

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING
MARCH 20, 2014**

A Regular Meeting and Public Hearing was held by the Planning Board on Thursday, March 20, 2014 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 Kerry Gould-Schmit, Boardmember William O'Reilly, Boardmember Kathleen Sullivan, Boardmember Richard Bass, Village Attorney Marianne Stecich, Deputy Building Inspector Charles Minozzi, Jr., and Deputy Village Clerk Mary Ellen Ballantine

Chairman Cameron: Welcome to the March 20, 2014 meeting of the Hastings-on-Hudson Planning Board. We'll start with roll call, please.

I. ROLL CALL

II. APPROVAL OF MINUTES

Meeting of December 19, 2013

Chairman Cameron: The December 19 minutes, we're actually down to only two people here. Actually, I have cleared it with everybody. I forget, who else was here?

Boardmember Gould-Schmit: I was here.

Village Attorney Stecich: Rhoda.

Chairman Cameron: No, just you, me, Rhoda and Michael.

So do you have any comments? No? I'm fine with the minutes, too. We're going to have to figure out, in writing, how to deal with it. Everyone says they're fine.

Village Attorney Stecich: Yeah, I think it's fair to deem them approved.

The Minutes of the Regular Meeting and Public Hearing of December 19, 2014 were approved as presented.

Meeting of January 20, 2014

Chairman Cameron: Any comments on the January 20, 2014 minutes? Which we didn't discuss last time because a few people hadn't gotten them. No changes, no comments?

On MOTION of Boardmember O'Reilly, SECONDED by Boardmember Alligood, with a voice vote of 5 to 0 (Boardmember Bass abstained), the Minutes of the Regular Meeting and Public Hearing of January 20, 2014 were approved as presented.

Meeting of February 20, 2014

Chairman Cameron: Anybody have any comments on the February 20 minutes?

Village Attorney Stecich: I gave mine to Mary Ellen. They were just little changes.

Boardmember Alligood: I have some. Should I just give them to her, a couple, three different pages where I have some corrections? I wrote them.

Chairman Cameron: OK, why don't you give them to her.

Boardmember Alligood: I'll just hand them to you.

Chairman Cameron: All right, any other changes to the minutes?

Boardmember O'Reilly: I just thought it was incredible detail because it recorded that I said, "*Mm-hmm.*"

Chairman Cameron: Yeah, well, that's very good. The person who was transcribing it probably thought that was a word.

On MOTION of Boardmember Sullivan, SECONDED by Boardmember Alligood, with a voice vote of 5 to 0 (Boardmember Gould-Schmit abstained), the Minutes of the Regular Meeting and Public Hearing of February 20, 2014 were approved as amended.

III. NEW PUBLIC HEARINGS

1. **Accessory Apartment Permit Renewal – Application for Rosamond Janis – 4 Floral Drive – SBL 4.40-34-6. No waivers required.**

Chairman Cameron: Buddy?

Deputy Building Inspector Minozzi: There have been no changes in this accessory apartment since the last inspection, and there has been no complaints received by our office.

There was, however, a mistake in the square footage calculations, which I corrected. But it's still under the Village's maximum allowed amount. It's at 19.5 percent. So they are code-compliant, there are no waivers requested, there is off-street parking. I recommend approval for another three years.

Chairman Cameron: Anybody on the Board have a comment? Anybody from the public wish to address this renewal?

On MOTION of Boardmember O'Reilly, SECONDED by Boardmember Gould-Schmit with a voice vote of all in favor, the Board approved the application for the accessory apartment renewal at 4 Floral Drive.

2. **Accessory Apartment Permit Renewal – Application for Leah Rossner – 115 Pinecrest Parkway – SBL 4.100-95-40. Waiver required for parking.**

Deputy Building Inspector Minozzi: Again, there were no changes in the accessory apartment since the last inspection and there's been no complaints received by our office, and the square footage is OK.

It does, however, require a waiver for one parking space. So it code-compliant, there is one waiver requested at. And that waiver is, like I said, for one parking space. I recommend a waiver for another three years.

Chairman Cameron: Is the owner here? Is the apartment in the basement? Is that where it is?

Deputy Building Inspector Minozzi: Yeah, it's on the lower level of the house. I guess

you could call it a basement. It was really not a basement.

Chairman Cameron: You go downstairs.

Deputy Building Inspector Minozzi: Yeah, you go down the side stairs to the back of the house.

Chairman Cameron: Anybody on the Board have a comment about this?

Boardmember O'Reilly: They don't use any off-street parking there? Because the driveway doesn't seem to be used.

Deputy Building Inspector Minozzi: When I was there it was heavy in the wintertime and there was a lot of snow. It didn't seem like they could park in the driveway because the driveway was kind of plowed in. But it is almost on the end of the dead end of the street. They have enough parking for two, and they do need the one more. But we haven't gotten any complaints about parking from those neighbors down there, and this was approved this way three years ago.

Chairman Cameron: Yeah, we can't make people park in the driveway if they don't want to, as we've well learned.

On MOTION of Boardmember Alligood, SECONDED by Boardmember Gould-Schmit with a voice vote of all in favor, the Board approved the application of Leah Rossner for the renewal of the accessory apartment located at 115 Pinecrest Parkway. This approval also includes a waiver for off-street parking.

IV. NEW BUSINESS

Steep Slopes Approval – Application of Adam & Kate Dratch for minor re-grading of portion of rear yard area to provide for flat usable grass area for family use at 15 Pleasant Avenue. Said property is in R-10 Zoning District and is also known as SBL: 4.40-28-2 on the Village Tax Maps.

Bill Hamilton, principal - Omland Engineering Associates: Is this where I should make a presentation?

Chairman Cameron: Yes. State your name?

Mr. Hamilton: I'd be happy to. I'm Bill Hamilton of Omland Engineering. I'm here tonight to represent Adam and Kate Dretch, who own the property at 50 Pleasant. The proposal that we have for you this evening ... and if I could, I have a copy of the plans. Is it possible I could put those up and maybe talk and walk you through them?

Chairman Cameron: Yes. The one thing is that we actually have no idea how big the audience is. But the audience is right there in that little camera looking at you, so you could more or less talk in their direction.

Mr. Hamilton: No problem.

Chairman Cameron: And don't block it.

Mr. Hamilton: How is this?

Chairman Cameron: That'd be great.

Mr. Hamilton: OK. What we're proposing is to flatten out a little bit of the backyard – it's around 1,000-and-so square feet – to give a play area for the children of the homeowners. Right now, I'm looking at sheet one of one, the steep slope disturbance plan that I submitted – or we submitted – with the application. On the left side we did a calculation, as is required of the existing steep slopes on the property. As you can see, the white area are the slopes that are less than 15 percent; the gray area is 15 to 25; and then the darker gray are those slopes that are over 25 percent. You can see that a majority of this site is within that middle 25 percent slope area.

Moving to the right, I'll just talk a little bit about what were proposing. We'd like to have an area, or they would, outside their back patio – this is a raised deck – which is flat so the kids can play in that area. Right now, again, it's in the 15 to 25 percent slope area. If you throw a ball there it rolls down to the neighbor's property. We propose to accomplish that by terracing the land a little bit, putting in a small wall on the upper right side of the home and then, again, another small wall on the left side and balancing the grade. We're moving about 30 cubic yards of material, cut and fill, that is balanced. The wall is no higher than 3 feet. So it's a very low wall, but it does allow us to get that flat area that the children could use.

Right now, there's a stockade fence that runs along the rear property line. We propose to replace that with a new fence. It's detailed in the plans. We also have a small decorative fence on, I guess, the west side of the site. Even though we don't need it for a 2- to 3-foot wall, the homeowners would like something there just so the kids don't go over the wall. But

again, it's a small, 4-foot decorative fence that's detailed on the plans.

Looking at the steep slope disturbance, in your ordinance you're allowed, or permitted, to disturb, in the 15- to 25 percent range 35 percent of the steep slopes. What we're proposing here, we're at about 17 percent. So we're much lower than what could conceivably be approved for the project. In the 25 percent range, you can see again that there's not a lot of 25 percent slopes on the site. We're allowed to disturb up to 25 percent of that; we're down around 17.9. So we're around the same percentage although, obviously, we're disturbing quite a bit more of the slopes within that 15- to 25 percent range.

We submitted a second plan, as well, which is entitled "proposed cross-sections." The reason we did this is just to give you a feel, in the cross-section both on the lower left-hand side of the plan – which is section AA – and on the upper right side how much material we're moving around. You can see it's not terrifically significant. Section AA runs in an east to west direction through the play area. As you can see, the dash lines are the existing slopes and the solid line are the proposed slopes. You can see we're leveling off that area, cutting a little bit to the right here, and filling a little bit to the left.

Section BB runs through the center of the play area. And as you can see there, we're pretty much at grade. There's a little bit of fill that's being proposed adjacent to the existing deck, but we pretty much get back to grade as you get back to the rear part of the site. There are a couple shrubs in this area that are going to be removed. We've looked at the condition of them, they're not great and we do plan to replant certain areas back – not in this area because that's the general play area, and we're not disturbing the shrubs – I guess it's to – the west of where the proposal is.

So that's what we're proposing. I'd be happy to answer any questions or provide any additional information.

Boardmember Bass: I have a couple questions. The distance between the proposed wall and the proposed fences, how wide?

Mr. Hamilton: At the rear you mean?

Boardmember Bass: In the rear.

Mr. Hamilton: I could tell you exactly. It looks like between the back of the wall and the fence.

Chairman Cameron: Isn't there a fence there?

Mr. Hamilton: There's a stockade fence that we're going to rebuild and replace because it's a little bit in disrepair.

Chairman Cameron: You already have one there.

Mr. Hamilton: Same size, 6 feet.

Chairman Cameron: OK, so you're replacing existing fence.

Mr. Hamilton: Correct.

Boardmember Bass: So maintaining that 1-foot area, how will one do that practically?

Mr. Hamilton: I think we're probably going to have wood chips in that area. Obviously, we couldn't grow grass there. Potentially a ground cover, but it's going to be something of that nature.

Boardmember Bass: OK. And the fence isn't contiguous with the property line. Is there an issue of encroachment by the other property owner? It looks like you're giving up a half a foot.

Mr. Hamilton: We are. There's a slight encroachment. We didn't want to really get into moving ... they have a cinder block wall, I think, behind the garage. So what we've proposed is to move our fence in.

Deputy Building Inspector Minozzi: Richard, it's always been our policy to recommend up to 6 inches on your own property to stay away from the neighbor's property line. That's been since long before I've been here.

Boardmember Bass: The only reason I'm asking is, one of my neighbors built a fence and they encroached further on my property. So the adverse possession question was going to be my next question.

Mr. Hamilton: Again, we made it 6 inches off so we avoid that issue.

Chairman Cameron: Anybody else have any questions, comments? Anybody in the audience have any questions or comments?

So we're looking for an approval of the steep slopes application of Adam and Kate Dretch for

minor re-grading for a portion of the rear yard to provide for a flat area for family use on their home at 15 Pleasant Avenue.

Boardmember Sullivan: Can I just say, I think did I not see in the application a request for a waiver?

Chairman Cameron: No.

Mr. Hamilton: We got them anyway.

On MOTION of Boardmember Alligood, SECONDED by Boardmember O'Reilly with a voice vote of all in favor, the Board approved the steep slopes application of Adam and Kate Dratch for minor re-grading of a portion of the rear yard located at 15 Pleasant Avenue to provide a flat area for family use.

Chairman Cameron: Thank you very much.

Mr. Hamilton: Thank you.

V. OLD PUBLIC HEARINGS

1. **Subdivision, Site Plan and Steep Slopes Approval -- Application of Ginsburg Development Companies, LLC, for 1) the subdivision of a 7.45 acre tract of land situated on the westerly side of Saw Mill River Road (State Route 9A) immediately south of the municipal boundary with the unincorporated area of the Town of Greenburgh, and approximately 0.3 miles south of the intersection of Lawrence Street and Saw Mill River Road, into a total of three lots;**
2. **Site plan approval for the development of the three lots for a multi-family dwelling complex with a total of 66 dwelling units, 12 of which are proposed to be affordable units; and**
3. **Steep slopes approval.**

Village Attorney Stecich: Just while they're setting up, let me give the Planning Board just an update. Obviously in my memo we'll go through all those issue. But I talked to Doug

Hahn today, our engineers, to find out whether they've had a chance to review the answers from their engineer and to look at the new submission. They just really looked at it fairly quickly. They just got it Friday so they haven't had time to review it.

They've been trying to work directly with SESI Engineering to try to come to agreement on stuff. They think they'll probably be able to come to agreement on most things. They do think there could be some stormwater drainage issues. There seems to be kind of a big difference there. If it looks like they're not able to work it out, I don't know, maybe we could do something in between – maybe a meeting with Jamie and the engineers and the applicants ...

Chairman Cameron: If one or more of you would like to come, but not three of you.

Village Attorney Stecich: ... to try to work that out. The one thing Doug did recommend is that this Board ask GDC to submit renderings of what these bioretention ponds are going to look like. I think I forwarded to everybody the photos that Doug had sent. I thought I sent to everybody, but it doesn't matter; maybe I just sent them to Jamie, but I thought I sent to everybody. They were pictures of sort of typical bioretention ponds. But he told me, "Now I'm having some little pause. Those are typical bioretention ponds, but a typical bioretention pond is 18 inches deep, 24 inches deep, and these ones proposed are deeper."

