

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING
AUGUST 18, 2016**

A Regular Meeting and Public Hearing was held by the Planning Board on Thursday, August 18, 2016 at 8:15 p.m. in the Municipal Building Meeting Room, 7 Maple Avenue, Hastings-on-Hudson, New York, 10706.

PRESENT: Chairwoman Kathleen Sullivan, Michael Ambrozek, Boardmember Kerry Gould-Schmit, Boardmember, Boardmember Richard Bass, Village Attorney Linda Whitehead, and Building Inspector Charles Minozzi, Jr.

Chairperson Sullivan: Welcome to the Village of Hastings-on-Hudson's Planning Board meeting of August 18, 2016.

I. ROLL CALL

II. APPROVAL OF MINUTES

Meeting of July 21, 2016

Chairperson Sullivan: Regarding the approval of the meeting minutes from our July 21 meeting, I'm going to put that off to the next meeting. Kerry was not here so we do not have a quorum to approve them or discuss them so we'll put that off.

Building Inspector Minozzi: Do we have to hold off, Linda?

Village Attorney Whitehead: Not technically, but as a habit they do.

Boardmember Gould-Schmit: Yeah, we do usually.

Village Attorney Whitehead: But if anybody has any comments, get them to Mary Ellen.

Boardmember Bass: I can just give you my comments.

Building Inspector Minozzi: That's fine, OK.

III. NEW PUBLIC HEARINGS

Steep Slopes Approval – Application of Gabriel Ce & Katalin Harsaczki-Ce for a retaining wall, stair landing, steps and trellis in the front/side of the property at their two-family dwelling located at 280 Warburton Avenue. Said property is located in the R-7.5 Zoning District and is known as SBL: 4.100-96-11 on the Village Tax Maps.

Chairperson Sullivan: Good evening. If you could, use a microphone and introduce yourself. Thank you, 'cause then our home audience gets to hear.

Village Attorney Whitehead: And our transcriber.

Gabriel Ce, applicant: Thank you for reviewing our application for a steep slope. This is my wife, Katalin Harsaczki-Ce. I'm going to start introducing our project by first the reasons why we're trying to build this retaining wall in our property. It's a small-scale project, but will have several benefits for our property.

We moved to this house about a year ago, and as you can see on this GIS map, this blur pretty much indicates where the steep slopes occur. So pretty much 90 percent of our property is within 15-, 25 percent-plus. This is our site. We currently have the numbers I got. So our 6,800-and-change square feet of the total property, 5,883 square feet are slopes in excess of 25 percent grade. The area that we are proposing, or the project we are proposing here is to demolish an existing rubble-concrete court that's existing on the property and build a new retaining wall, set back from an existing retaining wall we have in the front of our property about 7 feet.

This project has five qualities that we will bring to our property, and the biggest one is being control of an issue we have of soil erosion. Pretty much every rain – and especially the last few weeks of rain we had – we could see how the soil was just being washed off with runoff. We are trying to mitigate that aspect. Also with this new retaining wall we'll try to alleviate some of the load the fill is currently applying on this existing retaining wall that we have that's probably the same age of our house, which is 100 years old. We're also, with this project, re-routing the existing stairs that go into our porch. We are routing around, creating a little landing on top of that stair which it doesn't have currently. So we're trying to create a code-compliant landing on top of the stair.

Our property is a two-family house. We have tenants on the first floor. As per the current configuration, both the occupants of the second floor and the first floor apartment go through this existing porch to access the house. By re-routing these stairs, we'll offer a little bit of

privacy to our tenants downstairs. My wife and I would just walk up the exterior steps to access our property. Lastly, we will increase a little bit of usable square footage. Because right now we have no square footage – usable square footage – on our site, due to the steep slopes characteristics of our property.

In terms of the design of the wall, we are trying to align the lines of the wall with the lines of our property and also with the lines of the natural grade of the property. The wall will start perpendicular to our house. Then, when we have this new landing that we are creating – so this is the existing stair, a landing, and then the stairs being re-routed around this porch – the wall would elbow back, following the natural grade of the property and also with the hopes that we will be able to keep an existing tree that's along the property. We are setting back, as I said, the wall from our property line about 7 feet. The idea is that we will create a terrace, and that terrace will work as a leaching field to percolate out the runoff that is coming from our property. And not discharging water into the sidewalk or the adjacent properties.

Lastly, in terms of the material, we are using natural stone, which keeps in context with the Village and keeps in context with our existing wall. As you can see in our application, we have a structural engineer to design this wall as masonry-cemented and mortared masonry stone with a crushed stone leveling pad underneath. In terms of drainage, we have designed typical construction perforated pipe along the footings of the wall. Every 4 feet there's a 4-inch wrinkle that will collect all the water from the back of the wall if there's any water percolating down, and be removed from there.

These are a couple of issues that steep slopes applications require that were part of our application. I would be happy to comment if there's any questions, as much as I can. I'm not an engineer, but I can try to address any questions you may have.

Chairperson Sullivan: Thank you very much. Any public comments on this application? Any comments from the Board or questions from the Board?

Building Inspector Minozzi: Just one quick thing, Kathy. That this application did receive a view preservation waiver. For the record.

Chairperson Sullivan: Richard?

Boardmember Bass: I'm good.

Chairperson Sullivan: Kerry?

Boardmember Gould-Schmit: I was most concerned ... you are going to keep the tree. If you're going to work around the tree ...

Mr. Ce: Yeah, (cross-talk).

