

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING
MAY 16, 2013**

A Regular Meeting and Public Hearing was held by the Planning Board on Thursday, May 16, 2013 at 8:15 p.m. in the Municipal Building Meeting Room, 7 Maple Avenue, Hastings-on-Hudson, New York, 10706.

PRESENT: Chairman James Cameron, Boardmember Eva Alligood, Boardmember Kathleen Sullivan Boardmember Michael Ambrozek, Boardmember Kerry Gould-Schmit, Boardmember William O'Reilly, Village Attorney Marianne Stecich, Deputy Building Inspector Charles Minozzi, Jr., and Deputy Village Clerk Mary Ellen Ballantine

I. ROLL CALL

Chairman Cameron: So we have a quorum. We're expecting Kathy. Kerry Gould is a new member to the Board. And it customary for us to say a few words, a bit about her background.

Boardmember Gould-Schmit: Hi, I am new to the Village in 2007. I am an urban planner by profession. I worked for the New York state planning department for two years, and then I was at the department of transportation for seven years. Right now, I work with City University in the design and construction office. So I'm a little bit on the opposite side of planning right now, but it's been a good experience. I'm sort of seeing the construction side of it right now. I also serve on the Waterfront Infrastructure Committee, so this is sort of an outgrowth of that.

Chairman Cameron: Welcome to the Board.

Boardmember Gould-Schmit: Thanks.

Chairman Cameron: A little bit of an announcement. Patty Speranza got a much-deserved distinguished citizen planner award from WMPF, Westchester Planning Federation. This is going to awarded at a dinner on June 6. She *only* spent 18 years on the Board. But she's a wonderful example of a citizen in this town who gives of herself to the town.

II. APPROVAL OF MINUTES

Meeting of April 18, 2013

Chairman Cameron: Does anybody have comments on the minutes? I wasn't here.

Boardmember Alligood: I found one amusing typo on page 12, where Mr. O'Reilly is speaking. It says: "*What's the rage?*" but it's "what's the range?"

Boardmember O'Reilly: You're a better reader than I am.

Boardmember Sullivan: I think he meant that.

Boardmember O'Reilly: There's also a reference to Mayor Swiderski.

Chairman Cameron: Yes. Was he here?

Boardmember O'Reilly: He wasn't here.

Chairman Cameron: At the beginning of the minutes it says Mayor Swiderski.

Boardmember O'Reilly: He wasn't here.

Chairman Cameron: And I thought that maybe he had suddenly appeared.

Boardmember O'Reilly: I think it meant the chairperson.

Chairman Cameron: Oh, Patty Speranza? We should look at that.

Boardmember O'Reilly: Yeah. The mayor was not here.

Chairman Cameron: I thought that was a surprise appearance when I read that.

Boardmember O'Reilly: I saw that. I was so taken aback by it I missed my own typo.

[laughter]

Chairman Cameron: Excuses, excuses. So any other comments on the minutes? Absent were me and Kerry. She wasn't a member then. Oh, you weren't here.

Boardmember Ambrozek: No, I wasn't here.

Chairman Cameron: We don't have enough people. That was very good to get those comments. We'll have to get it approved the next meeting because Michael wasn't here, I

wasn't here, Kerry existed but wasn't here.

III. OLD PUBLIC HEARINGS

Chairman Cameron: Just to start out, and I don't think anybody thinks this but we always do this. The first three items on the agenda, if you look carefully, all say deferred until June meeting. That's dealing with 7 Washington Avenue, 3234 Washington Street, and 184 Farragut Avenue. So if you're here to listen to those, come back at the next meeting. Or keep yours open, they may soon be on an agenda.

****Deferred Until June Meeting****

1. **Site Plan Approval – Application of Gordon & Neda Sokich for the alterations to an existing retail space on the first floor of an existing mixed-use building at 7 Washington Avenue to convert it into a beauty/hair salon. Said property is located in the MR-C zoning district and is known as SBL 4.70-48-36 on the Village Tax Maps.**

****Deferred Until June Meeting****

2. **View Preservation and Site Plan Approval -- Application of CCI Properties Inc. for 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.**

****Deferred Until June Meeting****

3. **Subdivision -- Application of Hastings-on-Hudson Affordable Housing Development Fund, Inc. for relief from the strict application of Sections 295-69E and 295-67.C(6) of the Village Code in connection with a subdivision of a parcel of land at 184 Farragut Avenue to create a new lot for the construction of an affordable one-family house with an accessory apartment. Said property is in R-7.5 Zoning District and is also known as SBL: 4.80-70-1 on the Village Tax Maps.**

IV. NEW PUBLIC HEARINGS

1. **View Preservation and Site Plan Approval – Application of Fr.**

Matthew Fernan for the installation of a set of four statues on a common 30"x40" base on the grounds of the St. Matthew School property located at 16 Villard Avenue. Said property is located in the MR-1.5 Zoning District and is also known as SBL: 4.40-44-3 on the Village Tax Maps.

Chairman Cameron: I would like the Father to come up first since his is a very short item and we can deal with it with some dispatch.

Father Fernan, St. Matthew Catholic Church: Thank you very much. I'm so very happy to be here this evening to discuss with you the possibility of putting up a statue on the property of St. Matthew School. Back in 1855, the Sisters of St. Francis were formed. And they moved into Hastings, I believe it was, in 1893, a year after the St. Matthew Parish was founded. If you know, the Sisters of St. Francis were over on Jackson Avenue across from Mt. Hope. They're recently in the process of selling their property.

So when we heard that they were moving on we thought about the possibility of trying to keep a bit of history so very much a part of the town. Since they had served so many people within the town itself, I had approached the Sisters there and asked if there was any exterior statue they might have that we would be able to go for. And they could donate it to us for the possibility of putting it on our own property so we could keep a piece of the history of the Sisters that had served the community here in Hastings for so many years.

They gave us this lovely statue of their founder, with three little children in front of it. How perfect to be able to go and attach it to the school itself. So we found a place that's very close to the building. It should hopefully not even get in the way of view preservation. Because there's a 40-foot wall behind it so there's not any way anything is going to be blocked whatsoever by putting it in there. Then this would be in the possibility of having a bit of history taken care of, celebrating the Sisters at the same time.

One of the little tidbits that just sort of happened a couple of months ago, I got a phone call from Cardinal Dolan. He decided to come and visit our parish. I said, "Hey, that's great. June 22nd." I said, "That's just wonderful. Wouldn't it be great if the statue was already in place." And he said, "If it is in place, we'll be very happy to go and bless it and recall the Sisters there." So we're hoping that this would be approved so we can go place the statue here, remember, and hold on to a bit of history for the Sisters who served the community. That would be a part of, then, the property of St. Matthew.

Does anybody have any questions?

Chairman Cameron: We all looked at the pictures, And yours is one of view preservation issues, which is rather hard to see what the problem is.

Father Fernan: OK.

Chairman Cameron: But the trouble is, in many other situations we have it's not so clear as in yours. Some window can actually see it, so that's why it's a little broader than perhaps it should be. I know they're working on trying to make it easier. I have no questions either. I think it's wonderful, and largely invisible except when you're facing the building, which is fine.

Father Fernan: Very much so. And I'd have to say that I very much do appreciate all the work that Charles Minozzi did and Deven Sharma did, as well, in putting all the different paperwork and everything else together to go and help with this entire process. I think it's a great asset to be able to go and save a bit of history. As you guys are working to save the water tower, which is one part of Hastings, we're saving a bit of the history as well for the Sisters who served the community. So we'd be very happy to be able to do that.

Chairman Cameron: Right. Well, the water tower in front of the school might be more of a problem.

[laughter]

Father Fernan: I understand. OK, yes.

Chairman Cameron: OK? This is type two action, I guess.