So he's not comfortable that those pictures represent what this would look like. Right now, all you really have is on the landscape drawing, little pictures of maybe the plants that are going to be in there. Doug suggested you may want to see a rendering of what these bioretention ponds would look like to address the issue you raised, Kathy, about how deep it is and how safe. Anyway, if the Board wants to recommend it, do so. That was it, for the moment.

Bruce Lozito, Ginsburg Development Companies: Good evening, everyone. With me tonight is Glenn Ticehurst, from Benedek and Ticehurst, who's the landscape architects on this project. He hasn't had a chance to do a presentation to explain the basis for his design, or rationale. I know he just received, on Friday I think it was or Thursday, your consultant's comments. I expect the Board will want to discuss some of those issues, so I thought Glenn would be the most helpful to have here to respond to your questions.

Just real quickly, based on what you were just mentioning, Marianne, there is a detail sheet in our package that shows – in engineering fashion, of course – sections of the detention, the bioretention, basins. We could probably take those that are engineered, and add something to them to make them more representative of how they're going to look visually in a regular form.

Village Attorney Stecich: Yeah, so people know what they're going to look like. On the ground, are there walls around it?

Mr. Lozito: You'll have stone walls and that kind of thing.

Village Attorney Stecich: Which the Board needs to see.

Mr. Lozito: I did speak with Tony Castillo, before I came, about the questions that Hahn has raised. They're talking back and forth. One of the things we're going to look at is making those bioretention basins a bit shallower than they are now. So we're going to try to work on that.

I'm confident that they'll be able to come to a meeting of the minds. But I think that's a great idea. If there's something we need your help in getting together to sort of all come to an agreement, that would be wonderful. Appreciate that opportunity.

One of the things I wanted to mention, we're back before the funding agency. We submitted applications, resubmitted applications, back in December of 2013. Our first application wasn't approved, and one of the key reasons we were given was the fact that it wasn't shovel-ready at that time. We were too early in the approval process. In fact, we had to submit it in January of 2013, and I don't think we submitted our concept plan application until shortly thereafter. We really weren't in the approval process long enough or far enough for them to feel comfortable that we would be ready to implement the project right after they approved the funding.

So we re-approved, resubmitted in December. And at that time, having had concept plan approval and a SEQRA neg dec under our belts, we've made a lot of progress. Also, your affordable housing code had been amended at that time. We estimated that by April we would have site plan approval. So we'd like, if it's at all possible, to try to achieve that. We're willing to do anything we can on our end to give you what you need to make that possible. So just as a preamble to the presentation.

The package that we submitted last week was largely devoted to addressing the SESI concerns. So there were a lot of minor revisions to the plan that responded to engineering issues, for the most part, and additional materials and calculations and things like that SESI prepared and submitted for Hahn's review. We're sorry we didn't get that to them sooner, and we appreciate the fact that they did make an effort to look at it between the submission and tonight to get a sense of where we stood.

I just wanted to briefly go over some of the changes in the additional information that we provided that wasn't necessarily engineering-related. Then turn it over to Glenn to let him talk about the landscape plan. Partly in response to comments the Board had made, and GDC's own desires – and others, Hahn Engineering's – we made a couple of changes to the site plan. One of which I'll describe when I show the enlargement, was to change the gazebo area to a more usable, attractive use than just a gazebo. We have turned it into a barbecue area with tables and benches that'd be a more likely place for people to come, congregate, do board games, cook, picnic, whatever type of outdoor activity they might want to do. As opposed to a gazebo, many of which unfortunately don't get used very much and are really more decorative than anything else.

Our other reason for doing that was, we were a little concerned about having a structure, a 1-1/2 story structure, right outside the windows of buildings A and B that were pretty close to it. We weren't able to put that use here because of the steep slope limitation, so it ended up being here. After we thought about it, particularly after the field visit, it became more apparent to us when we saw the stake-out of the buildings that that was a little bit tight to try to put a structure. So we've replaced it with this barbecue and seating area that we think actually better serves the purpose of creating an opportunity for people to mingle.

The other changes to the plan was, we reconfigured the trash enclosure area after looking at that more closely in response to comments from the county, Hahn Engineering and the Board to make sure that was adequate for the project and size. A couple of things you wouldn't be able to see, Hahn Engineering had asked us to put some fencing on retaining walls, any retaining walls that were more than 4 feet in height. So we've done that as a safety measure.

I think that was really it for the site plan changes. In terms of another piece of information I think was of interest to the Board, you wanted to see more about the pedestrian bridge over to the South County Trailway. We've done some work on that, and I think we've come up with a good solution. We did have a detail of this manufacturer's bridge in the original submission, but we hadn't selected materials and we hadn't really worked out the design. This is what we're proposing now. It's a Contech prefabricated bridge. We're proposing to use Corten Steel, which is that weathering steel that comes to a naturally-occurring patina that remains in place. It doesn't require painting and weathers well; it's attractive, we feel. We're told by the manufacturer that 95 percent of the requests they get for bridges in a park-like setting uses Corten material. It's often used for sculptures and things like that because it does require little maintenance, takes a more natural type of a look and remains that way.

We have a little tricky condition, where our side of the river is higher than the trailway side of the site. So we're going to be gently pitching this bridge from our side down to the trailway area. It will meet handicap requirements, and there's a detail on one of our detail

sheets – D-4, I believe it is – that shows how you can have an 8 percent pitch, then a landing area, an 8 percent pitch, landing area and so on so it's really accessible for the handicapped.

The other thing that Jim at Hahn Engineering had asked about was making certain it was above the 100-year flood elevation. I have to confess, the plan that's in your package has an error. I have extras of it here. I caught it when I was preparing the presentation and had the engineers make a change today. They had this side a little lower so that 1-foot clearance wasn't achieved across the whole span. Obviously, it's a minimum of 1 foot, but it's considerably greater clearance as you go over toward the site where the bank rises. This was a section that Hahn Engineering had also asked for just in terms of being sure it didn't impact adversely on the river. I gave you copies of these photographs so you could see those up close.

One other thing that might be pertinent to add at this point, which I discussed with Marianne today, I was under a misconception that having appeared before the ARB once in February, and they had given their recommendations to you, that we were finished with them until after site plan approval. But I have been reeducated on that, and we plan to go back. They have a meeting April 7. They had asked about the materials for the bridge, too, so we'll be going over that with them. We had actually mentioned the Corten steel at that time as one of the possibilities. I think they reacted favorably to that, but we'll verify that by going back to them.

Chairman Cameron: So is the bridge about 90 feet long?

Mr. Lozito: It's about a hundred.

Chairman Cameron: And the change in height is 6 feet?

Mr. Lozito: The deck itself is right in here. Just using the bottom cords, 128 to about 123.

Chairman Cameron: Before, when you did the bridge here showing on the left, up above on the left has actually got an arch in it. I think you had a problem at that point with the arch of having too steep of a slope at one end of the bridge.

Mr. Lozito: Right, coming down.

Chairman Cameron: In order to comply with ADA. I just did some quick calculations.

Mr. Lozito: Right, it would be more direct.

Chairman Cameron: It has little pauses.

Mr. Lozito: Yes, little landings; 5-foot landings.

Village Attorney Stecich: Would you spell the word Corten? I never heard, plus actually it would be helpful for the minutes.

Mr. Lozito: It's C-O-R-T-E-N. Sometimes there's a hyphen in it. Corten.

There's that.

Village Attorney Stecich: Since he raised it, let me explain to the Board what the ARB issue is. Remember, generally the ARB makes recommendations. They don't have approval authority under the Hastings code, except in the CC district they do. But the code reads that when the Planning Board is doing site plan approval or giving any sort of approval the ARB should make its recommendation prior to the Board giving the approval. That way, if the Planning Board agrees with what the ARB wants, it can make it a condition of their approval. Otherwise, you could have a situation where you grant site plan approval, then go to the ARB. The ARB wants something else, they don't want to do it. So it's just a better process to do it this way.

Chairman Cameron: And all of you should have a copy – and if you don't we can give you one – of the ARB mini report that came out of the meeting of February 10 for the things they wanted to see back, and altered. These fellows are going to go and see them now.

Also, we've told them they should look at lighting, too, because we could use their input on the lighting. They'll come back to us with a report for the April meeting. At that point, we can, hopefully, advance forward.

Mr. Lozito: That'd be great.

Village Attorney Stecich: Will you be able to get your stuff on time?

Mr. Lozito: Yeah, I checked since we spoke. We're going to get it in next Friday, right? Next Friday, the 28th, for the meeting on the 7th.

Deputy Building Inspector Minozzi: We'll just look at the calendar real quick. Just I don't want to make a mistake. ARB is on the 7th of April 2, 2014. Your submission's due the 24th of ... sorry, the 24th of March.

Mr. Lozito: Isn't it Friday?

Deputy Building Inspector Minozzi: The submission is due for the 7th of April.

Mr. Lozito: I thought it was next Friday.

Deputy Building Inspector Minozzi: Next Friday, yeah.

Boardmember Sullivan: Next Friday's not the 24th.

Mr. Lozito: That's the 28th.

Chairman Cameron: Today's the 20th, you can go from there.

Mr. Lozito: So the 28th would be next Friday.

Deputy Building Inspector Minozzi: No, it's technically due two weeks before the meeting, which is this coming up Monday.

Mr. Lozito: Oh, that I can't do.

Deputy Building Inspector Minozzi: We could probably ... it has to be delivered, they're usually delivered, the weekend before. So would you be able to get it in by the end of that week?

Mr. Lozito: Absolutely.

Deputy Building Inspector Minozzi: The end of next week?

Mr. Lozito: Absolutely. That's all right, I thought it was going to XXX so that's what we were geared for.

Deputy Building Inspector Minozzi: OK. We'll work with you on it. We'll call tomorrow.

Mr. Lozito: Appreciate it.

Deputy Building Inspector Minozzi: Call me on my cell phone.

Mr. Lozito: OK. One other thing we worked on was partly in response to a Hahn Engineering comment and partly something we just wanted to address: a phasing plan. With

regard to Hahn's interest, they want to be certain that we didn't exceed 5 acres of disturbance on the site at any point in time, so we had it phased. But we also wanted to take an opportunity to show the Board how we would do that. In part, it's to save the pavement area that exists at the south end of the site until a very final third phase. Hahn had calculated that since we were disturbing 4.3, or 4 acres on the development site, and the pavement here was a 0.6, we would be close to a 5-acre limitation. So we're going to keep this 0.6 of an acre until the very end. What we're going to do is use it as our construction trailer space, our marketing and information center for what we're renting on the property. That way, it's a neat area that's already got access, it's already paved, and we can keep that until the very end. Once that operation is finish, we can remove the pavement, the facilities.

The first phase would basically be building A, building B, setting up the construction trailer and marketing center, and a roadway connecting between the two so they can access from the staging area to the construction are. Phase two essentially just being building C and the landscape buffer in front. The other reason for doing this is because we'll need access and the ability to swing cranes and the like to get this pedestrian bridge in place. Having building C done would have been in the way of that and created problems.

Chairman Cameron: Well, that's going to be number one. Phase one, you're going to do the bridge.

Mr. Lozito: Yeah. Then we're going to start the affordable and the market rate. We have an obligation to get the affordable CO'd before we get the market rate CO'd so we need to do them together. I think that makes sense. It's somewhat similar to what had been approved in the old project, a similar use of this piece. But we only had the two buildings in that scheme.

I think this works well. It gets all the drainage done up front, gets the pedestrian bridge done up front and, basically just leaves the last building for that phase. And then cleanup of the site and the park site.

Unless there are any questions on those things, shall I have Glenn do his presentation of the landscape plan?

Chairman Cameron: Sure.

Deputy Building Inspector Minozzi: Before Glenn gets started, I just wanted to reiterate. The letter Bruce sent us talking about the meeting with the Fire Department. I just want to say, for the record, that everything in this letter is 100 percent accurate. I met with the Fire Department this week, and we went over the letter and compared our notes to the meeting, as well. Everything is on point.

Chairman Cameron: And you delivered a copy of the letter to the department.

Deputy Building Inspector Minozzi: This letter should have been in everybody's packet.

Village Attorney Stecich: No, the Fire Department.

Deputy Building Inspector Minozzi: Oh, they have a copy, too.

Chairman Cameron: That was the important part.

Deputy Building Inspector Minozzi: No, they have a copy, absolutely.

Glenn Ticehurst, Benedek and Ticehurst – project landscape architect: Good evening.

Chairman Cameron: You are being filmed. So you can look at us, but you should look towards the screen.

Mr. Ticehurst: Maybe I'll do this. So basically there are two boards that represent the entire site. This particular board represents buildings A and B. On the northern end, building C. The southern end is picked up on this P2 drawing.

The concept, really, for developing the landscape plan– and your consultant had picked it up – was to develop, really, three sort of zones here. We don't want a homogenous, everything sort of looks the same landscape. There are some very critical issues we face along 9-A. It's a busy street, there's a huge building across the street. Hence the idea of creating a berm, with a selection of evergreens, needled evergreens, of various varieties – I think we have three varieties – intermixed along the top. Then below that are primarily ornamental grasses. I did note that one of those particular grasses was on the town's do-not-use list, so that will be subsidy and not be an issue.

