudson View 2007 LLC under Village code chapter 249, as presented to the planning for today and evidenced in the lengthy paperwork they just gave us.

On MOTION of Boardmember Speranza, SECONDED by Boardmember Alligood with a voice vote of all in favor, the Board approved the revised and updated steep slopes application for Hudson View LLC for construction of a single-family home at 683 Broadway.

Chairman Cameron: Thank you very much.

Mr. Patterson: Thank you.

Mr. Steinmetz: Thank you for your time and attention.

Boardmember Speranza: I just had one question. Do you have any idea what the estimated time frame for completion is? I'm just curious ...

Mr. Steinmetz: Of this?

Boardmember Speranza: Of the project. Just because those of us who walk along Broadway or walk along the Aqueduct, just curious.

Mr. Patterson: Target is the end of this year.

Boardmember Speranza: Oh, great. OK.

Mr. Patterson: That's what the contractors tell us.

[laughter]

Mr. Steinmetz: There's an asterisk there.

Chairman Cameron: We've all had contractors like that.

[laughter]

So that's the end of our new business. The next item on our agenda is application checklist. We might let the people wander out before we start discussing this because that's our last agenda item.

VI. DISCUSSION ITEM

Application Checklists

Chairman Cameron: Our next agenda item is the application checklist. Deven distributed some material to us. It was on your desk when you came here.

Before we jump into that, I'd sort of like to have a little discussion of what we're doing and what the scope is. And my thought is that we have a series of checklists for different purposes. I come from a profession where we all had checklists, and you would have this huge checklist and you'd run down the checklist and realize that not everything on the list is applicable to the one in front of you. But it was just a reminder, as a lawyer, to make sure you didn't miss anything. To me, that's a very different checklist from the one that Deven and his group are trying to put together. Because when a person comes to fill out an application they don't want to see tons of things which probably are fairly rare, even though you may want to try to cover everything.

I'm still actually enamored by that second checklist for the members of the Planning Board. Because I think a checklist like that, an internal one for us, is a way for all of us to do our jobs better and do a much better job going forward. We don't have to fumble through the code, as brilliantly laid out as it is, and try to find out which chapter might or might not apply to a particular thing. You know, we have this list of things, and this is what typically applies to site plan approval, this is what typically applies ... and it's not actually that ... I think it's a lot easier to create than the checklist we're trying to do now, which is going to end up being on a computer and people will be filling in blanks.

So I would like us to entertain the idea that we create that sort of checklist. Especially with losing all of Patty's experience, some of us are getting a little raw in less period of time on this bench than others. It would make it a lot easier to introduce Patty's successor, whoever that is, to this whole thing. So I'd like to throw that out on the table as a different kind of checklist which can sort of be thrown together. Then we can just gradually narrow it down as we realize it doesn't really ...

Building Inspector Sharma: The checklist I did essentially is really listing all the items in the code that an applicant can go through and see whether he met each and every requirement

of each code section or subsection. So that's pretty much what this checklist is, the one that I put together.

Chairman Cameron: Well, ours can be different. And it's easier to prepare. I'm hoping that as we try to put one together for the consumer coming up to you with their plans of what we want to do, it may be that it's not exactly the checklist that we want, sitting behind the desk here, which could be a little bit longer and looser. And I just think it would help us do our jobs.

The other thing I want to discuss is the procedure whereby something is passed over to us to review, in that sometimes ... I quite sympathize with the applicant. Because if we try to make them decide, actually, everything before they get here, and all the variances and everything else, it can be very expensive to do it. On the other hand, I don't think it helps us to have presented to us an application which they think is going to get adopted when it has holes in it all over the place. Now without mentioning names, there is at least one person in this town who has this way of visiting us and discussing things with us before they actually bring what's coming before. Sometimes that irritates me, and sometimes that charms me.

[laughter]

Village Attorney Stecich: [off-mic].

Chairman Cameron: Well, thank you.

Boardmember Speranza: And how late it is.