Katalin Harsaczki-Ce, applicant: We have more than enough trees, actually, around that property.

Chairperson Sullivan: If you could use the mic.

Ms. Harsaczki-Ce: It's just we wouldn't want to take down any tree that would be of special value. But it's basically a small forest on our property, and we would like the property to have multiple use and not just a shaded area; more usable area, perhaps a garden plot. These trees, they weren't even planted.

Mr. Ce: (Off-mic).

Ms. Harsaczki-Ce: Yeah, like nobody was taking care of this property for like 50 years and they seem to have sprung up in various places. So some smaller ones maybe in the way, and they may have to come out.

Chairperson Sullivan: I have one question, though. The weep holes in the wall, how much ... any substantial runoff? They're really just collecting what seeps down into the foundation (off-mic)? Is that ...

Mr. Ce: The idea is that we have continuous perforated pipe behind the wall. The weep holes are collecting the water that is percolating through the soil, and through capillary activity also from the masonry stone wall. The weep holes are pretty much collecting the water from that drain pipe behind the wall and discharging them in front of the wall. So the terrace that we are creating between our existing wall and the new wall, as I was saying, will work as a leaching field where all this discharge will be absorbed by the soil finally, without getting to the sidewalk.

Chairperson Sullivan: Running off.

Chairperson Sullivan: Did you increase some of the impervious surface near your stair? You're building a landing – and I will call it "patio" – but the way you're walking around the entrance now.

Ms. Harsaczki-Ce: Yes.

Mr. Ce: Right. There is a little bit of an increase of an impervious portion, and there will be a floor drain that we also collect any water that will be collected by this landing and disposed, again, on this terrace.

Chairperson Sullivan: How much did it increase?

Mr. Ce: It's in the compilation. I can try to ... I think the net gain, at the end, was zero because the water will be contained within the property. The engineer's compilation, it doesn't show an increase of the total runoff.

Boardmember Gould-Schmit: That's funny. Do you know, is there any increase in the impervious?

Building Inspector Minozzi: There is a very small in the impervious. If this application is approved maybe we could make it contingent that once it's built and you see there's too much water coming out from that drain and it's starting to cut a channel, that you may have to do some riprap or spread the water out with some kind of a header or something like that.

Mr. Ce: Right.

Chairperson Sullivan: Are you talking about from the patio?

Building Inspector Minozzi: From the patio, yeah.

Chairperson Sullivan: That sounds reasonable, you think?

Village Attorney Whitehead: But according to the engineer's calculations that shouldn't happen.

Mr. Ce: Yeah, that's right.

Chairperson Sullivan: I just wanted to ask that so you could talk about it publicly.

Mr. Ce: Right, right.

Chairperson Sullivan: Any other comments or questions?

Boardmember Ambrozek: Yes. My only concern was about the change in impervious surface. Otherwise, I think this is a good project. In fact, the wall that you're proposing with

the leaching behind, it could potentially actually slow down the rate of discharge during heavy rains.

Mr. Ce: Absolutely.

Boardmember Ambrozek: And the weep holes are necessary to prevent the potential collapse of the wall because of the buildup of water behind it.

Building Inspector Minozzi: Absolutely.

Boardmember Ambrozek: And 4-foot intervals are good intervals.

Chairperson Sullivan: All right. So if there's no other comment may I have a motion to approve, with the modification, that after construction the applicant will remedy any potential channeling in some fashion that's a runoff from the patio.

Village Attorney Whitehead: If any.

Chairperson Sullivan: If any, thank you.

On MOTION of Boardmember Bass, SECONDED by Boardmember Ambrozek with a voice vote of all in favor, the Board resolved to approve the steep slopes application for 280 Warburton Avenue with the modification that, after construction, the applicant will remedy any potential channeling in some fashion that's a runoff from the patio.

Chairperson Sullivan: So we've approved your application with the condition that we discussed.

Mr. Ce: All right, thank you.

Chairperson Sullivan: Thank you very much.

IV. OLD PUBLIC HEARINGS

- 1. Slopes Approval – Application of Dr. Marc Danziger for a swimming pool and related structures in the rear of the property at his single-family dwelling at 220 Mt. Hope Boulevard. Said property**

is located in the R-10 Zoning District and is known as SBL: 4.90-87-13 on the Village Tax Maps.

Chairperson Sullivan: Hello. How are you? Good to see you.

Male Voice: Thank you, hi.

Genna Kupinska, BKLA Studio, Landscape Architect: Good evening. We are here to seek a permit for the steep slopes for a property located at 220 Mount Hope Boulevard in Hastings-on-Hudson. The project would involve construction of an above-ground swim spa, a deck, stone terrace, a fireplace, and stone walls. We are also proposing re-grading around the structure, mostly to create a space for the underground drainage structure that would collect additional runoff from impervious surfaces, and also a landscape around the proposed improvements.

At the previous public hearing we received comments from James Hahn's office and did revise our plans according to the comments. I can briefly go over what was done.

Chairperson Sullivan: If you could pick the highlights that would be good.

Ms. Kupinska: Sorry?

Chairperson Sullivan: If you could pick the highlights.

Ms. Kupinska: The highlights, OK.

Village Attorney Whitehead: The letter that was submitted went through all the changes.

Ms. Kupinska: So should I go just ...

Village Attorney Whitehead: The ones that you think are ...

