

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING
APRIL 21, 2015**

A Regular Meeting and Public Hearing was held by the Planning Board on Thursday, April 21, 2015 at 8:15 p.m. in the Municipal Building Meeting Room, 7 Maple Avenue, Hastings-on-Hudson, New York, 10706.

PRESENT: Chairwoman Kathleen Sullivan, Boardmember James Cameron, Boardmember Eva Alligood, Boardmember Michael Ambrozek, Boardmember Kerry Gould-Schmit, Boardmember William O'Reilly, Boardmember Richard Bass, Village Attorney Linda Whitehead, Building Inspector Charles Minozzi, Jr., and Planning Board Secretary Mary Ellen Ballantine

Chairwoman Sullivan: Welcome to the Planning Board meeting of Thursday, April 21, 2016. Could I have the roll call, please?

I. ROLL CALL

II. APPROVAL OF MINUTES

Regular Meeting of March 17, 2016

Chairwoman Sullivan: Are there any comments on the minutes?

Boardmember Ambrozek: One minor comment. On page 41, the fourth paragraph where I say, "*Right, because there was not notification.*" The "*not*" should be "no" because there was no notation.

Boardmember O'Reilly: Also on page 31.

Building Inspector Minozzi: You better not cause trouble tonight.

Boardmember O'Reilly: Page 31, going down I think it's the sixth noted speaker, Trustee Armacost comes in for a mentioning, eh.

Jim Metzger: I'll try not to.

Deputy Village Clerk Ballantine: It's Boardmember Ambrozek. We already checked that out.

Chairwoman Sullivan: Jamie, any comments?

Boardmember Cameron: No. Actually, since you and I discussed this, I did have (off-mic) two previous occasions ... where we're discussing something (off-mic).

Chairwoman Sullivan: OK, good. Eva, do you have any comments? You were not here.

Boardmember Gould-Schmit: I was not here.

Chairwoman Sullivan: OK. Richard, anything?

Boardmember Bass: I was very quiet.

Chairwoman Sullivan: May I have someone make a motion to approve the minutes of the Planning Board from our meeting on March 17, 2016?

On MOTION of Boardmember Ambrozek, SECONDED by Boardmember O'Reilly with a voice vote of all in favor, the Minutes of the Regular Meeting and Public Hearing of March 17, 2015 were approved as amended.

Chairwoman Sullivan: Those abstaining, Kerry? So on motion of Michael and seconded by Bill, we are in favor and the Board has approved the minutes of the Planning Board from our meeting on March 17, 2016.

III. NEW PUBLIC HEARINGS

View Preservation Advisory - Application of Emily Wardwell & Nicholas Dodziuk for the addition of a covered front stoop and stairs on their two-family dwelling at 357 Warburton Avenue. Said property is located in the R-7.5 Zoning District and is known as SBL: 4.100-93-11 on the Village Tax Maps.

Chairwoman Sullivan: Next item of business is a new public hearing. It's a view preservation advisory, the application of Emily Wardwell and Nicholas Dodziuk. Is there someone to make a presentation? Please use the mic and just say your name and address.

Nicholas Dodziuk, owner – 375 Warburton Avenue: Good evening. I am the owner, with my wife. Can I ask whether you have plans? So you reviewed everything? OK, I'm sorry. I apologize from the beginning. This is the first time I've ever done this so hopefully I do it right.

I guess I'll speak a little bit to the history of what we're trying to do and what we're trying to achieve, very briefly. I think it's very simple. We purchased a house less than two years ago. It had deteriorating steps coming to it, and it was pointed out by the Building Inspector that they would have to be addressed eventually. After having two winters living there, one of the issues we're very concerned is with ice. It's been very slippery. We have a tenant. So not just from our family and when my mother visits, I'm worried about the tenant and the liability that comes with anyone that might slip and fall.

As we're thinking about the improvements we'd like to make, we definitely would like to keep it covered so it's a safer condition. We also think it's in keeping with the neighborhood. We enlisted a local architect to sort of make sure it keeps with the character of the neighborhood. We think the aesthetics help elevate it. I think it ties in with sort of the Colonial style, we think, and hopefully, with materials, it presents a nice appearance.

Are there any questions? Is this what I'm supposed to be doing?

Chairwoman Sullivan: Well, we're focused on view preservation.

Mr. Dodziuk: OK. I guess this is pretty accurate. This is the house. I'm not quite sure how the view would be affected necessarily, if that what the question is.

Boardmember Cameron: (Inaudible) your answer.

Mr. Dodziuk: I don't think it changes. Again, I ...

Boardmember O'Reilly: That was a hard question, actually. Is it a view preservation issue?