Village Attorney Stecich: Yeah, it's a type two action so you don't have to do anything under SEQRA.

Chairman Cameron: So I suggest that we recommend to the ZBA view preservation approval and a very small variance on the lot coverage involved. Do I hear anybody who wishes to advance that motion?

Village Attorney Stecich: Well, actually, they've got down a notice for site plan approval, as well. So just site plan approval.

Chairman Cameron: OK, site plan approval.

On MOTION of Boardmember Alligood, SECONDED by Boardmember O'Reilly with a voice vote of all in favor, the Board resolved recommendation to Zoning Board of Appeals for view preservation and approved the site plan for the application of Father Matthew Fernan for the installation of a set of four statues on a common 30"x40" base on the grounds of the St. Matthew School property located at 16 Villard Avenue.

Chairman Cameron: Thank you very much.

Father Fernan: I appreciate that. Now, we were also told to be at the view preservation Board meeting next week.

Chairman Cameron: The ZBA.

Father Fernan: So we have to be at that meeting, as well.

Chairman Cameron: Yes.

Father Fernan: OK, very good. No problem. Thank you very much. Have a wonderful evening. I hope it's short

[laughter]

Father Fernan: God bless. Thank you very much.

Chairman Cameron: We'll tell them to put you at the head of the line.

[laughter]

2. **Site Plan Approval – Application of Ben & Mairead Diep for the use of the ground-level floor as a retail space, to subdivide the second floor (previously approved for commercial use) into two leasable commercial spaces or into two apartments (a studio and a one-bedroom apartment) in an existing mixed-use building at 385 Warburton Avenue. Said property is in MR-O Zoning District and is also known as SBL: 4.100-93-13 on the Village Tax Maps.**

Chairman Cameron: The next one is 385 Warburton. State your name, please?

Jim Metzger, architect - 385 Warburton Avenue: I know that some of you are familiar with the project from past viewings, through this board. We have some new issues. And again, I want to thank Charles and Deven for helping us navigate a process that is not always as clear as maybe it could be. But they were incredibly helpful in giving us the information that we needed to present this to the Board this evening.

The building that we're talking about, 385 Warburton, as many of you know is a five-story building. It's a unique building in the Village in that it is a mixed-use building in a primarily residential neighborhood. So there were issues involved in putting this together initially. Before Mr. and Mrs. Diep bought the building it was owned by Steve Kanor, who some of you may know. He had his Toys for Special Children facility here. There were six living units, and a commercial space on three floors that had somewhere between 12 and 15 employed.

The building is currently a single-family residence on the upper 2-1/2 floors. Then there is the grade level floor, which is currently empty, the floor below grade, which looks out over the river, which is currently empty; and the lowest floor, which Mr. Diep uses for his business. He's a photographic printer. Over the last six months or so, since we've gotten our C of O, Mr. and Mrs. Diep have been trying to find tenants for the building. Where we thought that it would be a natural location for a small business to move in, even though it's three blocks from the downtown, a lot of people felt it was a little bit too far out of the downtown. However, there were a lot of people that said what a great place to live. So we are going to be looking at that.

But we're going to start with three items that are all, as far as I know, allowed: they don't require any variances. We're looking for a special use permit on the ground floor, so we'll start with that. The ground floor was originally set up for a business use, and it was not only allowed by the Board but was set up, in terms of construction, for an assembly use. Which is the highest form of use allowing for one person per every 6 square feet of floor space. So everything in the building has been designed to this highest-level use in terms of sprinkler systems, strobes. All of the sprinkler heads are actually wired individually to a control panel to accommodate that sort of usage.

What we would like to do is use the first floor – we're asking for a special use permit to use that as a retail operation in conjunction with what might be a gallery or a studio space – so there could be some level of retail sales out of that first-floor space with the building. In terms of the code, it reduces the number of people that would theoretically be in that space by a factor of 10. So the space, in terms of life safety, is more than equipped for that. The special use permit is an allowable use under the code, but needs your approval.

The second thing that we would like to do...

Village Attorney Stecich: Jim, let me just clarify one thing.

Mr. Metzger: Sure.

Village Attorney Stecich: A recommendation from them, but the special permits are granted by the Zoning Board.

Mr. Metzger: That's right, we're looking for recommendation.

Village Attorney Stecich: OK.

Mr. Metzger: Again, it's a confusing process. And sometimes the terminology needs to be more specific than I'm using.

Just very quickly, on drawing A-003 ... and I apologize for the quality of the reproductions. My printer was dying as I printed those out for you. But you see we have exit requirements, indicated travel distances, means of egress, all of that. So we know this will comply with the lesser use that we're asking you to recommend.

One level below Warburton Avenue there's an exterior stair with two means of entrance to that floor. It's now currently one large open space. The original intent was for a small business to come in and occupy that space. But there seems to be a lot more interest in people taking smaller sections of that floor. So what we would like to do is to build a demising wall down not quite the middle of the space, dividing it into a third and two-thirds. And, again, it's allowable by code that we can do that. But because of the way the code is written – and the fact that we're in a view preservation district, we're doing construction in the building – we would need your approval to be able to put that demising wall in.

The demising wall, as indicated, is shown as a two-hour wall, which is how we would build it regardless of who the tenants are. Because we would like the ability – as I get into the third request of this board – for the possibility of having business and/or residential coexisting on that floor. And we would need a two-hour-rated partition to divide that floor in order to be able to do that.

The third thing that we're asking you to consider is, this floor, the second floor, is now zoned – and it's got a C of O – for a business use. The building use to be a mixed-family residential and it is now currently a single-family residential, but we'd like the ability to go back to mixed-family residential with the idea of possibly being one or two residential units on the

second floor. The issue – as most of you know because I've been here before the Board many times – has to do with parking associated with residential use. As a business use, this floor would have required much more parking. But because it was under the threshold that this board typically uses for commercial spaces under the 2,500 square foot threshold, parking would not be required for the business use. There would be parking required for the residential use.

The parking is indicated on the drawing. And because there had been six families living in this building at one time – and that was as recently as, I believe, four years ago, possibly three years ago – we're now going down to the maximum possibility of three families. And the other thing is, if this was fully a business use we'd have much more parking requirement, even though it's not required to be provided. There would probably be more than three people working in this space. So to go to residential, I believe we're actually reducing the parking requirement for the neighborhood.

This building also happens to be along a part of Warburton Avenue that is up above the DPW building. There's residential on the east side of the street, but there is no construction until you get a couple of hundred feet down the block. And those are all single-family residences. So it's actually the one area on Warburton Avenue where there tends to be a fair amount of open spaces. The people on the south side, a lot of the residences, also have parking for their use up along Nodine Place and up behind their buildings. So it's the one area on Warburton where I feel like we could comfortably accommodate three extra cars.

The other thing is, when the Dieps built this building they put in a garage and a driveway. So they eliminated one parking spot from the street for the curbcut, but they're accommodating two cars off-site. So we actually kind of picked up one car when they did their residential work. We're asking for you to allow us to do parking on-street because there's no place here to do off-street parking.

So that's what we're asking for. Recommendation on special use permit for the first floor for retail as an accessory use to a gallery or studio. On the second floor, we're asking to be allowed to do a subdivision on the floor because of view preservation. And then the third thing that we're asking for is the possibility of putting residential back on to this floor as a possibility, either in half the floor or on both sides.

Village Attorney Stecich: Jamie, let me just correct one other thing. You don't need view preservation approval because there's no exterior work.

Mr. Metzger: OK.

Village Attorney Stecich: I think what you meant was site plan approval. Just so we've got it right.

Mr. Metzger: We've been through this a number of times. I'm still trying to wrap my head around that.

Village Attorney Stecich: And the notice is right. The notice had these things right.