Ms. Kupinska: The most important that we had to talk to James Hahn's office about was the drainage. He did agree with us that the deck will be considered pervious structure. We did decrease the size of the slab the swim spa is sitting on. Before, it was a few feet bigger on each side for future maintenance and access. There needs to be access to the sides of the swim spa. So by decreasing the footprint of the slab, everything around the swim spa will be gravel underneath. Because of that we do not need to calculate or include the deck within the run of calculations.

He approved that one CULTEC, the drainage structure, that will collect all the water from the stone deck. We did revise everything to meet all his comments. Just very quickly, the proposed access road will be re-graded to existing conditions. The soil around the existing trees will be de-compacted (sic) and aerated when the abstract will be removed. We are, right now, showing the protection of the sidewalk and also a detail in case the sidewalk will be damaged during the construction. We are showing details of the proposed catchbasin that was not there before. We are indicating any improvements, right now, in color. There is a construction detail of the wall and the fence on top of it.

We are delineating the disturbance area with the silt fence that is on all the plants. The name of the survey is shown. We are showing the location of the percolation tests. We are showing the inspection part needed for the CULTEC. Everything right now matches. We have all the notes requested by Jim's office on our plan. In addition, we also addressed some comments that neighbors had during the last public hearing.

Chairperson Sullivan: Could you outline those?

Ms. Kupinska: There were three comments: one, protection of the oak trees. We are not going to be digging down. The swim spa is going to sitting on top of the existing grade. We are going to just build around it. With the noise and visibility, we did add additional screening around the property line. We are making sure the visibility will be cut to zero when the trees will be matured, and that also will cut on the noise.

Chairperson Sullivan: As we mentioned last month, we are concerned about the steep slopes. So responding to the neighbors, we're grateful for you to do that. That is not our purview as a board, but thank you for telling us what you did in response to some of the people that spoke.

Ms. Kupinska: OK, thank you.

Chairperson Sullivan: OK. Any public comments on this application?

Any comments from the Board, or questions? All right, may I have a motion to approve this application for steep slopes approval?

On MOTION of Boardmember Bass, SECONDED by Boardmember Gould-Schmit with a voice vote of all in favor, the Board resolved to approve the steep slopes application at 220 Mt. Hope Boulevard.

Chairperson Sullivan: So we have approved this application for steep slopes approval.

Female Voice: (Off-mic).

Village Attorney Whitehead: It's in the minutes.

Building Inspector Minozzi: Yeah, the resolution's in the minutes. We usually get it in about three weeks. It usually takes about three weeks for it to turn over. What I need you to do is submit the final plans, with the building permit. We have your building permit application, but you have to submit the final plans, OK? Thank you.

2. View Preservation Advisory – Application of Maya Elbaum for a rear addition and breezeway on her single-family dwelling at 169 Warburton Avenue. Said property is located in the R-10 Zoning District and is known as SBL: 4.130-138-7 on the Village Tax Maps.

Chairperson Sullivan: The next item is a view preservation advisory application. I recused myself from this application last month, in a cautious mode. I'd been advised by Linda, the Attorney, that it was not necessary, but I felt overly cautious and new to the job. However, we're at a situation where we have a quorum. I've paid attention to this application, and I'm going to continue to participate in the coverage tonight.

Village Attorney Whitehead: And you can be impartial.

Chairperson Sullivan: And I can be impartial.

Village Attorney Whitehead: And you've reviewed the minutes.

Chairperson Sullivan: And I have reviewed the minutes. So thank you.

Mitch Koch, project engineer: Good evening. Michael, thank you for coming. It helps. We're back.

Just to catch up, we're proposing to do an addition in the rear of the house. Very quickly, it's an existing one-story enclosed porch in the back that we actually wish to replace with another single floor, but add a second floor bedroom above it. That's the gist of the work. We are also talking about extending between the house and the garage to create a vestibule to extend the future kitchen somewhat closer to the garage. But I do not think that falls under

the view preservation issue; that's more of a zoning issue.

The last time with were here, a neighbor came and spoke against the petition. She's back tonight to speak in favor of it. I think that's the most salient change. I'm sure you guys were copied on these photographs I took. I was asked to make a mockup of the height of the roof, the proposed roof. Of course it's behind a tree, nonetheless I was invited by Terry to go on the roof and photograph the proposed addition. Here, you can see the way the roof would work. In fact, it does not block a view of the river at all. I think Terry can speak to this better than I can so I'm going to not dray on about this.

In general, just to review one last time, the impact of the project, as seen from up on the Aqueduct and seen from across the street, is a minor impact on people's views of the river. I guess I would turn this over to Terry really quickly unless you have any questions.

Chairperson Sullivan: I think that would be really appropriate.

Mr. Koch: OK, Terry?

Teresa McMann, 165 Warburton Avenue: I live in the adjacent home to the south. The last time I was here I voiced some objections because I was concerned about my future view if we were to build a second story on my house. Since then, I'm very happy to tell you that as neighbors we have come to an agreement and an understanding. We have written it up, and we are in the process of notarizing. They have a dual ownership so we're waiting for one more signature.

We have come to a very nice agreement, but I am very pleased the Board took my concerns to heart and sent someone to look. In fact, Mitch came to look and see what my concerns were and addressed my concerns for me. So I thank you. I'm sure it wasn't happy for my neighbors, my soon-to-be neighbors, to be delayed by my concerns. But we have come to a very nice understanding. So I hope that you will take that ... I have a letter to present to you if you need it for your record.

Chairperson Sullivan: Thank you.

Mr. Koch: Just very quickly, I have another letter from another neighbor in support of the project. I think you may have seen this already actually.

Building Inspector Minozzi: Mitch, can you give this to Kathy so she can read it into the record?