Chairman Cameron: But I really think that we, or at least I as a member of this committee, when I get one of these applications which has all sorts of things in it – and then if I don't think of them our friend here, Kathy, on the right is, with the e-mails, pointing out problems – it doesn't make a good way to go. So we need to figure out something in between, and I'm just throwing that out as something to think about.

So I've spoken too much. Anyone else want to comment on it, that would be great. We can go to these forms, which I think, Patty, you started going through with Deven last time we were here but they've now been changed somewhat?

Boardmember Speranza: Of course I sat at a place with no mic, right? But, Deven, this is what you left for us?

Chairman Cameron: There are old seats available, by the way.

Boardmember Speranza: The site plan approval?

Building Inspector Sharma: I tried not to be very creative with it. I just read the code, and the code application for site plan must include the following. The first page, obviously, is the information about the applicant with a signature and everything. At the beginning, it says what the application is for – for site plan, view preservation, et cetera, et cetera – and that information comes for any kind of application. The information is in connection with a project – what the code requires that they provide us – in order for us to review. That, I'll just put in the checklist.

As a matter of fact, on this steep slopes application, if you look through the packet they have – not from the checklist, which is very similar to the one included in here – each code section is included, and they respond by saying how they have addressed it. There may be many different ways affecting it, so it may not be applicable. They might just say not applicable, et cetera, et cetera. So that was my thinking in terms of the code requirement – a generic list of information. Not all of that information may apply to all projects. So they get a chance to go over and specifically say why they've done something about it or nothing about it, and then the Board may agree or disagree on some of those things.

So that is actually what the exercise is that I took. If it was to be different, let's work on it.

Boardmember O'Reilly: I don't know how sophisticated you're planning to be if you're talking about putting these applications and checklists on a computer program or on your Web site. But if I'm on a Web site and filling out an application, on some Web sites you can't go to certain sections unless you've done other sections. You know, it stops you or it highlights or it reminds you because certain areas are required. So, obviously, there are certain things which are required on any application. Is that part of the plan, when you say putting it on the computer application, online application?

Building Inspector Sharma: After we finalize it, what we want to do is have them answer the questions. Then what prints out, we're still working on it. Right now, a Board application was asked and it was printing up. That's not what the Board really wants to see. It doesn't print it all. We have that information so we'll print it out in paper form. So if you finalize these forms first, then I'll make sure, until we put it on the computer, we continue to use the paper form. Fill out the paper form, then in the next few months we'll make sure that it gets on the computer, as well.

Right now, the questionnaire in the computer's output is not perfect. But the permit application requires zoning and planning, site plan approval. I'm still giving them the paper

application, having them fill it out. The material I sent you includes the paper applications; the old ones, not the new ones. Until we figure out how to do it on a computer, we'll continue to have it on paper.

Village Attorney Stecich: Jamie, one thing I thought would be important to be included on this – not necessarily on the steep slopes or the view preservation, but certainly on the site plan application – would be a zoning compliance chart. So when somebody's looking at it, they know that they're meeting the setbacks, the coverage limits and the height thing. But I think that was something that was on Irvington's. It was very, very helpful, and it's often come up.

So I don't know that it has to be as elaborate as that one, but it can just say what's required and what exists. But anyway, for the site plan applications – because that almost necessarily involves adding on – would be a zoning compliance chart. Again, I'm not sure it's relevant for view preservation.

Building Inspector Sharma: We do that. The application, a very similar-looking application, we did at the very beginning for the Zoning Board.

Village Attorney Stecich: Yeah, but I think it's important for site plan, as well.

Building Inspector Sharma: Well, we'll bring that into this, as well. So the checklist and the basic information, the zoning analysis of the site, the property as it exists, and the proposal. That can be made part of it. I agree with you. I think that makes sense to do that.

Village Attorney Stecich: And then two other just really small points. On the first page, where it says the will the project accept any designated trees, I think you should ... well, first of all, I think that only is relevant on projects of an acre or more. Isn't it that the tree code just applies to an acre or more? So this could really throw people. So you might want to say of projects of an acre or more, and then refer to the code section. Because we have to know what's a designated tree.