Deputy Building Inspector Minozzi: Let me just check the notice.

Chairman Cameron: So does anybody have any questions about this?

Deputy Building Inspector Minozzi: Yes, the notice is correct.

Chairman Cameron: I take that as a no. I don't have any questions either. This is also, we think, a type two for SEQRA?

Boardmember Sullivan: One question, Jamie.

Village Attorney Stecich: Yes. It is?

Boardmember Sullivan: On level two there are two proposals. There's the two businesses, and then there's the two residences.

Mr. Metzger: Well, what we're looking for is an allowable use for residential on either side of this wall so that we would be able to do a potential mixed-use. It might be two businesses, it might be a business and a residential, it might be two residential units. So we want to have the flexibility for whatever tenant is available to be able to utilize that space.

Village Attorney Stecich: I know the Building Department did a parking calculation and determined that the parking requirement is actually less than what was there before. So it's grandfathered in. Now, did that calculation do it for both possibilities? Two residential or two retail, or a residential and retail?

Deputy Building Inspector Minozzi: Basically, we could figure it out pretty easily. Having both as residential would require 2.75 parking spaces. Having them both as businesses, using the calculations that Mr. Metzger used, it would be six parking spaces. And that's according to Section 295-36 of the code.

According to my calculations, I read the code a little bit differently, interpreted the code a

little bit differently. What he's relieved from currently, I calculate as 9.5 parking spaces, which would be required for what he has right now. So dropping it down to residential would be considerably less: from 9.5 to 2.75.

Village Attorney Stecich: OK. So it still meets the parking requirement.

Chairman Cameron: So we just got rid of the parking issue, and we're ready to do view preservation and site plan.

Boardmember Sullivan: Is it procedurally OK to open it up to have these choices in site plan review?

Village Attorney Stecich: Yeah, I think you could.

Boardmember Sullivan: That's good.

Mr. Metzger: I'm sorry, I didn't hear the question.

Boardmember Sullivan: I'm sorry, Jim. Just making sure it was appropriate to have the flexibility in the site plan.

Village Attorney Stecich: Yes, it can be. The only reason you might get involved in what the interior uses are in terms of site plan approval is to make sure the parking requirements are met. And Buddy says, in the worst case scenario, the parking requirement is met. So it's not an issue.

Boardmember Sullivan: That's great.

Chairman Cameron: OK. And you do have professional use as-of-right. We had a discussion – not with you, but a discussion – about whether someone like an interior designer who didn't actually have product on-site – if they were working on, in fact, a professional rather than a retail operation – then it would not need even the special use permit for retail. If you want that one, too, just in case they decide they'll start selling pillows en masse.

Mr. Metzger: That's right. There was a potential tenant that operated as collector-designers. But they envisioned being able to sell a fair amount of product. And that's actually what brought up this whole issue. That's when we found out that the use as a gallery was fine, but the use as a studio with the sale of product was not fine. It was on that fence. We want to make sure that we don't run into that issue again.

Chairman Cameron: Well, there are two things we need to do: site plan approval, and the second thing is recommend to the ZBA that they give them a special use permit for retail space.

Village Attorney Stecich: But first, open it to the public.

Chairman Cameron: Oh, yes. Sorry. Does anyone here in the room have anything to say about this?

Deputy Building Inspector Minozzi: Excuse me, Mr. Chairman. I just want to add one thing for your information about the third floor, which is the street level. As a gallery space, it would require – as per code, with one employee – 3.75 spaces. As a retail space it would require 5.5 parking spaces. Neither of which they have. So just a little food for thought.

Village Attorney Stecich: So if it were a gallery, then does that mean they wouldn't meet the parking requirement?

Deputy Building Inspector Minozzi: I mean as its used right now, as a gallery, it was relieved at 3.75 parking spaces. So it would be, actually, an additional 1.75 parking spaces. It was relief from 1.75 more parking spaces if it was retail space. So it's something to think about.

Boardmember Sullivan: I think Jim, in his presentation, brought up an interesting point. We just recently looked at a local law change in another part of the central business district where, if retail spaces were under a certain size, the parking requirements were relieved. I know that's not necessarily in this particular zoning district, but I think your bringing it up was very wise. Because this is certainly a small retail space and not necessarily going to be drawing zillions and zillions of people. But I hope it is. I really hope it does draw zillions and zillions.

Mr. Metzger: Yes.

Village Attorney Stecich: Well, in parking, could I make a suggestion? There's nothing you can do about the parking anyway.

[laughter]

For two reasons. Number one ... but number two, it's a Zoning Board decision. So I would say the Building Department and Jim should go over the numbers again to make sure. We don't have to do it here, but to make sure the parking's right. And if he needs a variance from

the parking requirement, then he could apply to the Zoning Board for a variance for parking.

Mr. Metzger: OK, thank you.

Chairman Cameron: So we're OK. We're going to recommend a special use permit for retail space, but recommend to them that if he needs a variance they should give it to him?

Village Attorney Stecich: You could add that part of your recommendation.

Chairman Cameron: And we could approve the site plan. Do I have a motion?

Village Attorney Stecich: No, you have to open it to the public.

[laughter]

Chairman Cameron: I thought we did that once already.

Michael Curtis, 328 Warburton Avenue: I appreciate this, and hope that you do move this motion that Mr. Cameron just suggested. They're great neighbors. It looks like a great use for the building. Warburton's becoming even more interesting each year. We've lived there about eight years, and it's just a fabulous addition. The parking burden, if any, is infinitesimal. And it's just obvious that they need flexibility in the use of the building to support their ability to meet their financial obligation.

So we strongly urge you to pass the resolution that you're proposing. Thank you.

Chairman Cameron: Anybody else have any comments? Yes, please, sir.

David Zung, 378 Warburton Avenue: I live about 100 feet south and across the street from the building, and when I brush my teeth I look right across to their building. My wife and I have been here since 1998, and we've seen small changes and big changes in our block, in our neighborhood. The Dieps are a very positive change, and it's a great change. You know, I see Ben, first thing in the morning, picking up garbage in the neighborhood that's scattered down the street way far away from him. He wants this to be a great neighborhood, and he wants to raise his family, and he's popular. Everybody thinks they're a terrific addition, and he's dynamic and wants to bring great things.

Again, since I've been there, the businesses have changed. We've got a defunct old building across the street. We have two gas stations, we've got new apartment buildings. I think what he's asking for could have a minimal impact in terms of traffic, and the other impact's going

to be really positive. So I hope you'll take into consideration what the architect is proposing.

Thank you for your time. And, again, he's just terrific. I think anything he asks for is really quite reasonable. So thank you very much.

Chairman Cameron: Yes?

Susan Cooper, 378 Warburton Avenue: I live with David. I just want to say that, you know, when you look around Hastings and other areas nearby there are actually many empty storefronts that are lacking businesses and retail. So I really would hope that there could be more openness to having retail. As long as we don't have another mustard gas factory or Anaconda, I think there could be some more openness in terms of looking at retail.

And we do have retail where we live. I mean, we had the vitamin factory, which was then a color lab and it's now sitting empty for quite a while. We have a bakery. As David said, we have two gas stations, one on either end. What else? So it just seems that to split hairs over something like this is not productive. Thank you.

Chairman Cameron: Yes, please?

Mitch Koch, 20 Marble Terrace: I can't see them when I brush my teeth, but I think of them.

[laughter]

Just saying. I wanted to say that I support what they're doing. I think the mixed-use character of Warburton Avenue is really part of the flavor of the avenue and has really improved the whole neighborhood. We're really happy to be a part of it. And that's it, thank you.

Chairman Cameron: So anyone else have any comments? Would someone like to advance my motion?