The whole idea is to create a very dense screen from the road, and as much as we can of that building, which is quite large, on the other side of the street. Along the frontage of 9-A we do have some shade trees, red maples. On the interior side, or what we would refer to as almost to the front yard of these buildings, we have a mix of *Cornus florida* – flowering dogwood – as well as *Kousa dogwood*. We're looking for seasonal interest here, things that are good to look at all year long.

There are some perennial plantings at the entrances of both sides of the property. We treat this berm here in a similar fashion, although we've lined up these Eastern red cedars on this

side to get them fairly condensed to screen the commercial building to the north. I do try to loosen that up here with pin oaks and river birch, as well as some flowering redbuds. What happens on a lot of these projects is, we look at the opportunity to loosen up the plant. This looks like a straight soldier course. We're not a huge fan of that, but I know we had to be fairly dense on that side. Especially with the Eastern red cedars because they tend to be more columnar. Obviously, with all of these plants they all get set on-site prior to installation, and approved, to try to maximize the screen ability.

The next zone really is that zone around the buildings themselves, which tends to be more of the foundation plantings. That's primarily shrubs, flowering shrubs. The scale comes down, again seasonal interest. There are some perennial beds at the building entrances on all A, B and C buildings. Then as we transition to the back, where the more native, natural area is along the Saw Mill River, we are proposing to do a meadow along the top of the embankment, and that would basically continue. There is an opportunity, at this point here, where the grade becomes relatively flat and the lawn is shown as coming down to that.

I think that's a tremendous opportunity for the folks that live here. The river's inaccessible everywhere else. If you've walked the property I'm sure you could see that. This particular area here, the grade flattens out. There's a rill that basically is just to the north of this. You do get a pretty good view up the river. This is inaccessible further down, further north is inaccessible. So that's really where we tried to have an opportunity to embrace the river.

There are some ornamental plantings sort of behind the building, as well, along the foundation. We are working with the engineer. I'm a big fan of trying to loosen these retention basins up, so we're going to be working with them to see how best we can do it and still accommodate stormwater. We do have plant material within that can take that flooding when it does occur; when water is discharged into those basins, and then recedes. The plant material has been selected to do that.

There were a number of items. I could go through them one by one. But I think the general overall concept is pretty much as I had described it. There's some screening, obviously, where the entrance to the garage is, and if there's going to be a trash container here. We clearly don't want to see that. The view to the south, one of the comments I know that was made was why do we have a different landscape treatment on the north and not on the south. Well, they're completely different areas. Dense commercial building on this side – this will ultimately be restored lawn area – and there are woods to the south of that. There's nothing to screen at that point, so the idea would be to have a nice beautiful view in a southern direction. Really, sort of cut this particular portion of 9-A off as much as humanly possible. And then make sure we a palette of very interesting things that are blooming, whether blooming or in leaf, so we have winter interests, summer interests, spring interests, fall

interest, obviously, with the red maples and the fall colors.

So that's generally the overall. We try to have a nice diverse mix of plants: everything from ground covers to perennials to flowering shrubs, flowering trees, evergreen trees. I'd be happy to be more specific if that were to help.

Chairman Cameron: Could you explain to me what you mean by "embrace the river" in that particular area?

Mr. Ticehurst: Well, unfortunately, right now the river's almost unseen from the site. There's not really an opportunity to go to it. At this particular point here you can simply walk down. You can put your feet in the water. There are no steep, rocky embankments. It's the only place on the site that does afford that opportunity. So if I were living here ...

Chairman Cameron: Because you have to go down a very steep slope to get into that piece going down to the river.

Mr. Ticehurst: Yeah, but you could come from either side. I mean, you can still walk down and through from here, and you can walk around down through here. The idea is that it is accessible to get down there. It's not wooded, it's not heavily planted, it's not rocky. You do have some rocks along the edge here, I parts. But I was there as recent as yesterday, and I fish. It sounds crazy, but as you know – probably not – they used to stock it up in Chappaqua with brook trout. This year, I checked the stocking list. I don't see that mentioned. I think it's a great opportunity for somebody to come down and fish. Because there are fish in there, I am told.

Chairman Cameron: Farther down the river, about 10 years ago, they lined it with plastic to make sure it flowed faster. So it might not be as good as you hope from Hastings down.

Mr. Ticehurst: It wouldn't be my primary destination, I could promise you that. But the fact that a kid could go there or a family could go there, we could try to take advantage of the river instead of basically turning you back on it.

Chairman Cameron: So what's the planning you should really do in that area?

Mr. Ticehurst: At this particular point, I would have the lawn roll down. And, at some point, the bank does drop down. So you'd have to walk on some of the stones that are along here. But I don't see, clearly, a big lawn down to the water's edge because you're going to get down to about maybe 8 or 10 feet away and then you'd be able to access the water.

Chairman Cameron: As far as the concepts, first of all, we have what we had in our report – which I know you have a copy of that you've commented on. But one of the concepts is that we wanted to, with native plants, really take the bottom edge next to the water and make sure it was well-supported. I don't think lawn was what we had in mind. We talked about native plants, and you seem to be creating a ... I'm not against people going down there, but I think it should be kinds of native shrubs and plants down there to form an element to keep the discharge from the land going into the river, and further support the river rather than have potential sediment flowing into it.

Mr. Ticehurst: We could discuss that. Or we could talk also about maybe extending portions of the meadow, a wet meadow, along that edge so at least you can walk through it. It doesn't have to be a manicured lawn.

Village Attorney Stecich: Jamie, along that line I think it's important to take into account what our landscape professional said about it. That was one of the things he had concern about. I know you've read the letter, but he had a concern about this meadow not being continuous along the river. Partly, our resolution had said that. But also, to better protect the river. *"Making the meadow continuous along the full length of the river frontage, and extending the ridge so the building would create a more substantial protective buffer for the river."*

Obviously, we have a difference here between what they are suggesting and what our landscape professional suggested. I think the Planning Board has to give them direction on it. There's a separate issue about how deep it is behind the buildings, which you can deal with. But the issue now is, it's not continuous along the river. The thing is, if you have meadow plantings it filters the water better draining into the river, I think. You can correct me if I'm wrong. Also, my understanding is that if it's lawn you would be using fertilizer on it and maybe weed killer, I don't know. Then there's nothing to protect the water, nothing to filter the water running into the river. He didn't say it in as much detail, but I think that's what he's getting at.

Mr. Ticehurst: I am sure that's his intention.

Village Attorney Stecich: I don't know if you've got a response.

Then the Planning Board, I think, has to make a decision about that so they know what direction to go in.

Mr. Ticehurst: I'll just sort of highlight where the meadow is. The meadow does run the great majority of the property right behind pretty much most of building B. Then there is this

gap, and then it picks up again adjacent to the retention basin behind building C. This is fairly heavily planted now so we didn't know if we could get a meadow established under that tree line there, but we could certainly look at that.

So it's not intended to be, from my standpoint, continuous. It was really looked at as an opportunity. If we need to squeeze that down I'm sure we can do that. I would just hate to not have the ability to go there and take advantage of the river.

Mr. Lozito: Glenn, did you also do some native planting on both sides of that?

Mr. Ticehurst: Yeah, we've extended native plantings through here and also on the edges here as we're approaching that particular portion. I don't see this huge washout of pesticides and herbicides sort of being funneled down through here. The idea here is that, you know, we are not a big proponent of doing a lot of that. When we talk about insect pests and that sort of thing, it's spot spraying, it's being very careful about how you do that through the licensed applicator. We're not selecting plants that require a tremendous amount of maintenance spraying, that sort of thing.

I personally think it's worth the expenses of a couple of times a year spot-spraying it with dormant oil of some sort. Because a tree's just too important, I think, to abandon. We went through the same thing with dogwoods a while back, and we've been planting dogwoods. You can buy dogwoods we were able to find in other various parts of upstate New York. We've continued to use them, they've made a comeback. Everything requires some maintenance, but we're not looking for a maintenance-intense landscape.

Village Attorney Stecich: Could you hold that just one second?

Mr. Ticehurst: Yes.

Village Attorney Stecich: The other thing I should tell the place – I'm sorry – the landscape architect couldn't be here tonight. He had indicated that before that he wasn't able to be here. But I'm ready to take really good notes. So if the Planning Board has any questions – like you want to know would this work – I'll bring the questions back to them. If you can't decide which way you're going to go, you need some information for him, I'll pass it on.

Boardmember Alligood: I guess my question is, I like the idea of trying to create some access to the river. My big question is this. Is the goal of keeping the landscaped lawn away from that, does that prevent you from having access? I mean, it seems to me that you could still design this in a way where the lawn is kept away from the river, but you get some access to the river.

Mr. Ticehurst: We can. It's a matter of how thick that margin is. As that grows up, and it's not maintained appropriately, what happens with these meadows – and I do talk about a limited mow-zone in the meadows – if it can be mowed late spring-early fall it keeps the woody material from coming up. And as you know, in this part of the county we are devastated with invasives. So a mowing schedule in the meadow doesn't make sense. It also allows us to delineate between the mowing. The lawn is differentiated because it's lower and clearly shorter grass. Where we like to have our meadows up 12, 18 inches high so there's a very different demarcation.

I just want to make sure, if we're going to be doing something like that down there that the mowing schedule becomes part of the protocol for maintaining it. Because if it gets too big it's going to cut out access and nobody's going to go down there.

Boardmember Alligood: Right. I don't see a problem with having it mowed on a summer schedule. I think that's a great idea. The only point raised in the report that I think there's some resolution to is just having it because left to whoever ... I mean, what it comes down to is the people who are actually going to be carrying out the maintenance of this.

Mr. Ticehurst: Correct.

Boardmember Alligood: And then not just sort of assuming, well, they don't really know where the line is so they're just going keep going. And then they start applying the materials that we don't want to see in the river. So it's really more of a question of how you make sure that doesn't happen.

Mr. Ticehurst: It's a very good question, and it can be the weak link. Because the lawnmower guys shows up, and unless he knows what the story is, unless there's a maintenance schedule – and that would be something we would prepare – of how these things are maintained there is no document, so to speak, that will guide them.

Boardmember Alligood: It becomes how they're instructed. So it's really some sort of guidance about making sure they don't just say it's easier for me not to think about where I have to spray the stuff, so I'll just go. That's really the question. To me, it's not so much what you're proposing. It's more how we make sure that doesn't happen.

Mr. Ticehurst: Fair enough.

Boardmember Alligood: And I don't know what the answer is.

Chairman Cameron: I grew up in lake country, both in the Adirondacks and then also in Canada. Just about every governmental agency up there is saying to people you cannot have grass within a certain number of feet from the water. It's just you've got to have a growth in there that'll block the nutrient. One of the biggest problems they have is the nutrients pouring in there from the grass. So I don't think we should have it coming too close to the river, and that's a very important point for the maintenance of the river. Otherwise, we're just going to be putting fertilizer in there.

I think that doesn't at all impede the ability of people to walk down to the river. They can walk through the grass. You might even cut a narrow thing to walk down there and it won't impede the view. But I think to let grass go all the way down to the water is not it.

Mr. Lozito: Let me just mention, Glenn, that we do have that management plan that was prepared by D'Agastino. They did mention in their recommendations that this would be mowed once a year. But then maybe in this area, which you're saying, have a more frequent mowing so it's not quite the barrier that it could become. Then make it inaccessible. We could elaborate on this thing, and this could be a document that goes to our landscaping contractor so they adhere to it.

Chairman Cameron: One of the issues, quite frankly, when you're growing grass next to a meadow mix is that one invades the other. That's why they actually suggested to us, as you know, that we actually take the back of the buildings and make that the end of your meadow. Thus, you wouldn't have this problem of one growing into the other. That may be too much, but I just point that that's the other reason.

Mr. Lozito: We did leave this for a number of reasons. One is our understanding was the Fire Department wanted a very obvious path behind the building. We wanted to go back for maintenance of the buildings. The other thing to remember, and you wouldn't know this, we only have approximately 7/10ths of an acre of lawn on the site, on the 7.45-acre site. That averages out to about 450 square feet per unit. So we're not having a vast amount of open space, and it's really meant for passive recreation. People can step outside, walk behind the building, get to the river, get to the barbecue area.

We tried not to be excessive. We could probably trim this spacing down a little bit, but I think we still want to keep some grass path so people know where they are supposed to walk.

Chairman Cameron: Sure. And also, the meadow on this side is really where it's most effective.

Mr. Ticehurst: Well, we could take a look at that.

Chairman Cameron: We'll talk, and next time maybe we can all reach a conclusion on that.

Village Attorney Stecich: I think this board should come to some agreement whether you want to let the lawn go to the end. Because a lot of things then generate from that. If the majority of the Board says we don't want lawn all the way down to the river, then they're going to have to redo that plan and our guy has to look at it.

Now, I'm really getting confused about this no-mow. I thought it was a no-mow. Now you said D'Agastino said ...

Mr. Lozito: Once a year.

Village Attorney Stecich: Then that shouldn't be called "no-mow." It's limited-mow.

Mr. Ticehurst: "Limited-mow" is the better term for that.

Village Attorney Stecich: I know. Because no-mow means you can't mow. Anyway, I think we have to talk to our guy. Because it makes a huge difference, depending on the plantings, how many times you mow. Depending on what you're planting, you can mow them and then they're not going to reseed. They don't keep growing.