And then on the past page, on the view preservation one, I think it's good that you have that thing under the photos, the two kinds of photos, showing it before and then an outline of it. But how is three different from the second set of photos that you have under there, the three that you have? If you could require a mockup, simulating the height, bulk or outline, isn't that the same as the photograph showing the views in the proposal?

Boardmember Alligood: It's at the proposed site. So we've had that recently, where they actually put a string up.

Chairman Cameron: The flags, right.

Village Attorney Stecich: Right. Good point. OK, sorry.

Chairman Cameron: We discussed last time, on the photographs, I don't think we should have any problem with electronic photographs, which are relatively easy to take. And you can e-mail them to us and keep them in your file or print them out if you want to, and people can do it with their cell phone if they do it properly. Trying to find a camera which actually produces paper pictures is probably getting pretty hard right now.

Boardmember Speranza: Although remember, one of the goals of the photographs is also to show what ... you've got to do the outline of what the proposed project is.

Chairman Cameron: Right, that's true.

Boardmember Speranza: So you'd have to do that somehow.

Chairman Cameron: Well, you could do that on the computer. You'd have to be a little more adept.

Village Attorney Stecich: But I don't think this is limited. It says "photographs," whether they're electronic or on paper.

Building Inspector Sharma: Marianne, some of these things I took directly from the old application. I've been discussing working on it. You can add it underneath, and have it say it's a work in progress sort of thing. And between now and the next meeting if you want to get back to me in some way, meet with me or send me some suggestions, I'll work on it and send it back to you. So they have to do it.

Boardmember Strutton: Yeah, but I thought this was a nice start. And I thought that a lot of your comments were very good. I think one thing that might be helpful for the steep slopes is, you know on the bottom of the one we just saw, on his steep slopes they had a whole box analysis that walked through what percentage is this type of slope, this percent slope, this percent slope, how much is going to be disturbed in each one of those before and after. If you just used that as a template for another chart to go along to be filled out with steep slopes, I can show it to you after, if you want. I thought that was very helpful.

Chairman Cameron: Yeah. Whether all of our applicants can afford it, I don't know.

Boardmember Strutton: But in order to even apply to the steep slopes, they have to know that they have 15 but not greater than 25. They have to know some of these numbers anyway, so to the extent they can share them that'd be helpful.

Building Inspector Sharma: Do steep slopes applications really make much distinction?

Village Attorney Stecich: But it isn't on here. [off-mic] does it say how much do you have of steep slopes over 15 percent, how much do you have. And it's true if you have to make it different, Deven, for a lot of the things they came in for. But sometimes it does. Because there is the requirement about only a certain percentage of steep slopes can be disturbed, and then it's important to know. I don't think it's been an issue on the ones we've had recently, but occasionally it is. I know it was, I believe, on 10 West Main. It was an issue. And there is a limit on how much of a steep slope can be disturbed. So those percentages and the type of slope is important. So that should probably ...

Building Inspector Sharma: No, I understand. I've seen those things for subdivisions and other places.

Village Attorney Stecich: But in our steep slopes thing, depending on the grade of the slope, there's only a certain percentage of it that can be disturbed.

Boardmember Speranza: Right. And wasn't that something, Kathy, that you had mentioned? Or didn't we add that to the Steep Slopes Law that it had to show, in different kinds of hatch marks, the percentage of the slopes?

Boardmember Sullivan: Just show graphically the difference? Because like Rebecca says, it's been really hard to know even what is a steep slope because it's not clear on any drawing that's provided to us. But the chart would be a really clear way of pulling it off the drawing and making you understand the percentages. Sounds like a great suggestion.

Building Inspector Sharma: I think this here is all of what's included in our code, section 249-7. It says, "*Any application for a building permit on a site that has steep slopes, to include the following.*" So everything listed there. So we can add another ... this is not ...

Boardmember Strutton: But there has to be a determination that you have steep slopes before that section applies, right? So can't they share that determination with us? I mean, that's part of it.

Village Attorney Stecich: Add it to the beginning.

Building Inspector Sharma: In listing code sections and subsections.