Building Inspector Minozzi: Is it an issue? No, this is just for a view preservation advisory for the ZBA next week. It's not that it's an issue, it's just he's in the view preservation district so it has to be reviewed.

Boardmember O'Reilly: I sat outside the front of the building for about 10 minutes today to try and figure out where there might be a view preservation concern. I couldn't see one.

Boardmember Cameron: I can speak up. When we revised the regulations to make it so the chairs of the two boards could waive it, we decided what there had to be something where you could not see any part of the object going up whatsoever coming between you and either the river or the cliffs. Now, what you may have seen is something which is almost impossible for you to see something, but there still may have been a possibility. I think that's why our Building Inspector has brought it here.

Building Inspector Minozzi: That's 100 percent correct.

Chairwoman Sullivan: There is one view ... I went down, and if you're standing almost in front of the garage on the other side of the street you can start seeing there is a slight protrusion, or potentially a slight protrusion. But my instinct isn't to consider that an obstruction because it's not significant.

Boardmember O'Reilly: That would be from the south end.

Chairwoman Sullivan: From the south side, yeah.

Boardmember O'Reilly: That's the only way I thought there could have been possibly anything.

Chairwoman Sullivan: Michael, do you have any comments?

Boardmember Ambrozek: No, I did not find any view preservation issues. And again, the diagrams you prepared were very clear and it made very clear to me what you were trying to do. Thank you for doing that.

Chairwoman Sullivan: I should ask before we continue if anyone from the public would like to speak.

Jim Metzger, 427 Warburton Avenue: I pass by this house quite frequently and, quite frankly I hope you'll approve this because it's something I'd like to do to my house. There may be the most oblique view – sliver of river – that you would see if you were across the street and looking diagonally down. But the reality is, this house happens to be next to the piece of property that's owned by the Village that's above the DPW. You've got this incredible view next to the house. This addition is going on in the center of the house and, as far as I can tell, there's virtually no effect on the neighborhood in terms of views to the river and I would hope that you would pass this. Thank you.

Chairwoman Sullivan: Richard, any comments?

Boardmember Bass: I thought I could have a comment when it was a site plan, but because it's a view preservation I don't. But I'm going to throw something out to you voluntarily. The building, the way the punch windows are situated in the front façade, are like eyes without eyebrows because there's no sills or lintels. As you're thinking about renovating the front I would urge you to add decorative sills and lintels. It will add character and depth to the front façade. That's what it looks like, so it looks like someone shaved the eyebrows off the front of the building. That's how they built these buildings in the '60s and '50s. As you improve the façade, I would urge you to engage your architect. It's a minor element, but I think it will add value to your property and improve the appearance of the neighborhood.

Mr. Dodziuk: Thanks. We're just looking to make it more of a home, more welcoming. So I'm open to all suggestions.

Boardmember Bass: Well, that's my three cents.

Chairwoman Sullivan: Kerry, do you have any comments?

Boardmember Gould-Schmit: No.

Chairwoman Sullivan: Eva?

Boardmember Alligood: I looked at it today. I didn't see any view preservation issues in what you are trying to do.

Chairwoman Sullivan: All right. So may I have someone on the Planning Board make the motion to approve this application for the preservation and refer it to the ZBA?

On MOTION of Boardmember Alligood, SECONDED by Boardmember Cameron with a voice vote of all in favor, the Board resolved to approve this application for view preservation advisory and refer it to the Zoning Board of Appeals.

Chairwoman Sullivan: OK, thank you very much. Good luck.

Mr. Dodziuk: Thank you.

Chairwoman Sullivan: Enjoy your house.

Oh, this was a good first meeting. I was very grateful, and Jamie was very helpful.

IV. DISCUSSION ITEM

Land Use Task Force Report

Chairwoman Sullivan: We have no new business this meeting, but we do have a discussion item, which is a Land Use Task Force report which everyone got a copy of last meeting. It sort of has three players involved in it. Jamie, Buddy and Linda were on the committee and were part of creating that. Buddy and I and Jim sat down and went through a list of definitions and issues that were brought up in the course of that Task Force meeting, and it really gets into an item that the Planning Board should look at some definitions and maybe make some recommendations. That's what you guys got sent around. I included in it the kind of sections from the code to save you a little bit of effort having to dig them up yourselves.

With that said, my intention is to maybe talk about the memo itself. If people have any comments, talk about any definitions specifically in the way we want to approach it. Jamie and Buddy were really the brains behind the exercise, along with Linda. Many brains behind this, so I kind of would like you two folks help lead the discussion. First comment, maybe we talk about the memo itself, which hopefully folks brought a copy of.