On MOTION of Boardmember Sullivan, SECONDED by with a voice vote of all in favor, the Board resolved to (1) approve recommendation to Zoning Board of Appeals for a special use permit for retail space; (2) approve the site plan for the application of Ben and Mairead Diep for the use of the ground-level floor as a retail space, to subdivide the second floor into two leasable commercial spaces or into two apartments in an existing mixed-use building at 385 Warburton Avenue; and (3) recommend that the Zoning Board of Appeals grant any

necessary parking variance.

Chairman Cameron: Thank you very much.

Mr. Metzger: Thank you.

Village Attorney Stecich: Mary Ellen, make sure you get the exact wording because this is our record.

Deputy Village Clerk Ballantine: Yes.

V. DISCUSSION ITEM

Site Plan Application of Lisa Globenfelt (Mitch Koch Architects) for interior renovations to apartment located at 2-4 Main Street. Said property is in CC Zoning District and is also known as SBL: 4.70-50-10 on the Village Tax Maps.

Chairman Cameron: We have one discussion item concerning 2 Main Street. Mr. Koch, would you like to come up?

Mr. Koch, architect - 2-4 Main Street: I'm here tonight on behalf of my client, Lisa Globenfelt, who owns the property at 2-4 Main Street, Chelsea Dry Goods; and, in addition, is the owner of the building, which includes the two apartments upstairs. I think everybody's been apprised of the situation. She wants to do a very modest remodel of the apartment upstairs but, because of some reading, the letter of the code dictates that any work in the downtown, whether it's interior or exterior has to come before the Planning Board for site plan review. And I am coming to you tonight hoping that we can find a creative solution to let her get started with this work and save her a month of rent that she's losing by dint of having to wait for the next Planning Board – at which time, I'm assuming, everybody's going to say, "Get out of here."

So the gist of this is that we have entered an application for next month's Planning Board. And I am proposing tonight that if people can come up with some solution that by some interpretation of the code you might be able to tell the Building Department let the work proceed, with the caveat that if, in the next month's public hearing if it's turned down, they will not receive their certificate of occupancy or any other criteria or caveat that you wish to apply to it, or condition. The point is, I'm just looking for some way that we can get this

work started and not have to wait another four weeks 'til the next Planning Board.

I also wish to raise with everybody that in May of 2012 the building was here for site plan review and was given a go-ahead based upon us putting a door in the downstairs of the first floor. If you remember, on the corner we brought back a door that had been a historical door and had probably been covered over in the 1970s. So we brought that back for the store. I'm trying to bring to you that this building, as it currently exists, conformed to the site plan review of a year ago. And that it's still current because I'm saying there is no effect on the exterior. No part of the interior remodeling will ever show up on the exterior: no change to the windows, no air conditioners, no nothing.

So I'm now turning it over to you.

Chairman Cameron: Well, why don't you tell us what you're doing.

Mr. Koch: On the remodeling on the second floor apartment – it's the apartment that's on the west side of the building, there are two apartments – we're removing Sheetrock, we're going to reinsulate, we're going to change toilet fixtures, shower, tiles, sink, kitchenette and floor finishes and lighting, and put it back just as it was.

Boardmember Sullivan: So you're doing maintenance.

Boardmember Alligood: The number of bedrooms will not change.

Mr. Koch: No change to the occupancy, the character of the apartment, the square footage of the apartment, and no exterior work. The spirit of the section of the code that is germane to this is that the Planning Board should have oversight with regard to projects that affect the downtown. But this quite clearly doesn't. And it's evident to everybody who's looked at it that this is just a little error, absent of one word – which would be the word "exterior" – in that code that would have set everything straight. But it's not there. And I understand that the Trustees are now going to rewrite it.

But that process, you know, requires more public hearings. It was recommended to me that we proceed with the normal routine Planning Board review, which we're doing. I'm just wondering if there's a way that we can accelerate the process by four weeks by some dispensation.

Boardmember Sullivan: I'd like to ask a question. We've had a little back and forth. And the question I had is, is this considered maintenance work, what you're doing?

Mr. Koch: Buddy?

Deputy Building Inspector Minozzi: No, it's level two alteration. They're removing Sheetrock, removing finishes, reinsulating, re-Sheetrocking, new finishes, new flooring, new tile.

Boardmember Sullivan: Are wall configurations changing?

Deputy Building Inspector Minozzi: Wall configurations are not changing.

Boardmember Sullivan: See, that's where it gets a little difficult for me to understand why we're talking about this if there's no substantial change to configuration of the interior of this apartment. There's no added bedrooms. I can understand there needs to be a building permit pulled under the existing building code, but why we would have any interest in looking at this ... our code, sadly, under site plan review doesn't have a threshold. It's everything, you know, and it doesn't say excluding minor modifications, excluding what you're talking about.

Mr. Koch: Interior work, for example.

Boardmember Sullivan: Well, you say it's not maintenance work. But it gets to the level of, if you're not changing the configurations, you are repairing the finishes and basically making it a sounder building.

Village Attorney Stecich: It's not exactly defined in the code. I assume you're saying that whatever – grade two alterations – is from the state building code?

Deputy Building Inspector Minozzi: Yeah, it is. I know that language was used.

Village Attorney Stecich: This may all be able to be shortcircuited. I don't think this board has the discretion to waive site plan review. There's not even a waiver provision in here. There's nothing they can do about it. I would, though, direct you to maybe look at the definition in the zoning code, which says "*to change or rearrange walls, ceilings or supporting beam, columns or other structural parts.*" It may be a different definition than the state building code. So if you meet with the Building Department and let them, in fact, know ... if they're convinced that it's not an alteration, I don't think we have any choice now but to assume it's an alteration because the Building Department will. But if they look at the definition again, because they were using the state building code...

Boardmember Ambrozek: What section is that you're looking at?

Village Attorney Stecich: It's in the definition section of the code.

Boardmember Ambrozek: Oh, the definition section.

Boardmember Alligood: I'm wondering why we haven't seen just a mass of these coming to us. I mean, there are renovations all the time of people's apartments.

Chairman Cameron: Yes, but it's also of stores that we've seen that have never come before us, too.

Deputy Building Inspector Minozzi: Yeah, unfortunately it's just come to light. And that's why they haven't been here before. But now that it has come to light, we can't very well keep them away from here.

Village Attorney Stecich: The other thing the Board should be aware of is, I have drafted a zoning amendment for the Board of Trustees to consider that site plan wouldn't be required of purely interior changes, except in a small circumstance. But that's going to be awhile off. I'll think they'll tweak it. But I think if you look at the definition of "alter" ... because tonight is the first I heard a decision of what was going on. I assumed, and I think we all assumed, walls were moving around. Look at the definition of "alter" in here, and it may obviate it. If site plan review is required, you got to come for site plan review and there's nothing the Planning Board could do. They can't be creative. They're stuck with the code the way it is.

Chairman Cameron: Right.

Mr. Koch: I'm just questioning whether there's a way to give the Building Department a go-ahead to let the work proceed, with the understanding that they'll conform to all the requirements of the site plan review.

Chairman Cameron: I don't think there is, actually. But I think that's an excellent idea to see if the Building Department can conclude it's not alteration and therefore shouldn't have come before us.

Mr. Koch: OK.

Boardmember Alligood: *"To change or rearrange."*

Boardmember O'Reilly: Nothing that he's doing is being described in that way.

Village Attorney Stecich: I don't think so. *"To change or rearrange walls, roofs, ceilings,*

floors, supporting beams, columns or other structural parts, in interior plan or layout, exterior architectural features." But I understand what you were doing. You were using the state building code definition of what's an alteration. I think, under our code, it might not be. I'm not sure because I'm only hearing what's being done.

Deputy Building Inspector Minozzi: OK, we'll definitely look into it more tomorrow morning.