Mr. Koch: Yes. Kathy, you may want to read this as well.

Chairperson Sullivan: Good, I get to practice sitting up straight and speaking.

Mr. Koch: Do you want the mic?

Chairperson Sullivan: No, I have a special one here that doesn't work.

Village Attorney Whitehead: She has a special high-powered mic.

Chairperson Sullivan: All right, so this is from Terry McMann.

"To Whom It Will Concern,

"My intention to support my neighbors' application for variances and permission to add on to the residence at 169 Warburton is predicated on the completion, signing and notarizing of the agreement between neighbors, which has been drafted and agreed upon by us, which is now in progress. This note is confirmation of my commitment to that agreement.

"Upon such completion, I also intend to notify the Planning Board members of withdrawal of my concerns and objections which I stated at the July 18 meeting."

Ms. McCann: If I may, that's a letter that I submitted to the Architectural Review Board, which happened at ...

Building Inspector Minozzi: The Zoning Board.

Ms. McCann: Oh, whatever, yes.

Village Attorney Whitehead: So you were, as of tonight, withdrawing your objection.

Ms. McCann: Yes, I am.

Village Attorney Whitehead: Just to clarify.

Ms. McCann: Oh, absolutely.

Chairperson Sullivan: Thank you.

Village Attorney Whitehead: Because the letter doesn't ...

Chairperson Sullivan: All right, the second letter that I get to practice on I will avoid "Kathleen Sullivan, Chair," et cetera. But it went to myself and to Matt Collins.

"Dear Honorable Chairs and Members of the Boards

"This letter is to support our neighbors' project at 169 Warburton Avenue. The owners of the house, Maya Elbaum and her husband, are proposing to have additions to their house. They are a very lovely, young and nice couple with a very young child. I'm very happy that they have moved into my neighborhood to start their young lives. Our neighborhood seems to be much more lively with their presence.

"I'm sure their work will not only improve their own home, but also improve our neighborhood. With this assumption, I fully support the project with my whole heart. Your kind approval would be very much appreciated.

Thank you very much,"

*Sincerely Yours,
Sooya Kim"*

Chairperson Sullivan: So there you go. You can certainly have them.

Any comments from the Board?

Village Attorney Whitehead: I think if the Board could just acknowledge, I think most of you went out and saw the project.

Boardmember Ambrozek: Yes, I did. I didn't try to get on the roof.

Chairperson Sullivan: Any comments from the Board?

I'd just to thank the neighbors for being a good example of being good neighbors. I appreciate that very much. So may I have a motion to approve this view preservation

advisory for this property?

On MOTION of Boardmember Gould-Schmit, SECONDED by Boardmember Ambrozek with a voice vote of all in favor, the Board resolved to approve the view preservation advisory for 169 Warburton Avenue.

Chairperson Sullivan: So we've approved this view preservation advisory.

V. NEW BUSINESS - None

VI. ITEM

1. Land Use Approval Task Force – Definitions (Continued)

Chairperson Sullivan: We have no new business tonight, which is nice. We have a couple of discussion items that we've been holding on to. One of them is a potential letter to the Board of Trustees in response to their notice that they are declaring themselves lead agency on a zoning and site plan application they recently received from Artis Assisted Living Corporation, I think it is.

I circulated a potential draft. We are not going to be the lead agency, necessarily. That's one question that we supported, and they're taking on that role. We can discuss some of the reasons and what's involved, but the other issue was that we had the opportunity – because they're coordinating the review with other agencies we will, at some point, potentially have the opportunity – to site plan.

Village Attorney Whitehead: You will also have several more opportunities. The zoning amendment, which I think is going to be revised before it's formally referred to you, will be formally referred to you before they have a public hearing. That's provided for in your code. And, of course, they do want your input on that.

Just to sort of bring you all up to date, there's already been some discussion about expanding the definition that the applicant proposed, or the petitioner proposed, to look at other senior uses, a thing the Board of Trustees has been talking about for the last year anyway; instead of piecemealing (sic) this, look at what's already in the code. There's also an issue that there's already a senior assisted living definition in the code that was added, I believe, just for one

particular zone. So instead of ending up with two definitions – one of assisted living and one of senior assisted living – it's just to better coordinate it. Those revisions are going to get made, I think, early on in the process. Before they even do their EIS, they're going to make some modifications. Then it will be referred to you.

You are an involved agency under SEQRA because you do have approval authority. You will ultimately have to approve the site plan and, potentially, a special permit. So you will be included on all ...

Boardmember Bass: What about steep slopes?

Boardmember Ambrozek: That's the equivocation.

Village Attorney Whitehead: Yes, all those. But the primary ones are the site plan. You will receive all documentation through the SEQRA process and have the opportunity to comment. The first step, of course, will be scoping. You'll get the draft scope, you'll have an opportunity to comment on the scope for the Environmental Impact Statement. As we were discussing earlier, the Board of Trustees is intending to retain a planner to assist them, a professional planning firm to assist them, in this review.

I think, with that, you're up to date on what most of the discussions have been so far at the Board of Trustees meetings.

Chairperson Sullivan: OK, thank you. We never really spoke about this, so we appreciate that update.

Village Attorney Whitehead: Yeah. And again, since I'm at both meetings and heavily involved I'm always happy to update you sort of between things formally coming to you.