Boardmember Cameron: Sure. Do you want me to start out a little bit?

Chairwoman Sullivan: Absolutely, please. I'm just facilitating.

Boardmember Cameron: I'll go over it very quickly. I think the whole idea of the task force was to look at how the business of approvals pass through the Building Department and also pass through the Planning Board and the ZBA to see whether we could find ways to make it work better. We started out within that at that meeting. For that reason, they appointed two people from the boards and actually one from the ARB. Two from the boards, and then two local architects. Then we had the Building Department, with Buddy, and the legal side with Linda.

The whole idea we started out with was looking at what other towns are doing. It's always a good idea, you get some nice interesting ideas and start looking at what other towns are doing. We started looking at some of f definitions they were using and also some of the

definitions they were providing to ease the procedure for asking for a permit or for what have you. These are a lot of frequently asked questions. One of the things you will see in our materials is that we are suggesting to the Board of Trustees that there are a large number of things they can make easier for you to understand if there's an example of and frequently asked questions are laid out for them. They work their way into this somewhat ugly code with something easy on their way. That was that point.

I should say that we're just discussing this so we can discuss something that has been given to the Board of Trustees. We still have to wait what the Board of Trustees wants to do with this. So we're a little ahead, but I think it's good for us.

Building Inspector Minozzi: Yeah, this is definitely going to be coming back to us after the Board of Trustees makes its determination.

Boardmember Cameron: Yeah, it's up to them to decide whether they want to engage in this. You can see some of the things we had: a better Building Department Web site, paragraph one; paragraph two is change some of the current terminology of the zoning code – that's something we may want to discuss a bit tonight; and look at drawing standards. We also thought it would be much better and easier for the Building Department to work with people if they all came in and followed a common way of laying out their documents and laying out what the variances were and what permissions they needed. It's not always followed. Some people have great experience in this town, do a very good job. And there were other people who simply haven't done it.

We also decided to look at fee structures, and Buddy was the one who brought this up. That we should look at what the fee structures are for what we charge everybody else and then what other towns charge people just to make sure we're within the reasonable range of what should be charged. And also look at how much time it takes to do it.

Anyway, I don't really think I need to go through this whole thing. It's just a list of them down there. I think Kathy rightly brought up a few that we can start thinking about right now and getting our arms around.

Building Inspector Minozzi: Yeah, the fees. Our biggest issue right now is there is no fee for standalone view preservation or standalone steep slopes. All that work that's into those two kinds of standalone applications are completely on the arm and we just can't do things that way. There's just too much time between myself and my staff. That's something that needs to be compensated like every other approval the Village is compensated for regarding the office work that needs to be done. That's one of the biggest things.

Besides going over and comparing the building permit fees – which I already have a matrix that we did last year – this is even more important. Because even though cases like tonight are covered through the variance process because they happen to need a variance as well, our time was partially covered through that. If he was as-of-right this would have been on the arm.

Boardmember Alligood: How do our fees compare?

Building Inspector Minozzi: We're low. Some areas more than others, but we're definitely on the low end of the spectrum.

Boardmember Alligood: Like building permits? In all categories are we low?

Building Inspector Minozzi: Pretty much across the board. Like our plumbing is really low, our electrical is OK, for the most part our building is on the low end of the spectrum.

Boardmember Alligood: And this is compared to like other Rivertowns?

Building Inspector Minozzi: Omigod, I think we did like 20 or 30 municipalities. We did a big spread sheet.

Boardmember Alligood: Wow.

Building Inspector Minozzi: One of the first jobs my deputy had when he started here, that was one of his first projects. Whatever he couldn't find on the Internet he called and made a big matrix on it. But that's where that's at.

Village Attorney Whitehead: I think on the fees, unfortunately for the Board of Trustees they've just finished the budget. It probably would have been nice to do it before they were doing budget. But, Buddy, you could even put together a memo to them with information on where you think they're low and where you think there need to be fees where there are none. Because that's certainly something I think they can take separately from a lot of the rest of this.

Building Inspector Minozzi: Yeah, it's something that because the Board was working on the budget we didn't want to burden them with another issue. So we chose to hold off 'til after the budget season.

Village Attorney Whitehead: The budget's approved.

Boardmember Cameron: At that point, they could come in under budget.

Village Attorney Whitehead: You have to bring in more revenues. It looks good.

Building Inspector Minozzi: But I would definitely entertain that as my ultimate plan in the next couple of months. Getting a draft together to address our current fee structure and tweak it. It doesn't mean it's all going to go up; some things are actually going to come down. But it definitely needs to be tweaked.