Chairman Cameron: So we hope not to see you next month.

Mr. Koch: Right.

Boardmember Alligood: Best case scenario.

Mr. Koch: Thank you very much.

Chairman Cameron: At that point, I think we can now move on to the Saw Mill River block study. We've covered everything else on the agenda.

V. OLD BUSINESS

Review for Advisory Report to BOT – Concept Plans proposed by Ginsburg Development Companies (GDC) for the development of their property at Saw Mill River Road.

Chairman Cameron: I think we're going to start out by actually discussing the reports we've received, Bruce, before we do anything else. We'll get to anything you may have in that large bag of yours a little later.

We are planning on calling our consultants to come to the meeting in June, and we're hoping we'll be in a position by then to have a public meeting. We want to have them come and make presentations to the people in Hastings on these issue. What I'd like to do now is to go through the reports we have and see what questions we may have on the reports. Because by the time we get to the June meeting, we're rather hoping that we can let the public ask the questions, and we will have already had our questions basically resolved. And if anything needs to be changed to these reports, we'd like to have it done between now and the June meeting rather than after the June meeting.

Boardmember Sullivan: I want to just mention something. Typically, this hasn't been an issue for me. But it was difficult to get these reports a day, two days, before this meeting and be able to really look at them. Normally I've been able to find the time, but this was tough. I just say that because I may not be able to contribute very much to the conversation about what I think needs to be changed.

Chairman Cameron: Well, I had no problem with the concept. If anybody on the Planning Board wants to come up with a question next week we will forward it to the consultant to try to resolve that question.

Boardmember Sullivan: Great, thank you.

Chairman Cameron: Just so we keep moving. But we want to get the reports so they're final from our perspective by the time we come to the June meeting. So with that in mind, I'd like to move to the Langan report first. It's long, it's 31 pages, and I'd like to go through it and really just track through the document to see if any people have any comments on the report as we go along. I think that's the simplest way of doing it. If anyone has an alternative suggestion I'd be glad to take that up.

Village Attorney Stecich: You mean up and through...

Chairman Cameron: Yes.

Village Attorney Stecich: Those first sections are exactly the same.

Chairman Cameron: Well, they've made some changes. You can argue about factual matters in the front, and then we'll get back to a history, comparison, of the two projects.

Boardmember Sullivan: This is the May 14 memo?

Chairman Cameron: Yes. The red line one is May 13; the black line one is May 14. So let me see what the first page is, and if we come to something people can comment on it.

Village Attorney Stecich: I don't know if it would be helpful at all, Jamie. Because I sort of remember what the big changes were over the previous one. I don't know if that would help Kathy at all.

Boardmember Sullivan: Anything would help me.

Boardmember Alligood: I'm going to say vote on this one.

Village Attorney Stecich: On what's been changed over the last one. Because a lot of it is the same as the last time. OK, one change that was made over the last memo was when you get to the soils, which is now at about page 10. The last memo had recommended that the total petrol hydrocarbons, TPH, be analyzed. They said – on the 2007 one, AKRF had said – those weren't done and they should be done. And when we got this draft, that was dropped out of that. Because Jamie and I saw an initial draft of this, and so then raised questions on anything that was different from the time before that were corrections we asked them to make.

We had a couple of phone conferences, one with the soils person who explained – they do explain it in here – that there really are no parameters for TPH. They said this is an analysis that's usually performed when you're analyzing soil you're going to dispose of at a landfill or something. And that there aren't any regulatory limits for TPH so there's kind of no point asking for the results because there's nothing to compare it to and it isn't ordinarily done in situations like this. This is what Langan said. Is that about it, Jamie?

So that's one change. And then another change, also in the soil section, is that previously it recommended that there be a soil vapor analysis on the affordable building. It wasn't necessary on buildings A and B, the market buildings, because they were going to have a basement, but it was necessary for the affordable because that was a slab on grade. Then this round, that recommendation wasn't in there anymore. We asked why, and they said if there's a waterproofing vapor barrier – this is on page 12 of the revised report – the waterproofing vapor barrier membrane will be at least, I guess, millimeters thick and that it would mitigate potential soil vapor intrusion concern and soil vapor sampling isn't required. So you would have to make sure, when you saw the final plans, that the soil vapor membrane was 20 millimeters.

Chairman Cameron: Right. They hadn't understood earlier that the affordable buildings, even with a slab on grade, would also have a vapor barrier. They knew the ones that are done in the garages deep underground have water vapor barriers. And now they believe that both of them will, all three of them will, and we need to check that.

Village Attorney Stecich: I know it's a small point, on traffic. On page 19 – and this isn't really a change, it's just a clarification – about the middle of the page, it says no intersection would experience an increase of more than 26 trips. It didn't have a time frame for that – 20 in a day – and that's at the peak hour. That was supposed to be corrected in the revised report, but it wasn't. They sent them a note today to add "at the peak hour" in there. But that's just a clarification, it doesn't change anything.

But there were two changes in the traffic. Go to page 26. This was about the delays, how much of a seconds-delay. And the numbers changed. They wanted to know why they changed from the first report to the second report. You will recall that they did ask about the traffic analysis; that the applicant do analysis under a later Synchro – I think they did it under Synchro 6. And when they did it under Synchro 8, the numbers changed a little bit. So the time went down a little bit. I think last time wasn't it 12 seconds? This is at 9-A and Warren Street. In the last one it was...

Chairman Cameron: I think 4.7, something like that. It was under 5.

Village Attorney Stecich: No, not the last one. The last one was like 12 seconds or something.

Michael Zarin, attorney - Zarin & Steinmetz: Twelve-point-six.

Village Attorney Stecich: Which seemed significant. When they reran the numbers, it came down to 7 seconds. But you'll also recall that there was some discussion about, in some municipalities, if it's a delay of over 5 seconds that's considered significant. Well, 7 is still over that. And then I wanted to know, well, why did you consider it significant? Jamie and I talked to the traffic people. And what they said is that a delay of 5 seconds is significant when ... level of service D has kind of a broad range. When you're at the bottom, at the worst of level of service, anything over 5 seconds is considered significant. But if you're in the middle or above, it's not considered significant and that 7 would be significant. You might consider it significant, but that's why the change was put in there – why the traffic people put the change in. If anybody doesn't understand, just stop me.

Boardmember O'Reilly: That's the one I never understand, quite honestly, the question of delay and the difference between 5 seconds, 10 seconds, 12. Is that referring to the time it takes to clear the intersection when the lights change? Or does it mean from the last car to the first car waiting it's a difference of 12 seconds?

Village Attorney Stecich: I always thought it was the average time it would take you to get through the intersection. I'm not sure.

Mr. Zarin: Our traffic engineer is here, Phil Greeley, if you'd like him to answer the question for you.

Chairman Cameron: That'd be good. Could we?

Philip Grealy, Maser Consulting: Marianne, you're correct. It's the average vehicle delay.

So it's calculated on all the vehicles, by approach. And for an intersection, it's the average delay that it experiences. Some vehicles don't have that, some have longer, but that's the average delay. And that's the nomenclature to compare conditions.

Chairman Cameron: After eliminating the signal time. You might have a 40-second signal.

Mr. Grealy: Absolutely.

Village Attorney Stecich: OK, so that was one change. And there was also a little bit of the change at Ravensdale-Jackson, but that wasn't as significant. Let me just make sure there's nothing else. There were a couple of corrections I had to make because the last report had said they exceeded the affordable housing requirement, which they don't. They meet it exactly.

Chairman Cameron: He didn't understand the other bonus.

Village Attorney Stecich: Yeah, the density bonus they got. So those were kind of the big changes. Otherwise, it's pretty much what you read the last time.

