

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
PUBLIC HEARING NO. 2
DECEMBER 6, 2011**

A Public Hearing was held by the Board of Trustees on Tuesday, December 6, 2011 at 7:55 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Acting Meg Walker, Trustee Bruce Jennings, Trustee Jeremiah Quinlan, Trustee Nicola Armacost, Village Manager Francis A. Frobel, Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto.

ABSENT: Mayor Peter Swiderski

CITIZENS: Fifteen (15).

Acting Mayor Walker declared the Board in session for the purpose of conducting a Public Hearing in accordance with the legal notice that appeared in the November 25, 2011 issue of *The Rivertowns Enterprise* to consider the advisability of adopting Proposed Local Law No. 11 of 2011 Amending Chapter 295 of the Code of the Village of Hastings-on-Hudson as follows:

PROPOSED LOCAL LAW NO. 11 OF 2011 AMENDING CHAPTER 295 OF THE ZONING CODE, DRIVEWAY GRADES

Section 1: Paragraph A(1) of 295-40, Driveway grades, of the Zoning Code of the Village of Hastings-on-Hudson is hereby amended to read as follows (deleted language ~~stricken~~):

Between the paved street and the required minimum setback line (the minimum yard requirement), the maximum grade for any new driveway accessory to a single-family dwelling shall be 15%, but the Planning Board, ~~in approving a site plan,~~ shall have the discretion to allow a grade as steep as, but no steeper than, 20%.

Section 2: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 3: This local law shall take effect immediately upon filing in the office of the New York Secretary of State.

Acting Mayor Walker: This proposed local law regards driveway grades.

Village Attorney Stecich: This is to correct a provision in the Zoning Code about reviewing driveway grades. The way the code is written now, the Planning Board can permit a different grade for a driveway when it is considering a site plan application. The problem is that there is no site plan review required for single-family houses. I do not know why the language is there in the first place. It does not happen a lot, but when it comes up, those people then have to go to the Zoning Board. It does not make sense for two reasons. First of all, I guess anything is in the Zoning Board's expertise, but it really is a planning issue. Secondly, it is very likely to come up in a steep slope. Where there is a steep slope on the property you have the grade issue, so it is before the Planning Board anyway.

That happened just recently. It was before the Planning Board because of steep slope. But they could not deal with the grade because it was not part of a site plan application. This amendment just takes out that language. It says that the Planning Board can permit a different grade for a driveway for a single-family house. That means they will go to the Planning Board instead of having to go to Zoning Board. This is also a recommendation from the Planning Board.

Acting Mayor Walker: That means the Building Inspector, when reviewing the building permit, would refer it to the Planning Board.

Village Attorney Stecich: Yes. Again, as I said, the couple times it has come up it has usually been before the Planning Board anyway because they were there for steep slope approval. But let us say it was not part of that, then Deven would send them to the Planning Board instead of the Zoning Board. There are a few provisions in the code that the Planning Board can waive rather than the Zoning Board, like having the required frontage on the street. That is a Planning Board waiver, or a Planning Board approval. There are a couple of them in the code, things that deal with planning issues, and this is more a planning issue.

Acting Mayor Walker: Any comments from the public?

John Gonder, 153 James Street: The same comment. I think you need notification of people. If the driveway is one foot and 20 foot wide, it is only one foot long, and an inch of rain falls. That is only 12-1/2 gallons. But five inches of rain it is 62-1/2 gallons. Now if the driveway is 20 foot long it is 1,560 gallons. We all know that this year, so far, we are the second-highest rain ever. But over this three days we may get three inches and we will be number one. I think you base it on a 100-year plain of average rainfall, if I am not mistaken.

Village Attorney Stecich: One-hundred year flood.

Mr. Gonder: Yes. Well, maybe the law should say the highest 2011 or something. But if it was a 40 foot driveway that is 3,000 and some gallons of water. And where is that water coming? A lot of it is coming down into my garage and my basement. I wish you would notify people.

Acting Mayor Walker: Of course, it is the Village that it is going to impact first because it will go into the streets.

Village Attorney Stecich: Yes. But under current state regulations, any construction you do you have to keep that water on-site. At least the amount of drainage you are going to be creating, or more, has to be kept on-site. So that is a different set of regulations. It really does not have anything to do with this. This is just to clean up something in the code. It makes no sense to say the Planning Board can do it when it is granting site plan approval when it does not grant site plan approval for single-family houses. And mostly, driveways just have been single-family houses.

Acting Mayor Walker: I think we are going to have more stormwater issues to address in the future, Mr. Gonder, and what you are recommending will fall under that. Perhaps there are code issues which we can look at in the future regarding stormwater issues. In new construction, stormwater runoff has to be kept on-site. Is that correct?

Village Attorney Stecich: Yes.

Acting Mayor Walker: So we are still suffering from stormwater drainage that predates that law. But going forward, the Building Inspector has to ensure that the stormwater is kept on-site.

Village Attorney Stecich: When there have been difficult cases, and we have had a couple before the Planning Board, the Planning Board requires an engineer to be hired. The applicant pays for the engineer.

Hearing no further comments, Acting Mayor Walker called for a motion to close the Public Hearing.

CLOSE OF PUBLIC HEARING

On MOTION of Trustee Armacost, SECONDED by Trustee Jennings with a voice vote of all in favor, Mayor Swiderski closed the Public Hearing at 8:02 p.m.

FILED

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SUSAN MAGGIOTTO, VILLAGE CLERK