Boardmember Cameron: A lot of the revenue. I was just joking about the revenue because it depends on what kind of new applications you get. On houses it's probably pretty level, but we get some extraordinary ones or sort of large houses.

Building Inspector Minozzi: Of course.

Boardmember Cameron: We can't really predict that.

Boardmember O'Reilly: I was going to say, when you say the code is an awkward one are we talking about all districts? Or are there more problems in like a multi-family district or a CC, a commercial district. Are they all affected?

Building Inspector Minozzi: The MR-O and the MR-1.5 are probably the most troublesome zones. The residential zones are basically OK. It's just some definition issues that we've come across. And some basement versus cellar stuff, but those are all under definitions. The coverage issues are affected in all zones, which is one of the things we want to bring up about driveways and parking areas, and how they're differentiated in between. That's in all districts. It affects some districts more than others, but that's something that should be addressed in all districts.

Village Attorney Whitehead: And it also relates to the definitions, as well.

Boardmember Gould-Schmit: We've gone back and forth with driveway versus other issues that have come up.

Boardmember Cameron: What's confusing is that we actually have coverage provisions which are different depending on whether it's a one- or two-family home or whether it's a multi-family home. We have slightly, very subtle different definitions.

Village Attorney Whitehead: But the definition of what's included varies, and that's where it gets tricky.

Building Inspector Minozzi: And unfortunately, when you do your first pass at it sometimes mistakes are made because there's so many differences, like Linda just said. It's where you're applying what, and sometimes you miss it. It's a lot, a lot to try to keep track of. Then that's when the confusion starts. You have to go to the next meeting and tell the applicant, Oh, by the way your driveway's included or this is included or that's included. It definitely becomes troublesome.

Boardmember Bass: It would be helpful to have a better definition. Because since I've been on the Board it always seems we're giving relief for the coverage. It would be interesting what's the compliance currently of our built condition versus our regulations. I just anecdotally feel that none of our regulations fit our built condition, at least when it comes to coverage.

Village Attorney Whitehead: And that's a little bit of a different issue because it's a substantive issue. Even the Zoning Board, when the Zoning Board was considering 32-34 Washington, they realized that to build on that lot, complying with the coverage that's now required in – what is that, the MR-1.5 – you could only build on ... you could have like a 30 square foot building. I mean, it was something ridiculous. That's why they really came around to granting the variance. They spent three meetings on it.

Building Inspector Minozzi: Yeah, three meetings.

Village Attorney Whitehead: Three or four meetings on it, but they started looking at, well, what is permitted. They realized that when that zoning was changed, or that coverage was put in there, it doesn't work for that zone. It's really more like for a one-family zone and it just doesn't work. Those are substantive issues. We really didn't focus on those, and that one really came to light because of that application. I know the application's coming back to you next month. Right now, there's a definition of building coverage, there's a definition of development coverage, and there's a definition of maximum development coverage. They're all different. Then you have the definition of structure and what's included in a structure and what's not. It's all very confusing and inconsistent.

Building Inspector Minozzi: I have one right now that's coming probably next month that's coming to view preservation, applied a waiver today. This is planning for site plan approval and ARB for a generator because there's distinction under structure that leaves out a piece of mechanical equipment. It's really unfair to the applicant, but it's something we have to do. These are the things we really want to fix sooner than later.

Village Attorney Whitehead: Be careful. That's one that a lot of municipalities have spent some time on, whether generators should have to go for a site plan approval, especially on commercial buildings where they're larger. Because it can impact the neighbors so much where they go. There's also been a lot of discussion about is a generator subject to setbacks. You know, should it be considered a structure, and there's all these things.

Boardmember O'Reilly: So in proceeding, would it be suggested that one proceeds by looking at it district by district or zone by zone? Because different things apply in different areas, and if you have commonality across certain areas you don't ... what you're saying is there is no commonality in regards to other definitions.

Village Attorney Whitehead: But there's not even commonality in which definition you apply. Which coverage applies in that code and what's included and what's not included, that's where the confusion is. You know, it would better if there could be one sort of standard for coverage. A lot of municipalities there's one number for building coverage and one for site coverage. Because your site coverage is really getting at your total impervious surfaces and your building coverage is getting at your building bulk.

Boardmember Bass: Can I ask a silly question? The board of adjustment, do they give an annual report on the type of variances they issue? Because if there's a repeat, application after application for the same type of variance, shouldn't we as the Planning Board know that and do an annual review of issues that are coming up and are brought to light by the application process?

Building Inspector Minozzi: It's a matrix we could make. We don't have anything at our fingertips because our computer system isn't geared up that way. Our computer system is for permits, and in the permit system I can do a whole lot. But other than that, it could be done manually. Yes, it could be done.