Village Attorney Stecich: Well, if you don't have a code section or a code subsection that doesn't mean you can't ask the question. But if you want a code subsection I guess maybe you could take the definitions because the definitions is where it defines it.

Boardmember Strutton: I'm looking at ... here we have 249-3: "*Slope is to be determined from on-site topographic surveys prepared with a 2-foot contour interval.*" Then you'd think you get a copy of that, even if it's not in the submission.

Building Inspector Sharma: Which one are you reading?

Boardmember Strutton: It's 249-3.

Building Inspector Sharma: Oh, from the code book, you mean. Not from this list?

Boardmember Strutton: No, actually from the code.

Village Attorney Stecich: So take a look at that section of the code.

Building Inspector Sharma: That may need to be added. But here again, this was just a basic start.

Boardmember Strutton: I thought it was a great start.

Building Inspector Sharma: Let's take it from there, and how and where it needs to be included, in what manner, what fashion. I did not do the subdivision, a checklist or a form. I have not worked on that.

Village Attorney Stecich: [off-mic] subdivisions, isn't it?

Building Inspector Sharma: We can format it [off-mic] kind of looks-wise.

Village Attorney Stecich: The problem with subdivisions is – and this is something we always talked about doing and never did – the subdivision is really pretty elaborate and envisions pretty big subdivisions. And an awful lot of the subdivisions could gather essentially lot line changes. So a lot of stuff on that is really irrelevant. We talked about having different provisions for minor subdivisions and major subdivisions because the Hastings code is actually pretty strict on requiring subdivision approval for lot line changes. A lot of municipalities don't.

And that was a very deliberate ... I remember when the code was being rewritten. That was very deliberate to do that because you're thinking you could just ... it used to be, until I'd say the end of the '70s, early '80s, that you could divide a lot in two – what did they call it, "reapportionment"? – and you didn't need to get approval by the Planning Board. And the concern was, you divide it in two and then you divide each of the two into two. So then they made it ... so the thing is, the checklist may well not work for ... but what you could do, that might be the place in which you could have a different checklist for minor subdivisions and major subdivisions without having to amend the code for that provision. You could just ...

Building Inspector Sharma: Well, can we do the same thing? A minor site plan approval, too? The same principle, same thinking, same logic applies? I've been in favor of it for the longest time. There should be a minor site plan, minor subdivision?

Village Attorney Stecich: But I think the difference is, on site plan there's not as many irrelevant things you're asking for – and it's pretty easy to put "N/A," and it's pretty obvious to put N/A – whereas the subdivision law is really long. It's got all kinds of things like designate whether they're collector streets or other kinds of streets, all kinds of ... you know, it must be a little bit dizzying to somebody who just wants to break off a little part of the lot.

Building Inspector Sharma: Back to that project at the corner of Warburton and Main Street. That required site plan approval, that storefront modification and view preservation. Don't you think that was really minor?

Village Attorney Stecich: That's a different issue of whether the Board wants to make it easier.

Building Inspector Sharma: We're talking minor and major.

Village Attorney Stecich: All I'm suggesting is, there is a bit of a distinction between the subdivision regs and the site plan, just the extent. If you look at the number of pages that the subdivision regs cover in the code as opposed to the site plan, I think it's a couple of pages. But yeah, I don't see an issue.

Building Inspector Sharma: The same thing is happening, where you could have 100 items with N/A, N/A, N/A, N/A.

Village Attorney Stecich: Yeah, I know. But, Deven, the reason I mentioned it is, over the years, we haven't had a lot of this. But the Planning Board has said – and this why I mention it, that the Planning Board, over the years, has said – maybe we should just have a minor

subdivision application, which is also quite typical of the codes around the county. I'm not sure I heard the same thing about site plans. But if the Board felt that, then you could do it.

Building Inspector Sharma: I don't know if it's a Board prerogative, or the prerogative of the people in general. See, there are some minor issues. Not everything matters to scrutiny. [off-mic].