Mr. Ticehurst: That's a good point. A lot of these perennials that occur in nature and are in these seed mixes compete against each other and against the invasives. So again, a mowing schedule, a limited mowing schedule, does allow most of these perennials to self-seed. It will also keep the invasives from ever taking hold. Because when you look at things like the Bittersweet and the tree of heaven it doesn't take long for them to be halfway up a tree. Or certainly, with the tree of heaven to be 8 or 10 feet tall in about two seasons. So the mowing is a critical point.

Village Attorney Stecich: That's something I'll ask our guy directly, is do you agree that it can be ... because he's, right now, referring to it as a no-mow zone. He may think there's no mowing. Just find out do you think it could be mowed once a year.

Chairman Cameron: Oh, it has to be mowed once a year. No mowing, you have a whole bunch, as he said, of woody structures growing up through it.

Village Attorney Stecich: I know, but we need to know.

Chairman Cameron: We have a field that we knock down once a year, the same idea.

Mr. Lozito: That was mentioned in the report that it was once a year.

Village Attorney Stecich: I'm just going to check. Now, you're suggesting more than just once a year?

Mr. Ticehurst: I'm saying yes. Wherever the meadow is, I'm suggesting it be done twice a year. Late spring – because at that point the birds that nest on the ground will be through – so we could get more specific.

Village Attorney Stecich: Late spring and ...

Mr. Ticehurst: And early fall.

Village Attorney Stecich: OK, I'll check with him. I just had this issue in another community that made a huge difference.

Chairman Cameron: It comes up a lot.

Village Attorney Stecich: It's a bigger issue than it sounds.

Mr. Ticehurst: No, it does come up a lot.

Boardmember O'Reilly: I notice that the consultant is suggesting that the meadow extend eastward to the rear of the building because that would leave it un-mowed, only for twice a year, right?

Mr. Ticehurst: Correct.

Boardmember O'Reilly: Is the feeling, though, that that's extending it too far eastward?

Mr. Ticehurst: In my opinion it is because there are really no backyards to these buildings.

Boardmember O'Reilly: That's what I mean, no backyards.

Mr. Ticehurst: And we do have, adjacent to the backyard, a significant amount of meadow. So I think we do achieve, at the end of the day, the intent, but we also allow for passive recreation behind the buildings. And it is the west side. People will be out there in the afternoon, some at riverside. I think it would be somewhat of a hardship to try to give that

up because I think we're accommodating the same function, basically a little further away.

Village Attorney Stecich: The Planning Board should recognize, if you're OK with this, it means a modification of what was in the previous approval, where we had said there would be a 40- to 50-foot strip behind the buildings and it would be a no-mow zone. So if that's OK, I think you should consciously say it's OK and we'll fix that. Our guys, sometimes it's as small as 5 feet – I think the average you said is 20 feet.

Mr. Ticehurst: Oh, it's every bit of that. I think this might be the only point where it's a little narrower, but this is probably more like 40 feet. And it intended to be varied. I'm trying to get away from a uniform strip. This thing should grow and come back.

Village Attorney Stecich: When you have your landscapers come in, how are they going to know the difference between where they can mow and not mow?

Mr. Ticehurst: We're going to describe that in the manual even further. What I try to avoid doing – and some communities insist on and it drives me a little crazy – they want rocks plopped down.

Village Attorney Stecich: They want both, that's right.

Mr. Ticehurst: Or they want a fence put up or something. I think there's a better way to do that. If we were going to do some monumenting or something like that I think we could put a few things in the ground where it's generally flush, and that's done before. Also one of the things we can do, I can propose some maybe additional shrubs that sort of allows you to connect the dots so it does give some definition without it being a strong, hard line.

Village Attorney Stecich: I think you should add something like that.

Mr. Ticehurst: Sure.

Village Attorney Stecich: Because there definitely has to be a definition between the no-mow zone and the meadow, the no-mow zone and the grass. If, in fact, the Board's OK with letting you have grass behind.

Mr. Lozito: I'll mention one thing. That 40- to 50-foot number that had originally been represented was before we shifted the buildings around. We probably should have caught that, but that was before building B got placed as far back as it is to avoid the Norway spruce trees and these buildings had been moved back, as well, to get a more substantial berm. There were changes to the plan made, it should have been caught and we should have raised

it then. But we neglected to do that. As Glenn said, we're trying to fill in as much as we can so we can straighten out some of these edges.

Village Attorney Stecich: Well, the Board might want to give him direction about whether you prefer them to put monuments to demarcate it, or shrubs. I don't know what you would prefer.

Boardmember O'Reilly: Well, I think the shrubs would be more attractive if that can be done. You said it *can* be done.

Mr. Ticehurst: It can be done. I would use them in clusters, groups of threes to five, something like that. Then it would be a spacing just so it does not become this sort of barrier, but it does have enough of a delineation.

Boardmember Sullivan: So if we ask for the 40- to 50-foot buffer – or I should say 40- to 50-foot strip – of no-mow plantings – and you may have said this – what do we have with the buildings being shifted to the west?

Mr. Ticehurst: Well, at this point here you're probably between 35 and 40, at the narrowest point it's 10, and then it bumps out to 20. So it does vary. This particular portion is essentially all buffer because it's the retention basins, and that is more like 50 feet from there to there. But again, in order to maintain some usable lawn behind the buildings, as a backyard, I think it doesn't make sense.

Chairman Cameron: If you could switch the other diagram just for a minute, on the southern corner of building A, it seems to get very narrow right in there. Is there a particular reason why you made it that narrow? I understand and appreciate the idea of a corridor behind this so I'm not that bothered by it, but as you begin where the water is and you look at the lower of those three trees you're not very far between that and the water. And I think it's very important to have.

Mr. Ticehurst: Well, the water is down here. And this is a very steep embankment so there's nothing you could really do there. This is where, ultimately, this barbecue sort of community area is going to be so we didn't want to bring this right up to that. I'm sure we can fatten this up a little bit, but at this point here it's almost a pinch point between these things.

Chairman Cameron: I really think the river deserves at least 10 feet, looking over this, or even 15 feet. Because this stuff really does offer a lot of sheltered river and I think it could adversely affect, I think, your desire to have people sitting in chairs on that piece. Because

they'll see right over it, it might look kind of nice.

Boardmember Bass: Well, there were ducks on it when I was there yesterday. Wildlife is there. There was a dead deer there and coyotes.

Mr. Lozito: One of the other things I just wanted to mention is that the ARB – and I think we might have talked about this as the last meeting – as for maybe doing some evergreen things to break up the mass of the rear of the buildings from the parkway. We have to remember to work that into that. Maybe that could be part of the demarcation.

Chairman Cameron: Sure. You could even put an evergreen in the middle of the meadow.

Mr. Ticehurst: You could serve a dual purpose.

Deputy Building Inspector Minozzi: I would like to expand on that for a second. I was going to bring it up, and then Bruce just brought it up. I was waiting for the right time. The ARB, just to recap a little bit, was very concerned about the plantings in the rear of the building. They had made a comment, and I have it written down almost verbatim, that the rear of the building needs to have as much attention as the front. That doesn't really seem to have been handled just yet.

Also, they were concerned about exactly what Bruce just said. About viewing off of the parkway and looking in this site, and putting some, maybe, fill-in trees to kind of break up the silhouette of the buildings from the parkway and whatnot. So those, I believe, were all in the minutes of the meeting.

Village Attorney Stecich: They were on that list, yeah. Can you have those revisions done for the ARB meeting?

Mr. Ticehurst: Sure.

Chairman Cameron: I agree. The back of building C, for example, is sort of devoid of any plantings against it for maybe 60, 70, 80 feet.

Mr. Ticehurst: Well, what we're hoping to do here, really, is to have more lawn here. It's treated different here because it's the front door. So in response to the ARB's concern, you treat the front of your house different than the back of your house. So, you know, the whole idea of having beautiful entries to the front of the buildings where you come and go, versus the back – not that we are turning our back on the back of the buildings – but I see this more as a play area, more as recreation.

I wouldn't suggest mirroring sort of what we've done in the front in the back. We do have some things to break that up. The meadow is right there. That's my sense of it.

Mr. Lozito: And I think part of that comment was related to the elevations of the buildings, too. I think they found them less interesting.

Deputy Building Inspector Minozzi: Right, with the foundation exposure on the back of the buildings, yes.

Boardmember Sullivan: I think you can look at the plantings in the back and not necessarily mimic the front, but make them more intensive, and consider how important the view from the county parkway and trailway will be. I think it's a worthwhile exercise.

My point, I think I would like to see the meadow and the no-mow zone go across the site. I think that's an important thing. I think, Marianne, you were very direct.

Village Attorney Stecich: I was just about to say, to get back to that.

Boardmember Sullivan: I think it's important for a bunch of reasons, and I appreciate your sensitivity to getting people down to the river. Or maybe, someone suggested, mowing a path down to the meadow would be a really nice way of doing it. It's a great opportunity.

I'm sad that it looks like the grade's such, but you've presented that and told it in such a compelling I would like to see the barbecue by that area rather than kind of put between those other two buildings. I think if you're going to talk about getting access to the river and having sort of a gathering place up on top and a path down would be a very, very nice connection rather than what we have right now.

Mr. Ticehurst: Well, I think the important thing where the barbecue area is now, it's more communal and it's more year-round. I do think people will go out there most of the year. Clearly, not in this winter. But it's close enough to be able to get to. I think the people that will go to the river, if you want to bring a blanket down there I think that's kind of nice. I don't think I'd pave any areas down there. I think I'd leave it very passive. Where this is going to be much more active here because of the proximity to the buildings.

Boardmember Sullivan: You know, it will be just as active on the other side, in my opinion. I just say I see a very nice connection. Frankly, this isn't really a center for this site. This is put between two buildings. There's no real benefit here versus the other. I'm just saying what makes the other side more compelling is the fact you're actually creating a way

for people to gather, look down to the river, and then walk down. You're making your central gathering spot be connected to the river in a very nice way.

Boardmember Alligood: Kathy, I would just be concerned about encouraging eating and barbecue and the kind of trash that's generated by that, right by the river. I would rather see it stay where it is because I don't think it's appropriate to encourage a lot of that.

Mr. Lozito: And we have that steep slope there.

Boardmember Alligood: There's fuel people use. I like the idea of encouraging people to take a picnic blanket down or enjoying the river. But I like the fact that you've created a social space in the middle of where the buildings are. I think often developments like this can feel very sort of like you're looking at nature but you don't participate in it. And I like the fact this is sort of inviting you right there. When you come out the front door you can go and quickly just sort of set up and enjoy it. So I think that's a more appropriate place if it's going to be a barbecue area.

Boardmember Sullivan: It's really as equally central if it's on the other side of building B because there's no reason one's more central than the other.

Boardmember O'Reilly: So you're not suggesting that it go closer, you're just saying it goes between the other two buildings.

Boardmember Alligood: Between B and C.

Boardmember O'Reilly: At the same level, roughly.

Mr. Ticehurst: All right. But the problem is, this is relatively level, this is not. This is all steep slopes. So what we're trying to do is take advantage of the grading here to do that.

Chairman Cameron: That's where I wanted it, but I got beaten back on that issue and I ceded the issue.

Mr. Lozito: Your regulations beat us back.

Boardmember Sullivan: Now, are we exceeding the amount of steep slope disturbance if you disturb it?

Mr. Lozito: We would be we're approaching it now with the disturbance we have. Yeah, I think along the lines of what you're saying it creates two opportunities. One, you have a very

passive recreation, and here you have a more active, social ... so it's two different things the people get to enjoy as opposed to just one.

Chairman Cameron: For the toboggan ride, right?

Boardmember Sullivan: I'd like to bring up a couple other things.

Village Attorney Stecich: Wait, let's close that one. I think you should poll people.

Chairman Cameron: I don't know the number of feet, but I think we should have, actually, at least 10 feet of meadow, maybe 20, going right across the site to this little point. I don't know the number, we can ask for landscape person. And I don't want to cut off the river. I think we should have a cut path through that meadow. But I think we need to have a poll.

Boardmember O'Reilly: Can I ask for clarity? If that were the case – if we ask for 10 feet of meadow all the way across – would you still have grass and playground area behind the building of all three buildings?

Mr. Ticehurst: I think so. Because this is immediately adjacent. This is going to be used every day, in my opinion. This is going to be great to come down here, but I don't see this being as actively used as these areas right outside the window.

Boardmember O'Reilly: And the other clarity. Are we going from a no-mow to a limited-mow concept?

Boardmember Sullivan: We're going to ask.

Mr. Ticehurst: I would suggest it.

Chairman Cameron: I don't think it ever was no-mow. I know the words were used. But what happens with a meadow like this is, a year later you've got these little trees growing up through. And two years later they're about 7 feet, 8 feet high and then you've got to come through with a Bush Hog or something and knock it down every year. Otherwise, it's gone.

Boardmember O'Reilly: You must be looking at my backyard area.

Chairman Cameron: There you are.

Mr. Ticehurst: Or mine.

Village Attorney Stecich: I'll ask about the no-mow. Would 10 feet be enough, or does it have to be 15. Obviously, he's going to say to mow.

Chairman Cameron: I don't think that's necessary. All we're doing is trying to protect the river.