Chairperson Sullivan: So what this letter does is just respond as an involved agency, whether we support or don't support the Board of Trustees taking that role, and then the opportunity to raise preliminary environmental concerns. Which I felt was an opportunity to put some issues on the table that we thought would be more highlighting. What I did is, in the letter I broke it down into two pieces. The zoning amendment because that's one component, and then the second was the site plan just because those were sort of bound together a little bit.

I just went through ... what I shared with you are my thoughts. They're sort of two pages' worth. Some of them might be sort of detailed at this point. So we would like the Board to give any feedback on whether we should do this or should narrow it down, add things to it,

and really just looking for feedback. This is a potential, just putting issues on the table for the Board.

Boardmember Ambrozek: I feel it would be appropriate for the Board of Trustees to assume the lead agency role. I believe, and Linda you can correct me, if we as individuals want to speak to the Trustees we can always do so, not necessarily in our capacity on the Planning Board. There are issues outside of what the Planning Board would need to address that will also fall under this site development. So I think the Board of Trustees is the most appropriate lead agency.

Village Attorney Whitehead: They had a fair amount of discussion as to whether they wanted to be the lead agency or they were going to defer it to you. And they felt in this case, because the legislative decision is such a big part of this, that they would hold on to being lead agency. But they are definitely going to be looking for a lot of input from this board, and probably at least one joint meeting somewhere along the way.

Chairperson Sullivan: It makes sense, especially as the site plan gets moved up.

Boardmember Gould-Schmit: I second what Michael said. I think it should be with the Board of Trustees because there are some broad-ranging issues here sort of beyond our purview.

But, Kathy, as to the letter, in my opinion, on a project like this, more is better. Because I think a lot of the aspects ... I mean, this is a big, complicated project and, as we've talked about, I'm glad the Board of Trustees is retaining ...

Village Attorney Whitehead: That's why I wanted to let you know.

Boardmember Gould-Schmit: Because we are volunteers, and I don't think we have enough time to take on something like that. So I'm glad we are getting some outside assistance with it. And I think you've covered a ton of concerns that we should have in here. You have some questions. I do think the ARB should review it. I don't know if you want us to tick through these, or ...

Chairperson Sullivan: Maybe I'll just read the zoning amendment, and then we can go from there.

Boardmember Gould-Schmit: Sure.

Chairperson Sullivan: How about that? Just so it's also ... this never got (inaudible). So the zoning amendment, some possible comments were, we need a broad look at the build-out potential for sites in R-20 and R-10 that the zoning change has adopted.

Village Attorney Whitehead: That would be part of the SEQRA process. Most of these would.

Chairperson Sullivan: Yeah. I'm just laying out a definition of assisted living facility: should align with state's regulation of the three types of assisted living residents – basic, enhanced and special needs. All have different physical requirements and potential impact on the community. Need a broad look at the types of residential institutions that the definition may cover. As compared to a related use that is currently a special use in R-20 and R-10, the petition proposes a decrease in minimum lot size from 5 acres to 2.

It also removes any density considerations. The related use in our code sets a maximum number of patients. When I say "the change," it would be the petition. Also, it needs a setback buffer. Need a review of regional zoning. Greenburgh just adopted zoning for assisted living which had 10 acres minimum, 10 beds per acre. Should there be a provision to revoke a special permit for some reason? What happens if operator changes or if it's sold to another type of business or residential use.

Village Attorney Whitehead: Kathy, can I just address this one for a second? Special permits, like any zoning, runs with the land. So it's difficult to tie it to an operator. And if it changes to a different type of business, or the use is going to change, then that use would have to be a permitted use and could require new approvals. So this one, I think, is the only one I think is sort of answered by the law, if you will.

Chairperson Sullivan: So to be removed. Thank you. Never having worked on a special permit ...

Village Attorney Whitehead: Well, see, that's why I'm here to answer those questions.

Chairperson Sullivan: And we appreciate it.

Need a loading requirement as well as parking. A note – and this is just a very detailed ... proposed item, blah, blah, blah which establishes how to resolve inconsistencies between the section and other areas in the code is atypical phrasing for the special use permit uses. It should be looked at considering the process for resolution already in the code and revised or removed. So there is just, weirdly in the use definition, language about how it is going to be

... goes first before all other components in the code. Well, we already had that; it's already in the code saying how we address that. That was, I think, just, like I said, a detail note.

Any comments on the zoning amendment?

Boardmember Ambrozek: Yes. Item seven, when you say you need a "loading requirement," I'm trying to understand. Do you mean loading space, loading dock? Because this is not a commercial use in the sense that there should be deliveries.

Village Attorney Whitehead: There'll be food deliveries.

Chairperson Sullivan: There's food deliveries, there's linen deliveries, I mean, just moving in and out deliveries.

Village Attorney Whitehead: They're not going to be full-sized trucks, and that'll probably be something that'll have to be looked at in the SEQRA process. It may be hinging on the size of trucks, which is pretty difficult. In these kinds of facilities that tend to not have deliveries as we think of them, by 18-wheelers, very often they agree to a limitation on the size of trucks that'll be coming in. That relates to what ends up being provided as a loading space.

Boardmember Ambrozek: So I think this limitation needs to be included in item seven, to say that we need a loading space and limitation on the size of vehicles that do deliveries.

Chairperson Sullivan: OK.

Boardmember Gould-Schmit: I agree with that.

Boardmember Ambrozek: As well as parking space limitations.

Chairperson Sullivan: And limit on size of ...

Boardmember Ambrozek: Delivery vehicles.

Chairperson Sullivan: OK, great. Thank you.

Village Attorney Whitehead: And that might not end up in the zoning. It may be more of a site plan item that you eventually deal with. But it's not a bad idea to at least raise it at this time.