Except I was reading it again today, compared even to the draft that Jamie and I had reviewed. I know you don't have pages the same way I do.

Chairman Cameron: Page 13.

Village Attorney Stecich: Yeah, bottom of 13, top of 14. You recall on the last memo, they recommended that a new wetlands delineation be performed to make sure there aren't any new wetlands on the site. But in this last memo, they added the sentence in the paragraph at the top of page 14. That this wetlands water delineation can be submitted to the Army Corps of Engineers or the DEC prior to the joint permit application submission or as part of the submission. This is new: *"It's our opinion that the completion of the SEQRA process does not need to be deferred until the applicant satisfies the federal and state wetland permit process, which also includes a suggested wetland delineation. It's also our opinion that the anticipated need for DEC and Army Corps permits has been adequately identified in the EAF."*

I'll tell you my concern with that. First of all, this was not anything we discussed, but all of a sudden it appeared there. But the thing is, I don't think anybody was suggesting that they had to get their Army Corps permits or their DEC permits before. And I think you very well might want a wetland delineation before that because it could affect how you look at it. I

mean, they're basing it on some statement that was made in 2002 by our environmental counsel at the time. But it's 11 years later. There may well have been more wetlands developed over there. I mean, obviously, it's for you to decide. But I just want you to know that was a change made and you may want to require the wetlands delineation at this point.

Chairman Cameron: No, it's not that hard to do and I think we can get it done before we issue our report so we know actually what the wetlands delineation is on the property going forward.

Village Attorney Stecich: Because not only have things changed, but the Comprehensive Plan was really sensitive to the wetlands. We've got to be doing more. Now, here's a situation where we know there's some on-site, and I think there should be a wetland delineation.

Boardmember Sullivan: What's involved in that?

Village Attorney Stecich: You get a wetlands person out. Usually they take a look at it.

Boardmember Gould-Schmit: They said it looks like it was done.

Village Attorney Stecich: Well, maybe it was. But the report said it didn't need to be done. So if it was done, then it's a non-issue.

Boardmember O'Reilly: Does that differ with what we got here, which sort of responds to that, saying that it was done?

Chairman Cameron: When does it say it was done?

Boardmember O'Reilly: April 25, 2013.

Village Attorney Stecich: OK. Well, if it was done it was done. Then we should probably pass it on to Langan to take a look at it.

Boardmember O'Reilly: This is in the responses.

Village Attorney Stecich: OK, well, that's good. If it was done, that's great. I would ask Langan just to take a look at it. I know the person who did it, Steve Marino, is good at it. I mean, I've seen his stuff before and I know it's good.

Chairman Cameron: Well, I'd like to see it, too, so I know where it is.

Boardmember O'Reilly: So it's something we can see, the report?

Chairman Cameron: Right.

Boardmember O'Reilly: We can see that. Good.

Chairman Cameron: So does anybody else have any comments on Langan? It does raise some issues, quite frankly, that are ones we're going to have to discuss. It says we should clear who is going to be in charge of stormwater management on the site. And we have quite a number of things on this with regard to the affordable unit and everything to discuss – allocation of expenses and allocations of responsibility – and all those things that need to be figured out before we complete this process.

Mr. Metzger: Obviously, I haven't read the report. But I heard you discussing vapor barriers. I believe there is still going to be a basement level in the market rate building and a slab on grade for the affordable housing. You may want to check that. I don't know that a vapor barrier in a below-grade facility like that, where there is potential flooding ... I think you need an actual waterproof barrier as opposed to a vapor barrier. So a slab on grade would have a different construction method than an actual space being constructed below grade in an area that's prone to flooding. You may want to just check on what would be proper building practice there. Thank you.

Chairman Cameron: Thank you. So does anyone else have any comments? We will put these reports on the Web site and the public can comment when we have a public meeting.

If no one has any further comments on this we can move to the Urbanomics report we got on discussing affordable housing in separate buildings. There seems to be some difference of agreement on the first point. Urbanomics set forth some possible ways of dealing with securing tax credit investors. There doesn't seem to be that much difference on the second point. I don't know whether people had a chance to study this because it's somewhat hard to read.

Boardmember Alligood: It's consistent with what I looked into, which is that it's not impossible to have the units scattered throughout the two market rate buildings. That's done frequently in other locations. But it certainly would make it very difficult for the conversion to condos, which the applicant wants to do in the future. It makes it more difficult to find tax credit investors. But not necessarily impossible, just potentially more difficult. So I think we just have to grapple with how we feel about the units being in a separate building.

Chairman Cameron: And how everything's structured, which we'll get to in a few minutes. I noticed that GDC got approval for a building in Greystone, a 302-unit apartment building, recently. Isn't that their building, a 302-unit apartment building down in Greystone?

Mr. Zarin: I don't know if the county had approved it.

Chairman Cameron: OK, but they're applying for it. Does that have affordable units in it?

Mr. Zarin: I'm not sure, to be honest with you.

Chairman Cameron: I would suspect it would. Plus, Yonkers doesn't have affordable.

Village Attorney Stecich: I don't think it was under the mandate.

Chairman Cameron: Does anybody from Affordable Housing have any view on that?

Sue Smith, Affordable Housing Committee: I'm not sure.

Chairman Cameron: OK, well, we'll find out. So it's actually ironic, isn't it, that our friend from Freddie Mac seems to be our major block to the financing, when it's in the building itself. So we will have them here. I was sort of curious whether they could try to ... having been a tax lawyer myself, whether they could find a way of passing the voting power through the syndicator to the investors, even though the syndicator may not want to do that, and thus not have the 10 percent over. But that's a more technical question. Does anyone else have any comments on this thing here?

Boardmember Sullivan: I'm just going to ask for the same weak caveat of getting some comments. So thank you.

Chairman Cameron: Maybe we might turn to a couple of other issues. One is the layout of the buildings on the site. We have been looking at them, individually talking about looking at them. One of the problems we have in looking at it is that we have this affordable unit building at the south end of the site surrounded by 30-plus parking spots, consisting of all the trail spots and its own spots. You know, we are trying to do the best we can for the affordable building as we try to make the decision of whether or not we're going to recommend that the affordable units be in a separate building or spread throughout the buildings.

In looking at it and looking at the layout, we also have a problem that we still don't have our 1.75 acres that we had last time, this thing that was put before us. We're up to 1.61, and,

notwithstanding that the developer has asked for a density bonus, they can't seem to give us the open space. So we began to look at the plan. In fact, we pulled out the 2006 plans and spotted a couple of things in those plans which actually could put the affordable building in a much better spot and make it all much easier for all of us, I think. Maybe not all of us, but certainly those of us who have to look at the affordable building.

That is, if you look at the 2006 plans you will see that, at that time, building A was about where it is now. It was a longer building. And building A had its entrance ramp coming into the garage from the north side. That's a clever thing to do because that actually saves you about 20 feet in your site – I have an extra copy of the plans – so that actually gives us another 20 feet on the site, or maybe even 30. They can actually put the entrance ramp on the site setback there without violating anything because the road is going to the building.

Then we looked at building B, the other very long building, which is on the south end. And lo and behold, it had its ramp coming in from the south side of the building and has something else which was very nice. It was a nice piece of architectural design, I thought. It had the ramp continue on so behind the building, at the apex, you really couldn't see it from building B. You had the parking for the trailhead. That actually is a nice way of getting things set up initially. Were we to do that, we would solve building B's problem, which is currently sitting partly, to a very minor degree, over a 100-year floodplain. We could slide that building and, lo and behold, we could put the affordable building in the middle, along with the Community Center right next to it and parking for it.

What that does for the affordable building, it cuts down the number of parking spots around that building from 33 to about 22 or 23. It also allows the affordable building to have more space around it than it has currently. It solves our problem with the trees because we want to keep the trees. They're actually in a good spot to be saved.