Village Attorney Stecich: Yeah, how much do you need to protect the river.

Chairman Cameron: And we're trying to balance the amenity of sitting on top of the sanitary sewers without knowing you're there.

Village Attorney Stecich: And I'll do that sooner rather than later, and hope we can get an answer so you can incorporate it.

Mr. Ticehurst: That'd be great.

Chairman Cameron: But the real issue which we were nicely dodging is a tricky one for us. Quite frankly, we are not actually suggesting there should be a meadow mix going down across the town's property, which would be our responsibility to knock it down once a year. But we now have this lovely piece of slope here and we're not doing anything to it. I think we need to put our heads together on it. I understand it's our property and not yours.

Mr. Ticehurst: It would be great to make it continuous, though.

Chairman Cameron: I know.

Boardmember Alligood: Well, I think we should abide by same rules we're imposing on the other.

Chairman Cameron: Why do you think I brought it up?

[laughter]

Boardmember Alligood: That's kind of an obvious answer.

Chairman Cameron: I'm just being a lawyer. You never ask a question unless you already know the answer.

Village Attorney Stecich: Putting the meadow mix down isn't that big a deal, right?

Chairman Cameron: No, but cutting it every year is.

Village Attorney Stecich: Oh, I see what you mean. If they're seeing this, they've got to seed it before they give it to us. I think we should know whether we want them to put the meadow mix down.

Chairman Cameron: Right, that's why I brought it up.

Village Attorney Stecich: So that's going to be the requirement that the meadow go along the whole thing, including the Village property.

Chairman Cameron: No, they're putting a lawn in there.

Boardmember Gould-Schmit: A lawn in back.

Village Attorney Stecich: I know, but down here.

Chairman Cameron: They haven't suggested anything for here. So we put the meadow mix in here, that means that Buddy every year is going to go down with his Bush Hog and knock it down for us.

Village Attorney Stecich: But I'm unclear whether that's got to be in the next plan, or not.

Mr. Lozito: Why don't you wait 'til you decide what you want to do with your parcel?

Chairman Cameron: Yes.

Village Attorney Stecich: OK. In any event, it's probably not a big issue because the Village isn't going to be fertilizing that lawn. They're putting in lawn, but I doubt they'll be out there fertilizing it.

Chairman Cameron: I'll be down there. Don't worry.

[laughter]

Village Attorney Stecich: I interrupted Kathy.

Boardmember Sullivan: No, I just had my hand up.

Village Attorney Stecich: You had some other things.

Boardmember Sullivan: I do. I had my hand up for other issues whenever we're ready.

Village Attorney Stecich: There's a bunch of issues in this letter I think we've got to go through, the landscaper's letter.

Chairman Cameron: Yes.

Mr. Ticehurst: I can make some responses, if you have the time or the interest, I can go through.

Village Attorney Stecich: We've got to work our way through this letter.

Mr. Ticehurst: Basically, I think I've addressed the fact that we do intentionally have a few different landscape zones on this property. The berm planting – Norway spruce, Eastern red cedar, Canadian hemlock –planted. The concern was are they too close. In my opinion they are not. We want a very dense planting. Are we worried about 30 years from now these plants being 40 feet? I don't think so because these will be pruned and maintained to be dense. So in order to do that, that requires occasionally tipping back the tops.

I want them to get fat, I want them to touch, and I don't want to be able to see through them. That was really the idea. We plant a lot of evergreens; I am not afraid to put them close together. I think it's the only way to really have an effective screen, especially to deal with what's happening not on 9-A, but also up the hill. We want these things to get tall over time, but in a controlled manner.

Chairman Cameron: Well, we are actually focused on 30 years from now. And those things, as you well know, will not only be 30 feet wide, but 60, 70 feet tall eventually. We actually got rid of the white pines for that reason, because they have a habit of getting very tall and then snapping off their limbs. I'm not sure the others are an exception to that, the Norway spruce.

It's actually ironic. Here we are with a building which is supposed to echo the buildings across the street it design and scale and looks, and we're now putting up a wall so nobody can see them. There's something vaguely wrong with that.

Mr. Ticehurst: Well, I don't think it's just the buildings across the street for the sake of the buildings. It's really that they're elevated at a much higher point of topography. I think the idea of this building, this is a very attractive building. There is some dialogue, I'm sure, between the styles of that. But this is a smaller building than those are, for sure. In fact, it

just looms up on that hill, in my opinion. As these trees get taller I don't see the downside if they get, in 30 years, 40 feet tall, 50 feet tall. As long as they are working together with the plants adjacent to them

We don't have a lot of shrubs and mostly ornamental grasses in there. I do have a photo of a similar berm. This one was much wider. These evergreens are a little bit further apart. But it's those combinations of plants that I think are effective. So just speaking to the evergreen shrub part of that equation.

We happen to like the Canadian hemlocks. I haven't found them to be too labor-intensive to keep them looking good. I think it's worth the effort. The question came up about the space between the beds. It's really going to be a combination of mulch and lawn. I would like, at some point, to see ...

Village Attorney Stecich: Wait a minute. I think these things have to get resolved.

Boardmember Sullivan: I personally think we should follow the recommendations for point A with the spacing and the species of our consultant. And I think we should ask for the spacing to be modified, and to use the under-story of shrubs, as suggested. I think looking down the road a number of years is not a bad way to think about this, especially when you look at trees like that. If there are other options to a hemlock, which is prone to infestation, I think we should ask for a substitution.

Mr. Ticehurst: No matter what you plant there is going to be issues with trees, shrubs, ground covers. I personally feel that this is a rich mix of plants. If you had five landscape architects you'd have five different plans there. I appreciate your consultant's view of things, but it's not the only answer. I'm guided by it. I'm taking advantage of what he's saying. But at some point – I've got to be honest with you – I disagree.

Chairman Cameron: Well, the Canadian hemlocks will certainly be infested.

Mr. Ticehurst: They are, but not everywhere. And they're being treated very effectively with a dormant oil.

Chairman Cameron: You have to spray them twice a summer.

Mr. Ticehurst: If they get it.

Chairman Cameron: Well, I have some in my backyard and they've got it, and they're sprayed twice a summer. It's a real problem in this part of the country, and I know that.

Boardmember Gould-Schmit: I guess I do feel it would be helpful to have our landscape architect here. I mean, I don't think we can just assume every item they've put on here should necessarily be acquiesced to.

Mr. Ticehurst: I'd be happy to forward my responses to them and to the Board. Because I think there's more than one answer. Everybody will have a different opinion, and I do think the plantings' varieties and selection and spacing ... I've been at this a long time. I find it hard to believe there would be that much of an issue with it.

Village Attorney Stecich: You know, today I tried to reach Geoff Roesch to see whether it was possible for them to talk before the meeting tonight. He was away. That was just why he's not here, he's out of town for a couple of days. But maybe on this issue we could ask them to talk.

Boardmember Gould-Schmit: I think that would be helpful.

Village Attorney Stecich: If he still adheres to his opinion, then I'll bring that back. At least have the two talk. What do you think, Kathy?

Boardmember Sullivan: It makes sense to do. From some past experience I think this is an approach I would take personally when I would work on projects like this. So I'm looking a little further than just what it looks like when you've just put it in the ground.

Mr. Ticehurst: We are, too.

Boardmember Alligood: Also, you know what'd be helpful? Do you have an example, a picture, of something that's similarly planted to what you propose so we can just get an idea?

Village Attorney Stecich: I'm talking about ...

Mr. Lozito: Something more representative.

Boardmember Alligood: Representative of a residential development with a planting that's similar. You said this is a style you've used. This looks very ... I mean, I can't picture this in front, looking at this from the road.

Chairman Cameron: I think there's a development just north on the right-hand side, just these huge heavy trees – you can't see a thing – near where the windmill used to be, right in there. I think it's there. Actually, Bruce, you'll appreciate this, as you're going to have to go

and see them again. The people at the ARB are looking at what the building looks like from the road. You're going to have to tell them they won't be able to see it, don't worry about it. You may not get a good reaction.

You know, before, the whole idea was the trees would be a certain height and you can see the top of the building and everything. And because this gentleman thinks your clientele don't want to see across the street, you're wiping that out.

Mr. Lozito: I think the Village made a policy statement that this is a gateway, with greater setbacks and this type of treatment. I think the Village's perspective was to have this be in keeping with a wooded entry into the Village. That kind of drove our increasing the size of the buffer area and the berm area, as well.

Also, I appreciate if you could take into consideration that GDC has to also market this to people who are going to pay to live here, and they have to feel it's a comfortable environment, that they're not living on the road. So we're very concerned about having a good effect right out of the gate. Of course, we don't want it to deteriorate and be inappropriate in the future because this is going to be a property that GDC owns. And even if it wasn't the case, his reputation lies in how his projects look. He is known for his landscaping. He probably does more landscaping than any developer in Westchester County.

Boardmember Alligood: Can I just say, I think what we want to avoid is the feeling that we've now created a gated community. So anything that feels like a solid wall, to me it's going to feel not like what we've been talking about with this project all along. Which is that you have glimpses of it along the way, that it's sort of integrated. I've never thought of this project as something where, eventually, you don't see anything from the road.

Mr. Lozito: Well, I don't think that would ever be the case.

Boardmember Alligood: That's why I'm asking for some visual of what it would look like with a building behind it. Because this is telling me I'm not going to see anything from the road. This is so thick that all I see is forest here.

Mr. Lozito: I think a lot of people would be happy with that.

Boardmember Alligood: It's just a different concept.

Boardmember Gould-Schmit: I think I would love it look forested. I would love for it not to be there. But, you know, it is and I guess I tend to err on the side of more trees and landscaping, I will say.

Mr. Lozito: I think Marianne's suggestion was, yeah, let's have the professionals get together and see if the objectives of everyone can be addressed somehow.

Village Attorney Stecich: There might be some middle ground.

Boardmember O'Reilly: Well, I think I'd be better informed because not being landscape-focused it's a disadvantage to not have the person that wrote this here to have that sort of discussion. Apart from the fact that I'd be persuaded. If Jamie's point about a tree he has in his backyard is so heavily infested that he expects the same thing could happen over there, that convinces me of one thing. That it's possible that that could happen. Apart from that, I'm flying blind. In order to make any decision about anything I'd have to have two people discussing it.

Mr. Ticehurst: Sure. And I think what I'm getting at is a balance. You know, I don't want to use as many native plants as we can. Hemlock happens to be a great native plant. Yes, it has some issues. No, we are not discouraging people from using it. In the selection of the plants and the combinations of how they are planted together, I think that's important. And I would be happy to meet with your consultant and just walk through the plan with him. Meeting him on-site would be preferable even, if he'd be willing to do that. The buildings are staked, we'd get a pretty good sense of where things are out there.

Like I say, if you get five people to look at it you're going to get five different answers. I think if we can hash it out we could probably come to a consensus. And my sense is that some of what he says makes absolute sense, and what I'm saying makes sense, as well. There are going to be those areas I'm sure we're going to bump heads on, and we'll see how to get it resolved.

Boardmember Alligood: Let me just clarify also what I'm voicing a concern about. Again, I hadn't thought along the entire thing. Jamie and I are the only ones that have been kind of part of this process since a long time ago. It's never been presented in terms of renderings or landscape plans as thickly walled as what, potentially, you want. I'm not sure that's what you're proposing. It's a question. But one of the reasons that concerns me is that we have the notion of a space that's being given, a piece of land that's being given to the Village, that hopefully will welcome to our residents to use. As well as access over the bridge.

I think the more this feels like this is a private area that you're not to go near because it's been kind of walled off from the road and it's now completely privatized. I mean, it is private land, but there's a different feeling when you've created kind of a wall around it. Whether it's green or it's a stone wall or wooden fence, it's kind of a message and, potentially, not as

inviting as we'd like for those pieces of land there that we want to access. So I just want to put that out there. What you're proposing may be just fine, but I just need to understand what that actually means.

Boardmember Sullivan: I'd like to add a little bit to that because that gets to a point I wanted to bring up, thinking about the experience of people who are coming here to either go the bridge or go to the Village park. I mean, right now I'd like to look at creating more of a feeling of separation from the access point, the access road, that takes you from 9-A down to a parking lot. Giving some sense of separation from the trash from the driveway that goes down to make it feel a library more distinct. So you don't feel – and, Eva, you put it very well – driving into a private piece of property.

Jamie, I know I mentioned this before, and you made a comment, about the size of the parcel. My perspective is, the open space acreage is not a given. I hope we have some ability to vary that to some degree. But right now, we have the property line between building C and the open space for to Village going right on the curb. I just think that's not a wise thing. We've talked to other applicants about creating a buffer between paved areas and a property line. I would really like to see the property line shifted some dimension to the south, and having the similar type of landscaping feel on both sides of that access road. That would give kind of a point of responsibility for people caring for that curb, having a property line go smack down the middle on something that has to be maintained. I think we have the ability to avoid it, and right now that's kind of an arbitrary point.

But getting down to where the trash is, that's a really complicated place because what we've done is said this access is the back door, by putting the trash there. I think some of the design thinking that went into the entrance, which was creating sort of an S-curve to keep people from going down into the parking area in building, I'm not asking for that here. But I'd like some more design attention put to this area so when people are coming to take advantage of the public amenities they aren't driving the dumpsters.

Mr. Lozito: Is there any interest in having street trees along this side?