Boardmember Speranza: And we've talked about this, developing a process to look at that. But the bottom line, a minor subdivision would just obviously ... the lot line changes that we have seen, where a property owner wants to sell a sliver of land to an adjacent property owner, we know we're not going to expect them to come in with a full set of plans as if they were going to do a six- or seven-lot subdivision. That's going to be different.

The site plan approval – and we've talked about this, looking at the process for site plan approval – the bottom line is, the law still requires that these things come to the Board. So if you're looking at and thinking about handling minor site plans – site plans where no exterior work is being done, like at 1 Main Street or 2 Main Street, whatever it was – that's something different. But that's got to be a change in the code, to say then because the law requires site plan ... and I know you don't like to hear that, Deven.

Building Inspector Sharma: I never said that would be exempted from it, but there should be a simple minor, less intensive treatment. They still end up having to mail to all those within 300 feet. It's expensive.

Boardmember Speranza: Oh, well. See, that stuff I still believe in. I still think you need it.

Village Attorney Stecich: That can't be changed. That's required by the code. That's required for minor subdivisions, too. Notice is just elementary and essential ;essential not to those properties, but to neighboring property owners. Notice is essential.

Chairman Cameron: In a small, hilly town it really is important because you never know the angles until you ask the people around what's going on.

Village Attorney Stecich: That's right.

Chairman Cameron: I mean, we can certainly look at the subdivision approval and try to look at what things we put N/A in for a minor one. And maybe that's a good way to start. Then a year or so from now, if it's working well, we can look at site plan if we wanted to. I think we've got a fair amount on our plate already, trying to put these checklists together. I

actually anticipate that the economy is getting better and we are going to see a lot more people coming in the door fairly soon.

Boardmember Speranza: So that actually serves, then, Deven, this one that you put together. I think it's finally user-friendly for somebody who's coming in and wants to fill something out. I think it's a good reminder for the Board that we have to look at those sections. But I'm not sure if it contains the kind of checklist that you were talking about, Jamie, for a Board checklist.

Building Inspector Sharma: Kathy, does that include some of the things you were looking at?

Boardmember Sullivan: This is the first time I've seen it, Deven.

Building Inspector Sharma: I mean, does it look similar to what you were thinking about?

Boardmember Sullivan: I think so. It looks like it's going to have, in one place, all the requirements that people have to have thought about and addressed in some fashion. So I think it seems like a very nice form.

Boardmember Speranza: And the column that says, "*Indicate how the provisions are addressed,*" is that the reviewer? Is that you, when you look at it, or the applicant?

Village Attorney Stecich: You know what? Break it down into two columns.

Boardmember Speranza: Right.

Village Attorney Stecich: That column down into two: applicant and Building Inspector.

Boardmember Speranza: "Reviewer," whatever – which we had – I think that was on the form that you created, right?

Building Inspector Sharma: This is how they [off-mic].

Boardmember Speranza: OK, but they fill this in then.

Building Inspector Sharma: Yeah. How they [off-mic] in every code section, they tell us.

Boardmember Speranza: Right, but there's no reason there can't be a checkmark that, in fact, you have looked at it and seen that it does comply with what the submittal requirements

are so that we then know that and you agree with what they've said. That's the only reason why I would think that would be important.

Building Inspector Sharma: The checklist – for me, before I send it to you – you get a checklist from me saying that I have, indeed, checked everything; me and my staff have checked it. So that's one of the things we're looking for.

Chairman Cameron: Could we refer to parking in this one here?

Boardmember Strutton: Refer to what?

Chairman Cameron: Parking. Because that seems to be a ...

Boardmember Sullivan: That's a good point on the site plan approval.

Chairman Cameron: One of our favorite issues.

Village Attorney Stecich: But if you had a zoning compliance charge, that would be one of the things – parking required or parking provided.

Chairman Cameron: Well, I think we should try to use whatever charts to the extent we can that the Zoning Board uses. Because then the person doesn't have to appear twice.