Boardmember Cameron: Or done using the agendas. I actually have a memo about that.

Building Inspector Minozzi: Yes, that's exactly how we would do it.

Boardmember Cameron: Well, I did that. I took all the agendas out and did about five years. This was about four or five years ago I did five or six years of what the Planning Board was doing. Just an academic interest.

Boardmember Bass: We as the Planning Board could put in the code that the board of adjustment has to do it and give us a report.

Village Attorney Whitehead: Well, you can't put anything in the code. Only the Board of Trustees can do that.

Boardmember Bass: Or we could make a recommendation. Not that I'm a big fan of New Jersey planning, but that's a requirement of the municipal land use law that the New Jersey board of adjustment give an annual report to the planning board to identify if there's a commonality in the same variance so we can examine that as an issue as opposed to taking it piecemeal.

Village Attorney Whitehead: You'd have to look at several years. You know, you're such a small village that they don't get that many applications. So it's hard to see that. But a lot of municipalities ask both their planning board and their zoning board to give sort of an annual report, or certainly a recommendation.

Building Inspector Minozzi: It's fairly straightforward. The Zoning Board's largest inquiry, or one of the largest things they vote on, is setbacks.

Village Attorney Whitehead: And coverage.

Building Inspector Minozzi: Setback, and I would say coverage would be second to that. And then I'd say view preservation's third to that. It really won't get much more involved than that. We haven't had a use variance since I've been here; they're very rare. They do come up, and Hastings Self Storage was, I think, the last use variance the Village was given.

Boardmember Cameron: Well, 32-34 is a use variance.

Village Attorney Whitehead: No, it's not.

Boardmember Cameron: Having a two-building and the three-building on one ...

Village Attorney Whitehead: It's not a use variance. It's not changing the permitted use of the property for a residential use.

The other thing that's really interesting and has been very apparent in probably the last six months to a year is a lot of the applications that get the variance applications are for lots that are nonconforming. There are houses where people really can't do much of anything without getting a variance because it's already nonconforming.

Boardmember Gould-Schmit: I think that's 80 percent of them.

Village Attorney Whitehead: Right. We sort of had a joke. One month they have like five applications on, and they're all not only existing nonconforming, they were all irregularly-shaped lots. And they do a good job with them. They know how to handle that. They recognize what these people are dealing with and, OK, let's try to make sure what's being proposed works.

Chairwoman Sullivan: So is there is some tweaking of what comes in front of them.

Village Attorney Whitehead: You can't do a lot in the code with that unless you're going to wholesale look at what's out there and change all your zoning so fewer things are nonconforming. Unfortunately, in a village like this where you don't have regular streets, you've got hills, and you've got a lot of older housing stock and older lots that's what's going to happen.

Boardmember Gould-Schmit: Right.

Boardmember Cameron: Then you have where people are trying to build something on an irregular-shaped lot because that's what's left.

Village Attorney Whitehead: Or their house is already on an irregularly shaped lot and they want to add a deck or they want to do an addition. Older houses, a lot of them, have very tiny kitchens. I've really noticed it this year, when they've had a lot of applications. We had one where like every lot was triangular-shaped.

Building Inspector Minozzi: Yeah, we had tons of corner lots and houses that are surrounded by three streets. That's been very popular. It's no lie, it's the God's honest truth. It's been that kind of year. Like Linda said, these long triangular lots that you can't fit a postage stamp on.

Village Attorney Whitehead: But there's already a house on it, and now they're saying I need to put a front porch on, I need to make my kitchen bigger.

Building Inspector Minozzi: I want to put a deck, I want to put a patio, whatever. It's incredible.

Village Attorney Whitehead: Nobody's looking to do anything outrageous with these houses, but just trying to make them a little more livable for them.

Chairwoman Sullivan: Improve them, yeah.

Jim, did you have something you wanted to add?

Mr. Metzger: I was a member, or am a member, of the Board or ongoing committee. For people watching at home who are not familiar with what we've been doing, I'd like to do about 20 seconds. It may seem like we sat around talking about how to raise fees on people, and that really was not the purpose of the Board. But it's one of the things that came out. What we found – and this originated in the Comprehensive Plan – was that it's very confusing to go to get a building permit or to figure out when you might need a variance. What we found out from going through the process in the course of our meetings is that we need to disseminate information better.

When you go to our code and you look at setbacks, what we determined was that it would be much better if we had diagrams to go with those definitions so you had a visual indicator of what these setbacks refer to. I know this board spent quite a bit of time talking about building height requirements and how do you do that on a sloped lot. Well, if we had better diagrams in our code it would make it easier for the architects and the clients to understand what's permitted and what would require a variance so you know what you're getting into before you get started.