Chairperson Sullivan: It's time to do it, where it lands.

Boardmember Gould-Schmit: Where it lands on. And, Linda, on parking – how is it calculated? You know, in residential zones it's usually by bed. How do you do it? How are visitors accounted for?

Village Attorney Whitehead: Typically they look at the IT standards. Assisted living parking requirements tend to be pretty low. The residents don't have vehicles so you're really looking at staff and visitors.

Boardmember Gould-Schmit: And visitors, OK.

Village Attorney Whitehead: And it's very sad to say, but they don't tend to get a whole lot of visitors. It can be based on units, it can be based on staff counts, plus a number for visitors. But there are pretty well-established standards and IT standards for this use.

Boardmember Ambrozek: Now, will these standards also describe the need for disabled parking spaces?

Village Attorney Whitehead: Well, handicapped will be provided as required by the code.

Building Inspector Minozzi: By ADA.

Village Attorney Whitehead: By ADA, but these aren't going to be residents who are going to drive.

Boardmember Ambrozek: Right. But what I'm thinking is, the residents themselves may need to come and go, if they do come and go, using a disabled access space. So there may be a need for more disabled access spaces than would normally be proportioned.

Village Attorney Whitehead: That's certainly something you could look at as part of your site plan review.

Chairperson Sullivan: What I'm seeing at a facility where we have a family member right now here in the area is, it's kind of being able to put your vehicle under a covered place to help someone transport into a private car. You know what I mean? Just to be able to take someone on a drive.

Village Attorney Whitehead: Like a porte cochere.

Chairperson Sullivan: And also there often are sort of group visits and trips and tours. So they use a van of some type.

Boardmember Ambrozek: A bus.

Village Attorney Whitehead: A lot of facilities have a van.

Chairperson Sullivan: They have a handicapped lift for people in wheelchairs. It's less about parking, but more about the pickup. But that's a site plan detail. Anyway, just some personal experience.

Boardmember Ambrozek: Then further to Linda's point about the existing senior, we already have a definition for senior assisted living. I don't see why we need to have a separate definition for any other category of assisted living.

Village Attorney Whitehead: Yeah, they need to be combined and be one.

Boardmember Ambrozek: Right.

Village Attorney Whitehead: And I think part of the problem they didn't try to just use that one and apply it to this zone is because with memory care they may not all be seniors. Actually, a lot of assisted living they're not necessarily all seniors. So the use of the word "senior" is actually problematic, and that's what in your code now. We're going to look to combine ...

Boardmember Gould-Schmit: Yeah, that does seem like a strange ...

Village Attorney Whitehead: Yeah, we're going to look to combine the two into just an assisted living definition.

Chairperson Sullivan: Any other comments on the zoning amendment component?

OK, then I'll move into the second part, which was site plan and environmental impact. What's EAF?

Village Attorney Whitehead: Environmental Assessment Form. These things are really things that are going to be used in developing the scope for the Environmental Impact Statement at this point.

Chairperson Sullivan: So I basically took that form and just sort of walked myself through it. This is sort of not in order. Just general, by environmental concerns: impact of the adjacency to a state park; impacts of adjacency to a National Register structure; steep slopes protection; view preservation; appearance of building massing at village gateway; and impact on town and village EMS.

Boardmember Bass: I thought F should be expanded.

Chairperson Sullivan: OK.

Village Attorney Whitehead: It's all village emergency services.

Boardmember Bass: Right. Wanted more on the impacts, not just to EMS but economic impacts, techs.

Village Attorney Whitehead: That analysis is required in any EIS. You can put a fiscal impact analysis, but it's going to be required. They have already agreed they are going to do an Environmental Impact Statement.

Boardmember Bass: Right, but I found that just calling it out for impacts on EMS ... because that would be part of the environmental ... so why are we picking on that one, but not the other shopping list?

Village Attorney Whitehead: I think Kathy probably picked on it because this type of use can have an inordinate impact on emergency services.

Chairperson Sullivan: It also was a ... I'd like Richard to lay out your concerns, because another Boardmember had expressed that one.

Village Attorney Whitehead: We can just put "fiscal impacts" in general.

Chairperson Sullivan: What were you thinking, Richard?

Boardmember Gould-Schmit: Services across the board, or ...

Boardmember Bass: Services across the board. Again, going back to the Comp Plan, one of the things we discussed was the tax implications of particular uses. And again, it's only the disclosure document, but we should know whether it's tax negative or tax positive.

Village Attorney Whitehead: Right, and they ... the good news is, they are a for-profit so they will pay taxes.

Boardmember Gould-Schmit: That is good news.

Village Attorney Whitehead: Some of these are not-for-profits, although most assisted livings are for-profits. You have to look at sort of the realm of senior ...

Boardmember Ambrozek: Kathleen, I need to ask for a 2-minute recess, please.

[Board recesses]

Chairperson Sullivan: So, Richard, you would say impact on the Village EMS economics? I mean, you can pull it out of EMS – just how should we phrase that, for example – and call it ...

Village Attorney Whitehead: "Fiscal impact on Village services"?

Boardmember Bass: Yeah, that's how I'd phrase it. Thank you. More articulate than I was.

Chairperson Sullivan: Fiscal impact.

Village Attorney Whitehead: I do this too much.

Chairperson Sullivan: OK, I'll just put impact on the Village, examples, and leaving it open for more.

Village Attorney Whitehead: Kathy, I know we keep pushing off the discussion of the definitions. But I think we should (inaudible). I mean, it's up to you guys.