Boardmember Sullivan: I'm not sure street trees. You actually are putting what I gather is a curb sign up on the top, with some plantings?

Chairman Cameron: No, it's on their property.

Boardmember Sullivan: On the other side.

Mr. Lozito: We're going to have a sign here for the bike path, on this side, for the

pedestrians.

Boardmember Sullivan: Where you have the light green, there's not any built.

Mr. Lozito: This side.

Boardmember Sullivan: OK, I misread the site plan.

Chairman Cameron: I think you have an excellent idea – I don't know who does it – of putting trees on, I'll call it, the town's property.

Boardmember Sullivan: See, I want to talk about pushing that property line 5 feet to the south and making it the developer's property. Letting him take care of it.

Chairman Cameron: That's going to be more complicated at this point in time.

Boardmember Sullivan: Why?

Chairman Cameron: Because we'd have to go back to the Board of Trustees to do that.

Boardmember Sullivan: Just to change the acreage on the open space?

Chairman Cameron: I think we would.

Boardmember Sullivan: It's not varying tremendously from the concept plan. Again, I have other issues. At some point, maybe in April, let's talk about sort of other issues with where lot lines have been put. But I do have an issue with putting a property line on a curb. We've made other applicants consider very strongly creating buffers between property lines and paved areas, and we're not doing it here.

Boardmember Alligood: I just want to understand the concern.

Boardmember Sullivan: Visual, for one. Coming into the site and having the ability to not feel like you're driving past the trash. That's on that side.

Boardmember Alligood: Yeah, I get that one.

Boardmember Sullivan: But then the issue of who maintains the curb. That's a built thing.

Chairman Cameron: No, they're going to maintain the curb. Even if we didn't want to

make it that way, they're going to do that because it looks bad.

Mr. Lozito: No, we're going to take responsibility, of course, for maintaining the public parking.

Village Attorney Stecich: And it's going to be in the agreement.

Mr. Lozito: Because we have to take care of the pedestrian bridge, et cetera.

Chairman Cameron: I like your idea, and again we're exploring who does it, of putting a nice row of trees a few feet in on the lot. Because I think that would help them, and I think it would look just more inviting. It would help provide a place for people coming in to go on the bicycle path. So I think that's an excellent idea. Just not those big tall trees.

Mr. Lozito: I think we're talking deciduous, right?

Boardmember Bass: Kathy, I kind of agree with you and kind of disagree with you. I like having the planting on the southern property line. Just as you have plantings on your northern property line that define the northern boundary there should be something that defines the southern boundary of the residential development and the Village's open space. I'm not as troubled with having dense plantings along 9-A. I'm not a big fan of 9-A, and driving there is not a wonderful experience. So having plantings along there that give visual blockage I'm OK with.

Also, as you come to the Village's open space you then discover this open space that creates solids and voids that I find creates an intimidation (sic) and makes it different than the rest of that frontage experience. So I agree with you and I disagree with you.

Mr. Ticehurst: One thing I'd like to add, too, is even along this berm there are street trees across there. So it's not just as if it's this huge hedgerow. We've tried to intentional break it up and get a rhythm along 9-A to be able to show that. Plus, the edge of the road is really green in here, too. There are combinations of things that are happening. There are street trees, evergreen trees, mixes of those types of plants. And also, there are plantings shown underneath that. So that's probably the wrong picture to bring, but in a sense that's a huge big wide berm and there's a huge grade change.

We don't have a huge, wide berm here. This is going to be a very subtle berm. And I think what happens is, the introduction of these street trees all along the frontage of the property really creates an interesting vocabulary to basically enhance that streetscape. Beyond that, inside of that, is where that transition occurs where we get into these evergreens in the back

of that. So there's a layer and there's a gradation of types of plants that are on that berm. I don't want them misrepresented. It's going to be dense, for sure, the intent. But I think it does have a nice compatible mix of plants. There's an existing large deciduous tree here. We're working with the two evergreens, Norway spruces, there. Again, it varies in width. It becomes very wide here, it narrows down, it widens out.

Boardmember Bass: But again, I think it would be helpful, one, that you have the dialogue with our consultant. But also if there are renderings or diagrams, or even pictures that you alter, both viewing the site from 9-A and viewing the site from the buildings, I think that will help us. Because viewing this in a two-dimensional fashion, we can debate whether it should be thick or not so thick and, at the end of the day, we won't really know until you plant the damn thing. So it would be really helpful to have more visuals.

Boardmember Gould-Schmit: And I guess I would just like to say the whole front-door, back-door thing we just talked about how dense vegetation helps. I do think that conversation we had earlier, the back of the building, needs a bit more planning. You have to consider it. I mean, that path is a county asset. People use it all the time.

Chairman Cameron: Right. And also, as they come across your new bridge and start walking up there they would be looking at the back side of building C. They should have some break in the site, which they don't currently.

OK, let's keep rolling.

Village Attorney Stecich: Yeah, why don't you keep rolling. You were up to B.

Mr. Ticehurst: Do we go through thing, or should I meet with him? I think I could probably save a lot of heartache.

Mr. Lozito: We probably did ourselves a disservice by showing these renderings without greater study, the affordable one in particular. But we didn't finish the architecture coming down to the ground. This is just a model that was taken on a table and then put on an image. So one of the things we're working on before we go to the ARB is to bring the architecture down so you don't have a blank foundation wall going on, and add plantings and things like that. We were trying to give you the thrust of what the design was without the details.

Chairman Cameron: Well, you actually have one with a lot more trees in it.

Mr. Ticehurst: We had the berm.

Mr. Lozito: This is the berm one, yeah.

Chairman Cameron: And that was more what I was thinking. People going along 9-A are going to find that a lot more interesting than just a solid wall of trees.

Mr. Lozito: I think we can have some breaks. One of the problems we thought was that this was accused of being too soldier-like. I think Glenn's picture may have gone to the other extreme a little bit.

Village Attorney Stecich: It doesn't have to be brief, but that level of density.

Mr. Lozito: This is 35 feet.

Mr. Ticehurst: The evergreens are 10 to 12.

Chairman Cameron: But they won't be after a few years. That's the thing. Anyway, I think that's more what we thought was coming and it looks terrific.

Village Attorney Stecich: OK, B, C. Because the Planning Board may differ on some of these things.

Mr. Ticehurst: I think I touched on the space between the combination of mulch and lawn. The idea is that, over time, as the plants mature, no mulch, no lawn.

Village Attorney Stecich: I think it's not indicated on your plan. Indicate it on your plan.

Mr. Ticehurst: I can be more specific and indicate it on the plan.

C represents invasive. I said we can certainly change that. Maybe we think the grasses in combination with the deciduous maple and dogwoods, and the evergreens, do provide a nice diversity.

Village Attorney Stecich: Wait. What about this thing? The addition of understory evergreen shrubs would enhance the lower level screening, especially during the winter, and allow wider spacing of the larger evergreen trees. So take that into account when you discuss A with him. It's related to that, I think.

Mr. Ticehurst: Sure. Are we good with foundation plantings?

The remaining unpaved surfaces are intended to be lawn. There was a question that they

weren't labeled, they would be labeled. The lower lawn areas are minimal and primarily adjacent to the buildings. They are intended for passive recreation. That was his 2A. Ready for 2B?

Village Attorney Stecich: We talked about 2B already. That was the demarcation.

Mr. Ticehurst: Three, I will discuss this with him: the delineation of the meadows in terms of providing some additional planting that will help demarcate the difference between the maintained lawn and the meadow. So we will go through that.

3B, the meadow does, indeed, provide an optimal buffer and wildlife habitat along the river's edge. The area along the river between buildings B and C do intentionally provide a greater area of lawn for passive recreation.

Chairman Cameron: Page 3B.

Village Attorney Stecich: B we already talked about.

Mr. Ticehurst: C, I agree with him. We're going to try to soften up those retention basins. I've got to wrestle the engineers.

Chairman Cameron: One thing that worries me about these bioretention basins is that they're just the ideal thing for a small kid to go in and start digging around in. I'm a little worried about what you're going to do. Because you are going to have some children, especially in the affordable units. I just look at it, and say to myself, "Water, and a kid? C'mon, give me a break."

Mr. Ticehurst: Well, it's temporary. The water isn't there all the time. It will be there during ...

Chairman Cameron: The sand is there. I'm just curious. You might look at that because I get worried about it.

Mr. Ticehurst: We are planting those also – and he had made a point about the spacing and the quantity, which I will review with him – the plants within there. That's item D, about the quantities. Item E, we are not intending to disturb any of the vegetation along the steep embankments of the Saw Mill River. A note will be added to the plan to ensure that the embankments are not disturbed. I'm sure, by the time we're through with this, there'll be areas of disturbance that will be on all the plans.

Chairman Cameron: You're on E right now?

Mr. Ticehurst: I am on E.

Chairman Cameron: I think he's worried, and I am indeed too, that we're not putting enough vegetation in along the embankment and it won't be stable.

Mr. Ticehurst: Well, you can't on the embankment. On the top we can.

Village Attorney Stecich: But related to that, though, I think Bruce you can tell Michael this. I think there needs to be on one the declaration of covenants on the property that they have a responsibility for protecting that riverbank. And if it needs to be stabilized or if it needs more plantings that they have to do it. That that's the building owner's responsibility. I think that might be a way to deal with it. Plus, you're noting it.

Mr. Ticehurst: That was E.

F, the line of red cedars along the northern property line. They are tall and narrow, so they were bunched up more soldier-like. I'm happy to try to loosen them up. We do have a fairly significant planting in front of them along this margin, which I am naturalizing with combinations of deciduous plant material so it's a foil to that. But if in can loosen those up I'm happy to do that.

Chairman Cameron: But, Bruce, one of the things I was quite surprised by when we all visited it – and I just went back again to visit the site – was that the new person renting the building just north of your site has now turned it into building material supplies. I'd always heard that this easement you had there was really a place for them to turn around and get behind their building. They turned it into a storage area. I hope you figure out some way to take steps to get them to stop it being a storage area, both for Hastings and for yourselves. That's why we have these trees so dense there. Because he's now got cinders, stones, wire ...

Mr. Ticehurst: It's a mess, yeah.

Boardmember Sullivan: This is the last thing I wanted to bring up. I think that area has really been built up. Isn't there a fairly substantial retaining wall that you're constructing on the north side?

Mr. Lozito: We would be, to create the berm. To create a berm here to shield the building.

Boardmember Sullivan: So what's the change in grade?

Mr. Lozito: I think that may be as high as 6 feet.

Boardmember Sullivan: I noticed that. So 6 feet tall, plus the hedge.

Village Attorney Stecich: What kind of fence? Do you know?

Mr. Ticehurst: They style.

Mr. Lozito: I don't know. It's really for safety. It could be chain link or something else. It's a commercial building on the other side. The chain link might let some the vegetation show through on the other side.

Boardmember Sullivan: I hadn't realized that was being elevated to such a degree on the northern side.

Chairman Cameron: So you've got a 6-foot wall, and then another 6-foot fence on top of that?

Mr. Lozito: I think probably a 4-foot fence.

Village Attorney Stecich: Where is the 6-foot wall?

Chairman Cameron: They're building a wall right there.

Village Attorney Stecich: Oh, on that side. OK.

Deputy Building Inspector Minozzi: That would require a variance for height.

Chairman Cameron: I know.

Mr. Lozito: A 6-foot wall?

Deputy Building Inspector Minozzi: The wall and the fence together can't be more than 6 foot 6.

Mr. Lozito: Could the fence be behind the wall, separate?

Village Attorney Stecich: Take a look at it and figure that out.

Deputy Building Inspector Minozzi: We'll have to figure that out.

Village Attorney Stecich: And then on G, I'll just explain to the guys. Well, I'll call him Monday. Presumably he'll be back Monday. I'll ask him to call you.

Mr. Ticehurst: That'd be great.

Village Attorney Stecich: OK. But I'd like to talk to him first. It won't be that bad.

Chairman Cameron: [off-mic], I'm not sure it does.

Village Attorney Stecich: No, all these issues.

Chairman Cameron: So there's this list that Marianne circulated, March 13, which had a whole bunch of issues.

Village Attorney Stecich: Are we going to go through everything?

Chairman Cameron: Yeah, very quick. C, we know we have to do Steep Slopes. We haven't done that.

Village Attorney Stecich: Hahn is doing that.

Chairman Cameron: B, [off-mic].

Village Attorney Stecich: Our landscape guy said he thought the plan they had was OK. The only concern in there was that they had some mention of Roundup, but only a very limited use. I think a condition would have to specify that Roundup can only be used for this, this and this.

Chairman Cameron: E, we've done. F, we just ran into here.

Village Attorney Stecich: They're taking care of that one. G, we talked about.

Chairman Cameron: Then these guys are going back to the ARB. We've added lighting to the ARB. Just one thing that's a little peculiar, Bruce – and maybe I'm reading the thing wrong – but your diagram for the lights. One of them has a round base on it, and right next to it is one with a square base on it. I'm not sure which one matters one way or the other. It was just a little inconsistent.

We've done the fire inspector.

Village Attorney Stecich: I is an issue.

Chairman Cameron: I, we have to deal with.

Mr. Lozito: Tell me about the lighting.

Chairman Cameron: When you look at the lighting, I forget which page it's on.

Village Attorney Stecich: Your lighting plan.