We looked at the issues of definitions you talked about tonight. There are some definitions this board has discussed every time they come up: you're trying to define what the definition means. We should be going through the code and identifying those things that are less than obvious, and try and make them more obvious. So that people who are not familiar with the code can understand them better.

We talked about, for example, cascading zoning. The way our code is written is, if you are in a certain zone it says, well, you can do everything that's in this zone and everything that's in all of these other zones. It's called cascading zoning. That becomes a very, very difficult thing to try and negotiate, especially if you have a complicated project. What we would like to do is, we talked about doing a chart, or diagram, that said in this zone these are all the things that are permitted. We'll get overlap with the other zones, but it would clearly identify it. In that given zone these are the things you can and cannot do, and you don't have to rely on reading sixteen other zones to try and determine what's going on.

Chairwoman Sullivan: Or making your own chart every time.

Mr. Metzger: Or making your own chart every time. The goal of this is, at the outset, for our Building Department to be able to get a set of drawings that has a consistent set of

information so they're not reinventing the wheel every time they review a project. That will make their job easier, reviews will get done quicker, and if the applicant has a chart in front of him that says you need to have these pieces of information on your drawing you don't get sent home six times trying to figure out what we're looking for.

That would be the first thing. The second thing would be to make it easier for this board to be reviewing projects. If you get a set of drawings and all your zoning information is on there – because it's required now on the drawings – you don't have to start doing your review and go, oh, well, this is let's see an MR-1.5 and, OK, wait, that cascades back. No, all the zoning information will be there: this is what's allowed, this is what's existing, and this is what's proposed. We're trying to get the information out there to make it easier; Building Department, Planning Board, Zoning Board and, in some cases obviously the Trustees are going to be reviewing some of the larger projects. Quite frankly, it would be nice if the public has a better sense of what some of these projects entail so when we get up to speak we understand what the applicant's asking for and how it may impact our neighbors or our neighbors.

That was the point of the board: to figure out how to tighten up the definitions, figure out how the processes is working, and make it so when people come and start planning project they're not getting bounced back and forth because they don't have all the information at the beginning. We'd like them to have that. Everything will move smoother. And you hopefully won't have projects that are going back and forth between your board and the Zoning Board two, three, four times because they're missing pieces of information. Everybody would be a lot happier and it would cost the Village less, which means we would make more money on the small amount we're getting now.

As an architect, I hate to see fees go up for my clients. But I also realize, as a reality, we have to pay people to review these projects to make sure things are being done safely and correctly. We should be on board with the other local communities around us so people will want to come here, people will know what they're getting into, and we can approve these projects in a workmanlike fashion.

Chairwoman Sullivan: Thank you.

Village Attorney Whitehead: I think your code used to have, at the end, a table with some of the dimensional things. It was taken out right about the same time I came here because it was realized that it hadn't been updated. When changes were made to the code they weren't made to the zoning tables. I think it's really important to put those tables back. They are the quick reference. When we were meeting, I had pulled from other municipalities actually even some tables of permitted uses. Basically, what this does is it lists the different zones.

There's one for residential and one for nonresidential. Use classifications ... it has a lot of different use classifications. Then for each zone there's either a P for permitted, an X if it's not permitted, and an SE if it's a special permit use.

It's a quick plan. Nobody should rely only on that, but it helps. Then you have another similar chart with the dimensional regulations. For each zone it lists the minimum lot area, the lot coverage – whatever that is – with setbacks, all of those types of things right there. It's laid out very simply for someone to see at a glance. And then, you know, if they have a little more question then they go into the code. They may have to go through the cascading thing to find out a little more detail, but it's a good quick reference. I know when I started practicing land use law, one of my partners told me when I was a younger associate you have to read the entire code. I hope the architects are taught the same thing.

Mr. Metzger: We try.

Village Attorney Whitehead: Because not just your code, everybody's code hides things. Zoning ordinances hide things away. All of a sudden it's like, oh wait, I didn't know that. We were always taught, and we taught every young attorney that came into our office in this practice, you have to read the entire zoning ordinance. And in today's world you have to not only read the zoning ordinance but you have to look at the entire code and see is there a separate steep slopes ordinance, are there other separate chapters that apply.

Mr. Metzger: And you also have to know how to interpret what you're reading.

Village Attorney Whitehead: Right.

Mr. Metzger: The other thing I would say – and this is one thing we talked about quite a bit – is that when your board and the Zoning Board makes determinations very often that determination is not written out and included in the file with the project. So when you go to do a review on a project sometimes you have to actually go to the minutes of the meeting to figure out what was determined. We would like a summary of the determinations to be included – I'm sorry, the resolutions to be included – in the jacket with the projects so two, three, seven, ten years down the road you know what issues were being addressed and how the boards voted on that. It can be very important when you're planning to move a project forward.