Boardmember Sullivan: I think what Marianne had brought to our attention was what Irvington did, which was sort of a project form – I forget the name – where all that information's captured that would be used in planning or zoning rather than just have it in one board's application. I was starting to use that, actually, over the weekend. I made like a slimmed-down version of this, just picking up some things. And it was really helpful. It was, in a way, Jamie, kind of what you were talking about with a checklist of what yard's required, what are the parking requirements. I think that could be useful for both boards, not just for one particular board's set of applications.

Chairman Cameron: Right. So we have parking, we have required yards that we have to make sure of. Height.

Village Attorney Stecich: Coverage.

Chairman Cameron: Coverage, definition of "cellar." I did actually go around and look at a place where we had that issue earlier, and they actually have put – I won't say full-sized, but much bigger – windows in the cellar. But they've built concrete cellar frames so the

window is actually below ground. But it's got one of those concrete things like you see in the city.

Building Inspector Sharma: Window wells.

Chairman Cameron: That's what it's called, a window well.

Village Attorney Stecich: Where is this building at? The Washington one?

Chairman Cameron: No, no. They haven't started building yet.

[laughter]

This is one we approved at an earlier time. So it was interesting to go back and look how much we approved earlier to see what the action did. But I'd love to see the Irvington stuff.

So where do we go from here? I guess you're going to ... maybe what we should do is sit down and go through the code and give comments back to Deven on this one here, and we can put that on our agenda for next meeting.

Building Inspector Sharma: Yeah, give me some directions.

Chairman Cameron: Yeah, and we'll come back to you with what we think are additional good items to put into this thing.

Building Inspector Sharma: Or take some out.

Chairman Cameron: Or take some out. That's fine with me, too. Yeah, we just get rid of view preservation.

[laughter]

Boardmember Sullivan: And you're only the chair for one meeting.

[laughter]

Chairman Cameron: Actually, it's interesting that obviously we have situations. It's tough to see how a person doing it is affected, another person's view. But it is probably one of the most emotional things in this town, view preservation. And it's probably something which, quite candidly, affects the value of the house behind more than anything else. We have a real

estate guy here, you can tell us about this: "You've just lost your view of the river, you just lost an awful lot of money."

Building Inspector Sharma: Next to the ambulance corps, there's a one- or two-family home. They want to put in a wood burning stove, and a flue would stick up outside. I mentioned that he would have to go for view preservation. He swore at me like you wouldn't believe, but that's what he needs to do. He needs to go for view preservation with the flue, or chimney, that he would need to put outside his house.

Village Attorney Stecich: I just thought of a couple other things should be on the site plan application. Not on all of them, but something about the affordable housing requirement. So that if somebody's coming in with a site plan application.

Chairman Cameron: That's a good point.

Village Attorney Stecich: That, and I would put on the site plan application list the rec fee, to give them a heads up. And you can say "if applicable." Just something that addresses both the rec fee and the affordable housing requirement.

Boardmember Speranza: And I think that's good because then the applicant realizes it up front. We don't have to break it to them when they come to the meeting, or Jamie won't have to break it to them when they come to the meeting.

Chairman Cameron: Yeah, I think it'd be useful also if we got a clearer declaration from the Board of Trustees on the rec. I know it applies.

Village Attorney Stecich: On what? I'm sorry.

Chairman Cameron: On the rec fee. It would be useful, and if we want to explore downtown as an issue we can explore downtown as an issue. But I think it's an issue which is discretionary to the Trustees, and it's really not to us to waive money for the town. I know we have it to some degree, and I have all sorts of sympathies.

Boardmember O'Reilly: Is that the direction being requested? I know it was raised.

Chairman Cameron: It was raised. We have to take it.

I suppose since it's our first meeting I get to end the meeting early.

[laughter]

So anyone else have something to bring up on this? I'd like people to go through this and bring up other ideas and things to include, and send them to Deven if you would. We'll put them all together at the next meeting and we'll go through it from there, depending what else we have on our agenda. I will think more about what I call the "Trustees checklist," and we'll see how we can think about that. Because I think that's a useful tool for us to have. And I'll come in and talk to you about it.

So no more to do. I will make a motion to adjourn the meeting.

VII. ADJOURNMENT