Our friends from Ginsburg have said they want it to be more of a community, and I believe if the affordable building was in the middle it's much more of a community long-term. We can have the affordable building have its own lot, and the two market rate buildings would have a walk which is U-shaped because it would have the piece behind coming up the other side. But it would be a single lot, as well. And it solves the parking problem I mentioned.

Incidentally, and funnily enough, the engineering consultant said you would have to review the bridge again if it wasn't in the same spot. And by doing this, you can give us the 1.75 acres quite easily and the bridge now will be in the same spot. Currently, it is not. You've pushed it back. So for all those reasons, we think that the affordable building should go in the middle.

Mr. Zarin: Mr. Chairman, do you have a sketch of this?

Chairman Cameron: No, I don't have a sketch of it, but you are going to produce one. That'll be terrific.

[laughter]

Mr. Zarin: I really don't understand it the way you described it.

Chairman Cameron: Well, it's actually pretty simple to understand. You take your two buildings and push them to the outside edges, and have their butt ends sit where the butt ends at the original two buildings, the 200-300 foot buildings. Remember where they were? So on the northern point, that's where one of your buildings is. The southern point is where your other building sits.

Mr. Zarin: [off-mic].

Boardmember O'Reilly: That'd be for the 2006 plan.

Chairman Cameron: From the 2006 plan. If you're looking for it, it's right here. It's drawing S-1. And the nice thing about it is, it doesn't cause anything [off-mic] sewer pipes, either.

Boardmember Alligood: What was the last part of it you mentioned?

Village Attorney Stecich: That it wouldn't be over the sewer pipes.

Chairman Cameron: So basically, under this one, this would be your building A. It would end about here, not as long as this one. And this is building B, it ends about here. And you have this very nice feature of coming in over here for parking, where the trail ends. And then there's lots of space in here, and it actually fits very nicely for the affordable building B and the recreation center and parking. It all fits in very nicely and it gives us what we want, which is not so many cars around the affordable building. It actually is a very nice balance, with the two bigger buildings on the outside and the smaller building on the inside. The smaller building can be slid back a little farther, but it is quite small.

Mr. Zarin: And the objective is to...

Chairman Cameron: To give us something you could proudly call an affordable building.

Mr. Zarin: You could probably talk to any architect and they'd have a difference in what they'd call aesthetic view. I'm just trying to understand.

Boardmember Sullivan: You have to use the mic.

Mr. Zarin: Oh, I'm sorry. I'm just trying to understand. One of the primary motivations, if I understand it, is you were trying to remove the parking from being adjacent to or abutting the affordable building?

Chairman Cameron: Well, the affordable building currently – the way you redid it just recently – has required parking of 18-1/2, and you have 33 parking spots around it.

Mr. Grealy: It requires 20 spaces.

Chairman Cameron: You have 33.

Mr. Grealy: And we have 22, plus 11.

Chairman Cameron: Well, I counted them up, and it depends which one you look at. I thought it was 18-1/2, and then maybe three or four for guests. But there you are with 22. But this thing is wonderful because people in building B really can't see that parking, and it's nicely hidden out of the way. And it was what you proposed last time, which I think is terrific.

Mr. Zarin: Building B now becomes ... when you say "building B..."

Chairman Cameron: I'll call them A and B. It's easier. And then we have the affordable.

Mr. Zarin: And the affordable in the middle. So you're A, B, and then the middle is the affordable.

Chairman Cameron: We can change the numbers later.

Mr. Zarin: No, I'm just trying to understand it. Just understanding your reference.

Chairman Cameron: And you can get, at that point, 1.75 acres, which we had before.

Mr. Zarin: So taking this, we're talking about ... what does it look like in comparison to this? Let's talk about it. So it means flipping this and putting building B on the outside. You're saying bring C into the middle.

Chairman Cameron: Right.

Chairman Cameron: And the nice part about it, see, after you put in your ramp and everything you put B on the outside, it doesn't even come to this spot here. So you're avoiding it. This goes here. You could even bring C back a little bit and put some parking here and some more parking here.

Boardmember O'Reilly: I'll tell you what I like about it actually, that suggestion. With it in the middle, for my mind it overcomes any objection – not everybody's objection, but some objections – to thinking of the affordable housing as being down at the end and sort of on the same lot. You can still subdivide the lot and have it as part of the community, and it could be a separate building.

Chairman Cameron: Right.

Boardmember O'Reilly: Ginsburg gets what they want, and we kind of get what we want. And you get your density bonus back.

Mr. Zarin: Did we lose it?

Village Attorney Stecich: No.

[laughter]

Mr. Zarin: When did we lose it?

Chairman Cameron: I never said Michael was dense.

Boardmember O'Reilly: But I actually like that. You get a larger open space.

Chairman Cameron: I measured it, and you get back the 1.75 acres.

Boardmember O'Reilly: But I do like the idea of that one in the middle if it could be done.

Chairman Cameron: I think it's a much better balance and much better community feeling. I understand you now have an affordable building in the middle of your development, but you do have all the legal requirements you want to have. They all have the ability to go condo, you can put a few more trees in, but I think it's a much better lay of designs.

Mr. Zarin: All right, let us look at it, let us think about, sketch it out, and see if works. This is the first time we're hearing it. We'll look at it. Bruce, anything you want to say about it, in general? OK.

Chairman Cameron: So we'll talk to you about timing. Because, you know, we'd be happy to move forward and I know you guys want to move forward. But we need to know what's going come out at the far end, and not have it appear ... we fortunately have a long period of time between these two meetings so we're rather hoping that we'd be able to see something from you, initial reaction. And then after that, to see an actual ... you can go out of the room, if you want.

Bruce Lozito, architect – Saw Mill Lofts: I was just going to request ... we have an application before you and we were hoping that you would schedule a hearing – or a public discussion, really, you don't have to have a hearing – so that the public's commentary could be considered also before we start revising what we've proposed. And then hear comments to the contrary from the public, or other issues that arise. So we'd like to have the opportunity of a hearing on what we've proposed for public discussion on what we've proposed.

Chairman Cameron: I think you should put them both up there and we'll let the public choose if that's what you want to do. If that's really what you want to do, we are representatives of the public but we also need to get their views, as well. But if you had them both in front of them, I think we know which one they'll choose. They might choose a third one, which is put them all in the two buildings and forget about the third building.

Mr. Zarin: No, OK. Well, that gives us options also. But if you could schedule a hearing and we can, in the next few days, examine what you've suggested with the client and get back to you. It would either be a hearing on both or a hearing on one or the other or on...

Chairman Cameron: Well, if we have a hearing we would have it on ours, whether you want to continue to carry yours forward.

Mr. Zarin: I'm not sure ... look, I...

Chairman Cameron: We're trying to help you.

Mr. Zarin: No, and I was going to say I respect the suggestions and I'm trying to understand exactly the issues we're addressing. But I guess I'm not familiar with the phrase of a planning board telling an applicant that there's their proposal and our proposal. I'm just not familiar with that terminology. I think what Bruce is saying is let us go back, let us look

at it, let us see if it's feasible, let us see if it works both from an architectural and physical and business perspective. And if it works we'll certainly present it. Because it's been clear that that's something that you seem to have a good feeling for. If it won't, we'll come back and say why it doesn't or why we don't think it does.

But we'd like to schedule a public hearing, and we'll either have it on what we've proposed – and you obviously have the right to make whatever determination that you're going to make at that point – or we'll prepare another one. And we might replace this one with the one you're talking about. That's all we're asking.

Chairman Cameron: I don't care if we do it on both. That's fine with me. But if we don't vote on ours, you may lose another month. I'm just suggesting that to you.