Chairperson Sullivan: So we can finish this up, and use this ...

Village Attorney Whitehead: No, this we have to finish because it has to go to the Board. Because they are going to be taking the next step in their September 6 meeting, so before you meet again.

Chairperson Sullivan: Yep, we will do that. Thank you for that.

Boardmember Gould-Schmit: Kathy, in pointing out EMS, have you heard ... I mean, is it a disparate impact, typically?

Village Attorney Whitehead: Not necessarily, but a lot of people think it is. Lots of times they use private ambulance, but they need to address that. That's something they are going to need to discuss in their Environmental Impact Statement.

Building Inspector Minozzi: We get a fair amount of calls at 185 Old Broadway for ambulance.

Village Attorney Whitehead: At Andrus?

Building Inspector Minozzi: Yeah, and we get a fair amount of fire calls there, as well.

Boardmember Gould-Schmit: Really?

Village Attorney Whitehead: And they're not-for-profit.

Building Inspector Minozzi: So we're playing with the same thing here, you know, to see the same kind of impact here.

Village Attorney Whitehead: I mean, this is a smaller facility, there'll be fewer. But there will be some increased ambulance calls. Right now, this site is a parking lot.

Building Inspector Minozzi: So anything that happens there is going to be an increase.

Boardmember Bass: But besides EMS, police respond to ...

Village Attorney Whitehead: Yes, police respond to calls also.

Building Inspector Minozzi: Absolutely.

Chairperson Sullivan: So you're right. Narrowing it down to EMS (unintelligible).

Boardmember Bass: Right.

Building Inspector Minozzi: So like you mention, it's all Village services.

Boardmember Bass: Right.

Village Attorney Whitehead: The nice thing is, there's no impact on schools. There's a positive impact on schools because there's tax dollars, but no students.

Boardmember Bass: But again going back to the Comp Plan, we talked about having that analysis. I know it's part of the site plan review, but to put it up there in front.

Village Attorney Whitehead: Well, it'll be part of the Environmental Impact Statement, which is really going to be the up-front part of this project.

Boardmember Bass: Right.

Village Attorney Whitehead: But no, they're good suggestions, good comments.

[Board resumes discussion]

Chairperson Sullivan: OK, moving on to number two. The applicant prepared the EAF and described the environmental concerns. It needs revision to better describe the action. These and other items will need much further review, but the ones that follow are (inaudible).

Village Attorney Whitehead: Can I address the EAF for a moment?

Chairperson Sullivan: Yes.

Village Attorney Whitehead: An Environmental Assessment Form is really a tool to help the lead agency in making a determination of significance. It's already been agreed here, even by the applicant, that the determination of significance is going to be a positive declaration with an Environmental Impact Statement prepared. I don't think there's so much a need to put the time into expanding on the EAF. We want that all to be in the actual Environmental Impact Statement, since we're moving in that direction anyway.

Chairperson Sullivan: So I guess you could revamp this because we need to ...

Village Attorney Whitehead: And they do list all the approvals in the document.

Chairperson Sullivan: Not what we got.

Village Attorney Whitehead: It's in there. There's a page – because that's how you identify your involved agencies – that lists ... I don't have it with me.

Chairperson Sullivan: Yeah, I looked for that type of thing and it wasn't there. That's why I kind of went nuts when listing a bunch of different approvals that we seem to be missing.

What we got from the Village – basically on this second page, where I identified adding and subtracting from different responsibilities – all those were missing. The Board of Trustees needs to do SEQRA, (inaudible) SEQRA, they didn't have any of (inaudible) planning boards or any state ...

Village Attorney Whitehead: Did you get the actual Environmental Assessment Form?

Chairperson Sullivan: Yes.

Village Attorney Whitehead: Because I checked it, so I know that that piece was filled in.

Chairperson Sullivan: They didn't mention SHPO. They didn't have SHPO down, they didn't ...

Village Attorney Whitehead: SHPO was not an approving agency. SHPO gives input to the DEC. SHPO is actually not ... it didn't include ... you know, there was like they left out the City of Yonkers. But again, at this point they're going to have to list all that in the Environmental Impact Statement. They're going to need approval from the City of Yonkers because they're actually doing their sewer and water from Yonkers.

Chairperson Sullivan: I guess, then, the issue is ...

Village Attorney Whitehead: Making sure they're properly listed in the Environmental Impact Statement.

Chairperson Sullivan: Yeah. So these are different groups that are going to be involved.

Village Attorney Whitehead: Yes.

Chairperson Sullivan: So whether it fits in (inaudible). But I guess the thing ... the Department of Health wasn't mentioned.

Village Attorney Whitehead: New York State Department of Health was ...

Chairperson Sullivan: Not in what I got, not in that one you're able to talk about – the different (inaudible) and different groups -- not in section B. The Department of Health had other things that the county needed to be part of. (Inaudible) services and the [department of aging] XXX had to be involved.

Village Attorney Whitehead: They do not give actual approvals. It's only DoH. They might be advisory to DoH.

Chairperson Sullivan: OK. So you're saying anybody that's not ...

Village Attorney Whitehead: Well, we will make sure that ...

Boardmember Gould-Schmit: That everyone is listed?

Village Attorney Whitehead: ... all of them are properly listed in the Environmental Impact Statement. And if that's the comment you want to make here – that you think some references to certain approvals were missing –

Chairperson Sullivan: Yes.

Village Attorney Whitehead: – and that needs to be complete for inclusion in the Environmental Impact Statement.