Chairwoman Sullivan: I don't know if it makes sense, but I think these guys have explained the memo quite well. We're grateful to have such a good group of people on the Board and in the audience. My sense would be that I would like to be a little proactive about

the definitions and sort of pass them on to the Board of Trustees as just some thoughts. I don't know if you're comfortable with that, Buddy.

Building Inspector Minozzi: I would refer to Linda on this.

Village Attorney Whitehead: I think for this board it's a lot to digest and a lot to focus on. I think focusing on the definitions, to start, is a good place. We kept going back to it and we actually did more work on it than I think ended up in the memo.

Mr. Metzger: Mm-hmm.

Village Attorney Whitehead: We have some more detailed stuff. So I think it's a good idea and it's a good place for this board to start. You're never going to get through it all in one night.

Boardmember Cameron: Oh, no.

Village Attorney Whitehead: But I think if everybody sort of ... I mean, what I did for myself was I printed out the definition section of the code and I just started reading through them to see what doesn't make sense to me, where there seemed to be inconsistencies from my experience with other codes. Richard has experience with other codes. You know, everybody's got their experience. Or you can just read it say this doesn't make sense.

Chairwoman Sullivan: This is something I personally don't understand, or I seeing new issues.

Village Attorney Whitehead: What's this ... if I don't understand it how is somebody else going to?

Boardmember Cameron: I think it'd also be useful, though – because this is where we do have the experience – is to go through what our frustrations have been over the past five to seven years.

Boardmember Bass: What did you say, our what?

Boardmember Cameron: Frustration.

Boardmember Bass: Oh, frustrations.

Boardmember Cameron: Or the issues that constantly come up between us and a

developer, and check it against the memo that's been sent in and see if there aren't other things. Because I think the Board of Trustees would be very interested if we said to them yes, we really do need to do this because we're spending a lot of time with people asking for permits and what have you where they don't quite meet the rules or the rules really aren't clear and we get into a discussion of them which goes on for too much time. I think they'd be interested in that.

Chairwoman Sullivan: Michael, do you see anything (cross-talk) ...

Boardmember Ambrozek: Well, I agree that starting with the definitions would be a good starting point. I actually have a definition that I have been struggling with. That's the definition of open spaces, of open space.

Chairwoman Sullivan: That's a really good one. That was not on the list. That's a really good one.

Boardmember Ambrozek: My concern there is certainly things like balconies should not be considered open space. But then you can have some situations where roof space could be open space, and other cases where it couldn't be. I'm also concerned with calling open space an area that is enclosed by two or more sides of a structure, or a fence and one side of the structure. Once you start enclosing things with fences at some point it ceases to become open space.

Chairwoman Sullivan: Yep, very thoughtful.

Village Attorney Whitehead: We could look at what ... a lot of other codes have open space requirements and definition and we can look at those. Yeah, you're lacking in a definition, as I think we all learned when we were struggling with it. But I have to tell that it's not unusual for balconies to count or roof decks to count as open space because the idea is they are outdoor space for people to use.

Boardmember Ambrozek: My thought about open space is that it should be space for all people whether they are residents or nonresidents during daylight hours. I'm not saying that people should be trespassing on properties, but as a concept of what open space potentially can be used for is that it would allow both residents and nonresidents – especially where there is legitimate access to nonresidents. I'm thinking of cluster zoning, for example, open space within cluster areas. I'm also thinking of open space, a definition of open space, for lots that have through access.

Village Attorney Whitehead: I think it might be different – and one good way to differentiate too is, open space required in a multi-family development, a multi-family building – is very different than like with a cluster where it's like primarily single-family; the open space is really open space, if you will.

Chairwoman Sullivan: I think it's to look at the rationale for providing it in a multi-family, and then see what, Michael, what you're suggesting. That there's like a difference between public access and just having people have access to the outdoors from their unit.

Boardmember Ambrozek: As I say, I've been struggling with it.

Chairwoman Sullivan: But it's a great one, it's a great one to add.

Chairwoman Sullivan: Bill, did you have any chance to take a look at these? Do you have any thoughts?

Boardmember O'Reilly: Only a little bit. If you say the frustration, talking as a person on the board who's not an engineer and not an architect one that someone in my position struggles with is thinking of a the number of times we went back and forth about the height and the grade of the proposed project on 7-13 Washington. Where there was a grade going southeast to west, north to south, and the angle of Washington. When I say this thing here – should there be an example of how to calculate grade – the other thing that goes for me is the question of calculating height in relation to that on a complex project that would have nonresidential zoning.