Mr. Lozito: I have to see if it works.

Chairman Cameron: We didn't say you don't. And we would like to see what you're drawing up. I think we sort of chose something like the 5th of June to see that. We have this extra week.

Mr. Zarin: Now, do you have any work sessions or meetings before the next...

Village Attorney Stecich: There's no regularly scheduled ones, no.

Mr. Zarin: There's nothing.

Village Attorney Stecich: But what Jamie's saying is we could schedule the public hearing for what would be the June Planning Board meeting. And if you've got the new plan, that would be terrific. If you don't, and you just say, "Listen, it's this or nothing," OK, you've had your public hearing and the Board decides.

Mr. Zarin: Correct.

Village Attorney Stecich: I think everybody's really sort of saying the same thing.

Chairman Cameron: We need this as a winner for everybody. And we understand you'd just as well have the affordable building 10 miles down the road. But we're trying to make this into a community, we're trying to make it work.

Mr. Zarin: That characterization, respectfully, is not fair or true.

Chairman Cameron: And we love the affordable units.

Mr. Zarin: And all the people and all the affordable experts we met with and talked with I think will testify on the record that this is not a segregated community. And even though the affordable has been placed in a separate building, that it doesn't meet the characteristics of what I think you're articulating. It's an integrated community architecturally, functionally, proximity and the like.

So I think we're just as sensitive to that issue as you are. And certainly, the people in the affordable housing community, I would say, are just as sensitive and will testify to that. So I respect that you're acting with all sincerity and trying to make it a better project, but a characterization like that I just think is unfair. It's not our goal, and I don't think that's what we've proposed.

So let us go back, let us think about it. Let's look at it. We will do as we've done throughout this process. We'll sincerely and meaningfully go and review it, and we'll get back to you in a legitimate and respectful way. And if it can be done, we obviously hear your sentiments. If we can't we'll tell you why we don't think it can. That's what we can do.

Village Attorney Stecich: Could I just emphasize one thing Jamie said? I think it was a really good point. He said it in the beginning when you were trying to go through what are the advantages of doing it that way and if you decide you absolutely can't do it that way for some reason. A big concern is that building C had all this huge amount of parking next to it. I think it used to be a little bit more spread out, and then you narrowed the street and then it got a lot of parking. It's just that building C walks out to a huge parking lot. So if, for some reason, you think you can't detail something, at least do something with the parking.

Chairman Cameron: But even more than that, you've got us down to 1.6 acres. We had 1.7 last time. And you're getting a density bonus? The two of them are really contradictory. You can't give us as much land? Because this way you can. By putting the entrance ramp over on the north side of building A, you pick up another 20 feet. Right now, you have it on the south side. And you also have this extended neck here because of the trees. If you put the entrance ramp there and the other building with the entrance ramp here, then you get more space in the middle. It's just a better way of using the space.

Mr. Zarin: All right, let us look. I think it's a good point in the sense of understanding your concerns about the parking. And obviously we understand your concerns about any reduced open space. Let us go back and look at it.

Chairman Cameron: OK.

Mr. Zarin: OK? That's all we can do.

Chairman Cameron: Now, the other thing, you promised to come ... why don't you sit down? It's good to see you, Michael, though.

Mr. Zarin: I feel like we're starting to get...

[laughter]

Chairman Cameron: The other thing which you promised to come and talk to us about is how you were going to allocate expenses among the various buildings and structures. I did pick up one comment in the minutes – and I'm sorry I wasn't here at the April meeting – that GDC would be involved for 15 years, thereabout. At least that's what the thing in the minutes was. I don't know quite what that meant. GDC may be our best friend for the next 15 years, but after that we need to make sure that the affordable building, if we have a separate building, is properly protected from the people around it who may not have their interests at heart: it's now been sold, it's a condo and what have you.

So we really need to figure out longer-term protections for that building. I don't know quite what they are, but the last time it was brought up you guys said we'll come back and talk concepts. It was concepts, but not dollars and cents. So I think it would be useful if we could get that. How do you allocate the costs of maintaining the interior road? If everyone forgets about it you're going to have to replace it. Things of that nature. We really need to get those concepts firmly in hand and figure out how we protect that building for Hastings, long-term.

Mr. Zarin: OK, I think we did address some of the points. We committed that the market rate will now own and maintain the greenway. It was responsive that the market rate would maintain and own the bridge, the pedestrian bridge. And that with respect to the open space and the public amenities, which will be shared by all residents of the site, that we would equitably apportion that pursuant to, or in accordance with, both the numbers and financial means.

But I'm not sure – again, respectfully – that that agreement per se is something within the jurisdiction of the Planning Board; the types of economics between business. So I'll defer to Marianne to opine on that. I understand the concept. We've made some major changes in response to that, but I'm not sure that's necessarily within the jurisdiction for us to provide the Board, or the Board to require, what is going to be the absolute maintenance charges and the like and how we're going to allocate those maintenance charges.

Chairman Cameron: Well, I'm sure you realize that one of the major differences between having the units scattered in the building and having them in a separate building is exactly those costs. If the people are in the building you can only take so much rent out of them, and after that the building has to operate. Once you put them in a separate building, it's a completely different kettle of fish. And maybe I should be asking our Affordable Housing Committee how they're going to keep this place alive for 99 years, as I heard from them when they were last here. They want it around for 99 years. We won't be around, but hopefully the building will.

So we do have some concerns about it, and we'd like to hear what you're planning to do. I'm not saying we get to approve the agreement, but I'd like to hear what you're planning to do. And we'll have to figure out where we go from there.

Mr. Zarin: OK.

Village Attorney Stecich: Does the rest of the Board agree that you want to have the public meeting? I mean, we call it a public hearing, although it's not statutorily required. But I think the Board would want to give the public the opportunity. I would recommend the June meeting just because otherwise it's getting kind of late into the summer. And we can ask the traffic person.

Chairman Cameron: Urbanomics person?

Village Attorney Stecich: Yeah. Do you want the soils person there?

Boardmember O'Reilly: The who person?

Chairman Cameron: Soil.

Village Attorney Stecich: Soils person. The engineer may be able to answer the soils question. So if we had them at that meeting then you guys could have whoever you want and, hopefully, you'll be close to a plan that everybody can agree on. Because I think probably even moving the things around isn't going to change much of the stormwater stuff. You know, the calculations shouldn't be that different.

Chairman Cameron: In fact, this should help SEQRA because buildings A and B will be in the same footprint as the old A and B, actually.

Mr. Zarin: What about the possibility – and I just throw this out, I know it's been discussed,

at points, and the Village Board at one point had also raised it – of a joint hearing between the Village Board and the Planning Board?

Chairman Cameron: I think we're going to do our own meeting first. We'll talk.

Mr. Zarin: OK. Now, the June meeting. Are we talking that as the formal public hearing?

Chairman Cameron: Yes.

Village Attorney Stecich: Yeah. That's why Jamie was saying if you get this stuff ahead of time to people to look at, to make sure that that people are generally comfortable with it. Let's say there were some changes on it that you might want Langan to take a look at, and say is this going to affect this, is this going to affect that. Hopefully, you'll come up with something that the Board's comfortable with, and then we can just make sure that Langan looks at the physical things to make sure that it's OK.

Mr. Zarin: Right. That it doesn't change their analysis.

Village Attorney Stecich: Yeah.

Mr. Zarin: Understood. OK?

Chairman Cameron: All right. Anybody else have any comments?

VII. ANNOUNCEMENTS

Next Meeting Date – June 20, 2013

VIII. ADJOURNMENT – APPROXIMATELY 9:50 P.M.

Chairman Cameron: There's nothing else on the agenda so I'm going to adjourn the meeting. Thank you very much.

Mr. Zarin: Thank you.