Chairman Cameron: It talks about the lighting you're going to use. I don't know which one is which. We're going to find out. The bottom right-hand corner has two different kinds of pole stands. Maybe one's just an example. I personally like the round one better; the one that says it has a 4-inch square straight aluminum pole.

Mr. Lozito: This one here?

Chairman Cameron: No, right-hand corner. Right there. This one here has this base, which is 4-inch. And this one here has this very graceful thing. They're different.

Village Attorney Stecich: So you need to talk about garbage.

Chairman Cameron: I actually have a question, a point of information, from you, Bruce, on garbage. I looked over at the garbage place, and it seems to be there's a metal structure around it with a couple of doors on it. Then you go inside and there are four different bins.

Mr. Lozito: Right.

Chairman Cameron: And I can picture people in the buildings taking their kid and say, "Go dump the garbage." And the kid goes over there. I'm just trying to get the sense of the size of these doors and how you open and close them. Are you doing it all the time? If you could explain to us a little bit this four-bin structure.

Mr. Lozito: It's a 6-foot high solid board-on-board fence around it. It's an 8-foot gate with 3-foot wide doors. So 14 feet by 15 feet, with 6-foot fencing around it. These dumpsters are probably about this high.

Chairman Cameron: But the doors are 8 feet high.

Mr. Lozito: No, 6. The door is 4 feet by 6. Four feet wide by 6 feet high.

Chairman Cameron: All right, so maybe the kid can get in and out, dump the stuff. Are there four bins for different purposes? Paper, recycling?

Mr. Lozito: There's two for trash, one for paper and cardboard and one for commingle. They would be marked.

Boardmember Sullivan: Has Public Works looked at this, Buddy, to take a look at this layout?

Deputy Building Inspector Minozzi: No, not as of yet. We'll definitely have to speak with Mike about it.

Boardmember Sullivan: There's only 4 feet between them. I got concerned about how things are going to be moved in and out, if they were comfortable with it. I know they talked to them about maybe how the dump truck would access that area, but it seems a little tight.

Also, how have the containers been sized? Are they sized just for building B?

Mr. Lozito: For all the buildings. Buildings A and C are going to have compacters so that'll reduce the volume of the trash coming from A and B.

Boardmember Sullivan: But their trash will come to this area.

Mr. Lozito: It will all come to this area.

Boardmember Sullivan: It'd be interesting to see how you've calculated the capacity.

Mr. Lozito: Based on their experience using these compacters.

Boardmember Sullivan: But I'm making sure the capacity for all the units that we have. I would like to see that information, how much they provided per unit of space. Because we get pickup once a week.

Mr. Lozito: One's garbage, one's paper, one's [off-mic].

Chairman Cameron: You're doing municipal collection?

Boardmember Bass: And last time we talked about composting?

Chairman Cameron: Well, they're composting. They're going to build two private ones for composted. Then what we're really next talking about the affordables.

Village Attorney Stecich: No.

Chairman Cameron: Composting, just throw it in the river. That's all you do.

Village Attorney Stecich: Are you going to confirm with the DPW? Do it like right away, so if a change has to be made it would be. And, Bruce, can you send some calculations about how they calculate the ...

Mr. Lozito: I'll see what I can do.

Village Attorney Stecich: Because presumably you don't want garbage and trash going out. It's in it property owner's interest.

Mr. Lozito: We made it larger than it needs to be. There's a margin of error. I visited – this is what I do for fun – I visited a number of apartment complexes in the Village, and saw they had these dumpsters butting right up against each other. They're just wheeled out into the drive.

Village Attorney Stecich: So if you determine they're bigger than they need to be, there was a basis for the need. So what you determined was the need.

Mr. Lozito: Well, they didn't go by calculation. They're by experience with similar-sized buildings.

Chairman Cameron: So we're dealing with the first issue: whether the dumpsters are going to be picked up.

Now the second issue, the fact that the people in the affordable building will have to walk from the building to this shed to get to the garbage once a week, whatever they have to do.

Village Attorney Stecich: I guess the question is, is everybody OK with that.

Chairman Cameron: Is everybody OK with that, or we'll think about it. Because we have some concern that the affordable people weren't getting their garbage picked up and carried to these dumpsters. It is only 100 yards, whatever it is, maybe less than 100 yards. It does

go the wrong way going to the bus stop, but something you do maybe once a week.

Boardmember Gould-Schmit: Sue Smith was here, and she actually didn't have a problem with it.

Village Attorney Stecich: She said it was fine.

Boardmember Gould-Schmit: But she actually doesn't have it similar in her building. She's not in affordable housing subcommittee.

Chairman Cameron: She's the chair of the Affordable Housing Committee.

Boardmember Sullivan: I think our issue's just equitable treatment across all three buildings, and it's a distinction between the affordable and the other two.

Boardmember Gould-Schmit: Even though your trash is compacted you still bring it, correct? You just bring it less often.

Village Attorney Stecich: No.

Mr. Lozito: The trash is thrown down a chute on each of the residential floors into a compacter in the basement.

Chairman Cameron: In the two big buildings.

Village Attorney Stecich: And they have maintenance people for the two big buildings.

Boardmember Alligood: Only the affordable housing people have to hand carry they trash into that pen.

Mr. Lozito: They don't have a basement in that building so there's no compacter.

Village Attorney Stecich: They don't have a basement, and they don't have a staff taking care of the building. So it's a different situation.

Chairman Cameron: Somebody comes in and cleans the hallways at some point in time.

Village Attorney Stecich: But there's no common garbage area because there's no basement.

Chairman Cameron: Right, I'm aware of that.

Boardmember Sullivan: It's actually a pretty nice elevation change in back, but I'm not sure it makes it a basement.

Chairman Cameron: Oh, you could create a basement back there.

Boardmember Sullivan: I just wondered if there was a way, in how the complex was managed, if there was a common trash room that could be created in the affordable unit. Since Ginsburg is maintaining this, at least at this point, for someone to come and pick up the trash and carry it out like they do the other two buildings.

Chairman Cameron: How does it work with three kinds of trash with one chute? Or are there three chutes?

Mr. Lozito: You continue compact the recycling. That has to be brought down by the residents.

Chairman Cameron: Recycling is brought down, the paper.

Mr. Lozito: And the commingled. You only do the trash.

Chairman Cameron: And they put it in bins in the basement. So they have to walk the entire 200-foot building and then put it down.

Mr. Lozito: Actually, it's in the building.

Chairman Cameron: I'm willing to throw in the issue. I was the one who brought it up. But anyway, you guys can do whatever you want. People have to speak up.

Boardmember Sullivan: I'd like to have Ginsburg explore a common trash area in the affordable unit so people aren't being asked to be the only ones that take their trash out to the collection area. Initially, I thought that was potentially just for the affordable. I didn't know quite how the compact worked. I knew there was compacting. I didn't know if that was going to be picked up in some fashion at each of the buildings.

Chairman Cameron: What happens in the two full-rent buildings? They can drop their garbage down the chute. The other two pieces – the paper and the glass – they carry down to the basement and put it in two bins down there, I take it. Then the people who maintain that building take that stuff over to the dumpsters.

Deputy Building Inspector Minozzi: They're paying for it. They're paying premium-rate prices for someone to do that for them. But the other is affordable. There's not money there. It's kind of a different situation with that building.

Boardmember Sullivan: Well, right now we had this discussion on another issue. Which was this maintenance in general. Right now, all three buildings are owned by the same owner. So there's a potential for the same level of maintenance across all three buildings. It's just that the affordable unit gets sold.

Mr. Lozito: It's a different owner.

Village Attorney Stecich: It's a different owner. It's the affordable housing.

Mr. Lozito: It's going to be a limited partnership with the Affordable Housing Development.

Boardmember Sullivan: Then I made a comment a couple of meetings ago, and I was told that it was ...

Mr. Lozito: Ginsburg will be one-half of the general manager with the Affordable Housing Fund Company, and it'll be limited partners.

Boardmember Alligood: From day one?

Mr. Lozito: To get the funding. To get the tax credit financing we have to create a limited partnership.

Boardmember Alligood: No, I know that. But once it goes into operation, they're going to maintain that legal structure?

Mr. Lozito: Right. For at least 15 years, the term.

Boardmember Alligood: Because we had a conversation about that. That wasn't clear to me.

Boardmember Sullivan: So, Buddy, you point's well taken that it's a separate owner. Different than what I understood.

Mr. Lozito: I guess I was trying to say Ginsburg was going to have an interest in it. He'll

have an interest, but it'll be very minor. It's one-half of 1 percent, I think it is.

Village Attorney Stecich: Bruce, is it possible to just put a structure, an enclosure, next to the affordable building for the trash?

Mr. Lozito: Let me look at it, OK?

Village Attorney Stecich: And then something that the DPW could get to, I guess.

Boardmember Sullivan: Yeah.

Village Attorney Stecich: That's the other thing. The DPW's got to be able to get back there.

Chairman Cameron: It would have to be moved down to the other one. You can't have a truck going up the middle of the roadway.

Mr. Lozito: Well, they could.

Boardmember Sullivan: They could, and they could stop and they could open up.

Mr. Lozito: We don't want to have a trash dumpster in the middle.

Village Attorney Stecich: I don't mean a dumpster, but maybe one in kind of an enclosure like the other one you've got. Maybe you can make the other one smaller or something.

Boardmember Sullivan: That's a bit more palatable, when you just walk out your front door and walk to the end of your building and put your trash in.

Village Attorney Stecich: Why don't you look at that. I think we talked about that before. Because, obviously, the Board is divided on this.

Mr. Lozito: Which way are they leaning? Not a problem.

Village Attorney Stecich: J and K are taken care of.

Chairman Cameron: J and K are fine. L, we've done L. We discussed that.

Village Attorney Stecich: One and two we did.

Chairman Cameron: Three and four. That was done, too. It's going to be a condition of site plan approval. Five, Hahn is looking at that. Six, Hahn's looking at that.

Village Attorney Stecich: No, that'll be done by the Building Department. Seven is going to be a condition of site plan approval.

Chairman Cameron: Eight is a condition of site plan approval. Nine, you talked about them staging, a condition of site plan approval.

Village Attorney Stecich: Ten, I think they wanted a little bit of a modification. Ten is that all the equipment has to enter and exit from Saw Mill River Road. You said you wanted a modification of that.

Mr. Lozito: We might need permission from the county for this side of the river to do the abutment for the pedestrian bridge. So you actually come down the railway from Lawrence Street.

Village Attorney Stecich: So I'll just add to that "except for the pedestrian bridge."

Mr. Lozito: Right.

Chairman Cameron: For a moment there, I had the image of the pedestrian bridge coming up the Saw Mill and trying to turn.

Local taxi company, that's a condition.

Village Attorney Stecich: They'll have to do that. Twelve is one that I had indicated in here that the draft agreements had to be provided to the Board prior to site plan approval. I spoke with Michael Zarin, they attorney, today. He's started on them. It's going to take a really long time to write those things. It's going to take a really long time for me to review them. I'm not sure site plan approval has to be held up for that. I think this board should approve the final agreements. But what you could do is say that they can get site plan approval subject to their providing these agreements, which have to be approved by the Planning Board. So it doesn't hold up the whole Planning Board. Jamie had a good idea.

Chairman Cameron: One of the things we always did at my legal practice, fairly common, is that as you're working on a deal you write a term sheet and the parties agree on the term sheet. Then the lawyers are set off to draft it so they draft the right thing. I thought it might be useful if you guys just came up with a term sheet for what you're going to do on all these agreements. Then we could discuss it, and make sure what you're drafting – and what Mike's

spending his time doing – is something which is going to work with us. But we still hold off to approve the agreements later. But you do come back with a term sheet, and then we can at least discuss the issue and at least have it so we all agree on it.

Mr. Lozito: I think we can do that. I would just ask that there be some opportunity. It is kind of complicated. We've got three properties and we've got the potential for a condo conversion in the future for two of them. So we may have a term sheet and come back to you say. Say we need to ask you to re-look at this provision.

Village Attorney Stecich: But the terms they're concerned about is who's responsible for maintaining this, who's responsible for the public using this, the public using that. That kind of stuff.

Boardmember Sullivan: But pretty clear in the kind of written form that we're looking at, saying OK, this what you're planning on providing for us as a draft easement or easement for approval. That's important. There were some distinctions. I looked at what you had presented in your concept plan, and there were some ownership issues that were a little bit different than what we've talked about.

Mr. Lozito: I might have written that before they were defined.

Village Attorney Stecich: On that you have to be specific. Defined ownership is going to say Ginsburg owns this or building A owns this, or whatever.

Boardmember Sullivan: What I was also talking about was people maintaining. What I was looking at said there were issues of what owner's maintaining what. I think building A and building C owners are responsible for maintaining all the roads, all the sidewalks.

Mr. Lozito: Building A and building C are responsible for the stormwater management and for the pedestrian bridge.

Village Attorney Stecich: Those are the things you have to put in the document. The Planning Board will review it.

Mr. Lozito: The other is shared in an equitable manner amongst the three lots.

Village Attorney Stecich: Thirteen, I think right now we say we need to county permit prior to site plan approval. Probably not going to get it prior to site plan approval, but make it prior to them getting a building permit, I think.