Chairperson Sullivan: Yeah. I think what it does is, it lets people know ...

Village Attorney Whitehead: Raises the issue.

Chairperson Sullivan: Well, it also lets you know how complex the approval process is (inaudible).

Village Attorney Whitehead: Yes.

Chairperson Sullivan: Because you have the health department concerned about the operations, then you have SHPO concerned about the Aqueduct, and you have another part of the parks concerned about state parks. So this is sort of the circumstance.

The last two of this would be excavation which is actually happening on-site. Because rock removal is not typical site prep. This is a crazy point, but they have an automatic [EAF] XXX crater that showed that they were (cross-talk) on or adjacent to the site, which probably would just need a description.

Village Attorney Whitehead: Have you used the EAF mapper that the DEC has very often?

Chairperson Sullivan: Yes, I did.

Village Attorney Whitehead: And how many mistakes ... they find things that don't exist regularly ...

Chairperson Sullivan: So be it, but ...

Village Attorney Whitehead: ... they need to address what came up on the EAF mapper. I've heard their review. It's ...

Boardmember Gould-Schmit: Refuted, or ...

Chairperson Sullivan: Or we've had special protected plants and animals that no longer have lived in this land.

Village Attorney Whitehead: The EAF mapper, while it's a great idea ...

Chairperson Sullivan: It's real funky.

Village Attorney Whitehead: It's extremely ... actually, if you do it for your house you may find some really bizarre things.

Boardmember Bass: Ooh.

Boardmember Gould-Schmit: I'll have to do that.

Village Attorney Whitehead: Yeah, we've had people do that and it comes up with some really interesting ... it's not an exact science, shall we say?

Chairperson Sullivan: So any other thoughts on this? I mean, I'll revise it. And let's talk about other reviews that need to be discussed under approvals. Any other comments on other environmental issues that people are thinking about that they would find useful to put in this letter?

Village Attorney Whitehead: Again, you'll get another shot at that because you'll get to comment on the proposed scope for the Environmental Impact Statement.

Boardmember Ambrozek: Right.

Village Attorney Whitehead: So this is a good start, a really good start. But when you see the scope, you may go, "Oh, yeah, and also this." So it's not like this is your last shot at it.

Chairperson Sullivan: Give me a shot.

Village Attorney Whitehead: on identifying areas of potential concern.

Chairperson Sullivan: So any other thoughts about any other things to be added in?

Boardmember Ambrozek: Well, I think we do clearly mention that it's part of the green gateway. I don't know if you want to actually use that term.

Village Attorney Whitehead: It's actually not part of the green gateway if you look at the Comprehensive Plan, but it is a gateway.

Boardmember Ambrozek: Oh.

Village Attorney Whitehead: Because it's not green today. It wasn't like some of the other gateways that are now greenspace.

Chairperson Sullivan: Yeah. In the Comp Plan it said we should look at Warburton to see if we (inaudible). So it's kind of on the list. Jamie has talked about that a little bit. That's why I mentioned the massing.

Village Attorney Whitehead: At the gateway, yes, you did raise that.

Chairperson Sullivan: So whether it's green or not, it's a gateway.

Boardmember Gould-Schmit: Yes.

Village Attorney Whitehead: Mm-hmm.

Chairperson Sullivan: So I'll revise this, send it out quickly, get to see what people think, and then get it off, if I can, tomorrow to the Village. I mean, I think we all agree. Can we agree that we support the Board of Trustees being the lead agency? No desires to ...

Boardmember Bass: Works for me.

Boardmember Gould-Schmit: Yes.

Boardmember Ambrozek: I've so indicated.

Village Attorney Whitehead: And again, they are not taking this up at next week's meeting so you don't have to get it out in the next day or so. Because the 30 days on their lead agency circulation isn't up yet.

Chairperson Sullivan: OK, good.

Village Attorney Whitehead: So it will be at the September 6 meeting that they take the next steps.

Chairperson Sullivan: OK, so we'll get it in by then.

Another item we've had sort of hanging is looking at the definitions ...

Village Attorney Whitehead: Giving me everything back?

Chairperson Sullivan: ... some other related things to that building and coverage. How do people feel about proceeding? I mean, we've had a light night, but it's also getting late.

Boardmember Bass: Would you mind if we postponed it? I've had a lot of night meetings this week and I'm kind of tired.

Village Attorney Whitehead: You might want the rest of your board here.

Boardmember Gould-Schmit: When more people are here.

Chairperson Sullivan: Really good point, because there's other voices to speak.

Building Inspector Minozzi: The good news is, it looks like we have a very slow agenda next month so you may be able to spend a lot of time on it.

Boardmember Bass: Good.

Chairperson Sullivan: A very good reason, so let's enjoy the rest of the summer.

Boardmember Gould-Schmit: Exactly.

Chairperson Sullivan: And wait for everyone who's not here.

Building Inspector Minozzi: Because the cutoff was today; nothing new came in.

Boardmember Gould-Schmit: Great.

Village Attorney Whitehead: So we could really put some time into working on that.

Chairperson Sullivan: It sounds like definitions next time.

VII. ANNOUNCEMENTS

Next Meeting Date – September 15, 2016

VIII. ADJOURNMENT

On MOTION of Boardmember Gould-Schmit, SECONDED by Boardmember Ambrozek with a voice vote of all in favor, Chairperson Sullivan adjourned the Regular Meeting.

Chairperson Sullivan: Let's go home.

Boardmember Gould-Schmit: OK.