Fourteen wouldn't happen 'til the C of O stage. When I do the final site plan approval, I'll separate the conditions on what has to be done prior to the building permit, what has to be done prior to a shovel in the ground, what has to be done prior to C of O so it'll be easier for everybody to follow.

Chairman Cameron: All right, 15 we've done. Sixteen we've discussed.

Village Attorney Stecich: Yeah, they're taking care of that. Seventeen, that'll get done later.

Chairman Cameron: Eighteen, I think Marianne discussed this earlier.

Village Attorney Stecich: They're OK on that.

Chairman Cameron: Nineteen?

Village Attorney Stecich: Twenty are just those conditions, instead of 8, 11, 12 and 15 should be 1, 8, 12 and 15. I'll fix that. So that was it on ours. Then there are two county things.

Chairman Cameron: Right connection to public transit. I just think we need to be clear that the sidewalks, if somebody get off the bus and they're going to the park they can walk along the sidewalk. They don't have to walk along the street.

Mr. Lozito: This is what I was going to propose in lieu of that. I think I've mentioned it. We asked for the county to put a bus stop right at the park. They said despite their concern there's not enough usage. So it seems to me that once the Village determines what use it's going to put here that the Village request the bus stop right there. It makes much more sense. And at that point, why should they have to walk a quarter of a mile through the development when they could just as readily put a bus stop right in front of the park.

Chairman Cameron: If there's enough traffic. But, you know, they already have a bus stop up there. That's the one that's going to be there, and I'd like to see Hastings town residents, if they happen to come by bus, we have a walk along this public sidewalk and go to the Village park. Also, people could walk along that sidewalk and go over the bridge.

Mr. Lozito: Well, we hadn't proposed that that be public. A public easement was going to be here. It's a little more than we had offered. When just as readily a bus stop could be placed here. They didn't mention the distance as an issue, they mentioned the usage as an issue. And that one is vacant, it's not being used. I'd much prefer that the Village be willing

to make the request for a bus stop, which you would probably get more easily than we would.

Boardmember Sullivan: I don't think that's meeting the county's request. They're looking for a connection to public transportation.

Mr. Lozito: Well, they're not helping. It seems like they should contribute to the effort.

Chairman Cameron: We had never thought of that street of yours as being private. In fact, I thought the people might come in and drive in there on their way to park in the parking thing. You've introduced something which I actually haven't heard of until we brought it up now. We also had discussions many times that this is not a private road.

Mr. Lozito: Does the Village want us to dedicate it?

Chairman Cameron: No.

Mr. Lozito: I don't think we ever talked about it being other than this access right here. That's problematic. Because people will start parking here, we're going to have all sorts of issues.

Chairman Cameron: If someone gets off that bus and they're heading towards the Village park, and if we don't have a bus stop down there, I don't see them having to walk down the road.

Mr. Lozito: Let me get back to you on that.

Chairman Cameron: That's just not fair.

Mr. Lozito: I can't agree at this point on that. Let me get back to you.

Chairman Cameron: OK. Parking for affordable units. If we just go over that again, your plan is to ...

Mr. Lozito: Reserve those exclusively to the use of the affordable.

Chairman Cameron: And how will somebody know that?

Mr. Lozito: There would be signage. What we have to do is add it to the plat, the subdivision plat. We'll number the parking spaces and we'll put an exclusive right to those.

And then we'll use signage.

Chairman Cameron: Well, we have this phenomenon in town, and I'm just worried it could happen here. And this actually happens with our affordable unit. That notwithstanding we have these affordable units, and notwithstanding they have a nice parking area. Then you come driving along the road, and if they see a parking space in front of the building just park. They don't pull into the parking lot. It's too far away. What I'm concerned about is people who live in building A just come driving in, and they just, "Oh, look. There's a parking spot right in front of the building." They park there a little farther along. And gradually it fills up, and the affordable people don't have the alternative of going to the basement.

And I'm glad you bring up the sign. Because that may ...

Boardmember Alligood: I don't see how we can resolve that. And my prediction is that people are going to be protective of their private space in the garage. I think maybe their guests might mistakenly park there, but I don't think there's anything we can do.

Chairman Cameron: Well, the signage is a good point.

Village Attorney Stecich: Permit parking only. But will they need to have a permit in the window or something? Will they get a permit? I think that's a good idea. For the affordable people, they have to have a thing in the window.

Boardmember Sullivan: I want to add something to this.

Mr. Lozito: That kind of differentiates them a little bit. They're going to know if there are spaces.

Village Attorney Stecich: Like in D.C. you do that. If you live on a block, only people who live on that block can park there, and you need a thing in the window.

Mr. Lozito: If someone uses someone's spaces inappropriately, the managing agent is going to get called. And that person is going to get a fine or they're going to get towed.

Boardmember Sullivan: I looked at the parking requirements. I wanted to look at each building separately just to understand how the groupings were. If I'm not mistaken, you're providing 35 spots within the building, is that correct? And you have a total need of 47, 48? So there's no visitor parking shown right now.

Mr. Lozito: That's computed into your zoning code. The parking standard takes that into

account.

Boardmember Sullivan: So when we do our per unit, per bedroom count that's it?

Village Attorney Stecich: Yes.

Boardmember Sullivan: OK.

Village Attorney Stecich: It takes that into account because you don't want to create overparking.

Boardmember Sullivan: Then I think assigning parking, in the two for-profit or market rate units, if you're assigning spots.

Mr. Lozito: We were only intending to do that for the basement parking. So there'd be a little more flexibility for the surface parking.

Village Attorney Stecich: And so the only restricted parking on the street would be the affordable.

Mr. Lozito: Right.

Chairman Cameron: Because you might have somebody having a birthday party, and then they have a little rollover.

Village Attorney Stecich: Then the lighting plan has already gone to the ARB. The mechanicals, it turns out the ARB's already put the mechanicals on the roof.

Chairman Cameron: OK. That's all I have.

Village Attorney Stecich: Kathy, did you have other issues? You said you were going to raise them in April. We were hoping to get them all out tonight so we could work on it.

Boardmember Sullivan: I hesitated because of our ownership issue. But now I'd like to discuss it. I think I've said this a couple of times. The goal of the affordable housing was to have it be integrated in such a fashion that it was not identifiably different. And we understood from Ginsburg Development's perspective that that would create some issues down the road for changing from rental to condo. That's where the conversation came.

I'd like to look at – now knowing that this affordable is going to be owned by the affordable

housing group from the get-go ...

Mr. Lozito: No, it's not. It's going to be a limited partnership. The people will get tax credit of 99.9 percent of the interest in the building.

Boardmember Sullivan: And who is responsible for the maintenance?

Mr. Lozito: This limited partnership will also include Ginsburg Development and the Hastings Affordable Housing Development Fund as a general partner. The general partner will operate the building for the Affordable Housing Development Fund Company. We'll operate that building, under the watchful eye of the limited partners who want to be sure that their building is being properly maintained and their investment protected.

Boardmember Sullivan: So I guess my question to the other Boardmembers is this. Given the explanation of the ownership and who's responsible for operating, I see a risk to whoever is responsible for paying for the maintenance, ongoing maintenance, for the affordable housing building and lot that that central lot butts up against the Saw Mill River. I'd like to talk about creating a way to not have that lot be a lot that goes from street to river, but street to a zone that's shared between the two market rate buildings.

Mr. Lozito: There are legal ways to address this concern, just simply the structure of the maintenance and operation of the facility. We have proposed a greenway that nobody had any interest in. Then we went to the more straightforward configuration. This management agreement will give you the idea how this is going to be handled.

Village Attorney Stecich: Well, what would it say, Bruce? That the two market rate buildings would be responsible for the entire length?

Mr. Lozito: I don't really see that as a major issue. The banks there, as Glenn said, are stabilized. I'm not quite sure I understand what the fear is. But the big ticket items, lots one and two, are taken care of with stormwater management and the pedestrian bridge and the public access. The rest of it is basically landscaping, snow removal and that's pretty much it. So I don't think there's any smoking gun here that is going to create a major issue or expense.

Boardmember Sullivan: I would say a flood would erode the bank.

Mr. Lozito: I'm sorry?

Boardmember Sullivan: If a flood came and eroded the bank, and created some kind of repair issue that the affordable housing ...

Mr. Lozito: We've had Sandy and we've had others.

Boardmember Sullivan: I'm not talking Sandy.

Mr. Lozito: Other storms?

Boardmember Sullivan: I'm talking about flooding that can and has happened along this riverbed. I see it as a risk, and I just share that with the Board. I won't bring it up again, but I've mentioned something like this in the past and I think there's a way ...

Mr. Lozito: Just so you know, because they own that lot they wouldn't be wholly responsible. The maintenance of the three lots together, the grounds maintenance, will be shared on a fair-share basis. So they'll pay their contribution toward it. They won't be stuck. A calamity or something, God forbid, a drain pipe bursts or something like that, they're going to share in the cost. They're not going to get stuck with it.

Boardmember Alligood: I have a suggestion. I think the Affordable Housing Committee needs to weigh in on how to protect its interests. I think we're trying to do that through site plan, but I really think this is a legal issue and an ownership issue for the Affordable Housing Committee and whatever corporation that's being created to operate this. I agree with Kathy, these are issues they should be thinking about. But I encourage them to weigh in on this and try to address it through ...

Mr. Lozito: I think that's a good idea. When we prepare this outline, this term sheet of who's doing what, we'll sit down with them.

Chairman Cameron: But for the first 15 years the "they" will be Ginsburg and the people holding the limited interest. Because it's their interest that's being affected.

Boardmember Alligood: But after year 15 ... and there are lots of affordable housing projects where things do not go well because they didn't protect their interest., The affordable housing, the non-profits that were involved, didn't protect their interest up front during this part of the process. So I'm encouraging the Affordable Housing Committee to step in and get advice from other developers, non-profit developers, who've done this a million times to make sure that these things that Kathy's raising are addressed.

So I do think they're legitimate concerns. I just don't really see us being able to work them all out in site plan. I think there's a more appropriate place that that should be done. And I think they should be reflected in a legal agreement.

Mr. Lozito: And the committee does have access to Rose Noonan and the affordable housing.

Boardmember Alligood: Yes.

Mr. Lozito: They've done these things for a hundred years, so.

Chairman Cameron: You used the word "fair-share," and maybe that's one way to do it. Except we need a better definition of "fair."

Boardmember Alligood: Right. Fair, and they need to advocate for their interest.

Chairman Cameron: Because you could deal with all of the bank side of the property for that kind of thing, and a fair-share in agreement. Maybe they're only 5 percent of 10 percent of the cost, rather than paying whatever.

Village Attorney Stecich: Now, does this also have to be approved by the county, whoever's giving you the money? I mean, do they look into that?

Deputy Building Inspector Minozzi: I don't think so.

Boardmember Sullivan: The county's giving you money for the road infrastructure, right?

Village Attorney Stecich: Are you getting state funds?

Mr. Lozito: We're getting tax credit money from the state. And the county, thus far, has indicated that they'll pay about \$400,000 toward site improvements to be defined. We've given them a budget, and they're willing to give that much. What specific improvements that money goes toward is still to be determined.

Village Attorney Stecich: Then when I get whatever that list is of stuff I'll make sure I talk to Sue Smith about it and ask her to talk to Rose Noonan about it. And I'll pass on what you said.

Boardmember Alligood: I'm the liaison to the Affordable Housing Committee. I've been going to their million meetings, I've made connections on this point to make sure their interests are protected. Because it is an asset for this village, and there are other affordable housing groups that have gone through this process and know which questions to ask and what things to make sure to put in their agreement.

Boardmember Sullivan: Eva, I thank you for knowing how to address my concerns. I won't bring it up again. I thank you.

Boardmember Alligood: No, they're legitimate concerns.

Boardmember Sullivan: I just don't have the expertise to know how to resolve them.

Chairman Cameron: OK, I think that's it. We didn't do badly.

Mr. Lozito: Thanks.

Chairman Cameron: Thank you very much.

I sent you all an e-mail telling you that actually Marianne is going to be our only attorney. But she's going to stay on for this project and also on the 32-34 Washington, another one that was a long time dealing. We're going to have a little bit better affair later on, when you really get to the end of your work for us. But Marianne's only been here for about 30 years. I'd love to see her file room. It's probably bigger than her house now.

Village Attorney Stecich: No, I bring them over here every two years. I bring my box over here.

Chairman Cameron: But we've been so lucky and honored to have you as our lawyer that we're going to really miss you. Because you're a terrific resource. And talk about somebody who'll always roll up her sleeves and dig into something, you're the personification of that. And you're often more enthusiastic about doing this stuff than, I think, any member on the Board. So thank you.

Village Attorney Stecich: I have to say it's actually been a real pleasure. When I started 30 years ago with the Planning Board and Zoning Board, I have always been so impressed by the Planning Board all through the years. It's just such a smart group, so intelligent, so dedicated, so efficient and respectful of the public, but recognizing that your role is in protecting the Village. It's been a real pleasure.

Boardmember Sullivan: I'm personally glad we don't lose you 100 percent.

Boardmember Alligood: Right, I think it's brilliant.

Chairman Cameron: This project here is either two years old or 10 years overall. Your

choice.

[laughter]

VI. OLD BUSINESS - None

VII. DISCUSSION ITEMS - None

VIII. ANNOUNCEMENTS

Next Meeting Date – April 17, 2014

IX. ADJOURNMENT