That is probably my own one. I mean, I'm struggling with the definition of your basement and cellar. That's the position I'm kind of in, but there were a number of meetings about that lot, 7-13.

Village Attorney Whitehead: Well, that project certainly raised a lot of issues.

Boardmember Cameron: I think one of the issues, we have a new set of provisions on how high buildings can be. And you're measuring them off of these planes you're creating on the lot. One of the problems I think we found with the definition – and I can say this freely since I drafted the original one – was the perpendicular to the curb line wasn't necessarily the direction in which the buildings were going to be built. I've given this some thought. If we had a provision in there that allowed the Planning Board to require that perpendicular to the curb line was not the direction the building could be built, the Planning Board could choose instead that the person needs to build it parallel to the side lot lines. I think we just need to

test the provisions we have with that chance in there, then I think some of our problems on that one would have been solved.

Of course, you brought up the middle one, you brought up open space. We're probably forgetting the third: they all concerned one development. But there you are. That's one where the whole thing of what the side lot lines needed to be and were being contested ...

Chairwoman Sullivan: Are you talking about the ...

Boardmember Cameron: The setbacks from the ... the rear and the front being brought, but anyway there was some un-clarity (ph). Part of the problems we run into with these areas is that they already have buildings there which clearly don't have any side setbacks. We've got to look at them and try to visualize the whole thing again, and make sure that whatever definition we have is clear and something that works for us.

I'm also interested in basements and cellars, and I'm also interested in a lot of the definitions actually. Michael's point.

Chairwoman Sullivan: People aren't adopting them today.

Boardmember Cameron: I know. We have the problem as well, you know, going up the hill. We have an area which has one kind of building built on it, then we changed the zoning and left all the buildings behind which don't comply. I mean, it's tricky to say the least.

Boardmember O'Reilly: But speaking as a realtor, when you're talking to somebody for example who's thinking of buying a property it's not our business really to try and be the experts on all things but to direct them in the right direction.

Boardmember Cameron: Well, the basement and cellar is easy.

Boardmember O'Reilly: I'm starting to see whether I should call a basement or a cellar now.

Boardmember Bass: But that should be an issue.

Boardmember O'Reilly: You're a realtor; you call it "a livable space."

Village Attorney Whitehead: "Lower level."

Chairwoman Sullivan: I'm going to get the other three on this side to get in the

conversation. Eva, what were your thoughts?

Boardmember Alligood: Just along the lines of thinking back to the many meetings I've been a part of and what we've been stuck on – where our applicants have worked us repeatedly on – is structure. I know this is pointed out in the memo, but that one has definitely been tricky.

Chairwoman Sullivan: What's your thinking about it, having been on the Board ... you're probably ... are you the most senior member?

Boardmember Alligood: Jamie and I joined at the same time.

Boardmember Cameron: We're tied.

Boardmember Alligood: We're tied, same day.

Chairwoman Sullivan: Good.

Boardmember Alligood: I don't know how many years it's been. Do you?

Boardmember Cameron: Well, 10. It's been 10.

Boardmember Alligood: I'm five.

Mr. Metzger: You don't look a day over eight.

Chairwoman Sullivan: What's your thinking about what you've seen or what you'd change?

Boardmember Alligood: I think I recall that we ... even if something is completely flat, as long as it's on the ground it's considered a structure, right?

Building Inspector Minozzi: You mean on the patio?

Boardmember Gould-Schmit: Impervious?

Boardmember Cameron: Impervious surface.

Village Attorney Whitehead: The problem is how you tie that into your coverage definition. Because it's not unusual for a structure definition to include everything that's

attached to the ground. Then you have to have a definition of a building and a definition of coverage that doesn't necessarily include all those things.

Boardmember Alligood: See, that's the thing. When people think about a structure they never think of a patio or a pool.

Boardmember Cameron: We all received a memo on this, Marianne (ph), a little over two years ago. And I know we all did because I found the e-mail where we all got it. Linda, you didn't by the way.

Village Attorney Whitehead: I have a copy of it somewhere. That would be over two years ago.

Boardmember Cameron: Yeah, a little bit over two years.

Building Inspector Minozzi: Yeah, I remember that.

Boardmember Alligood: I don't know how to resolve it.

Boardmember Cameron: April 18, 2013.

Boardmember Alligood: I think it kind of throws people off.

Village Attorney Whitehead: It's definitely one of the ones that needs to be looked at, and it needs to be looked at in conjunction with looking at coverage.

Boardmember Bass: That's two memos.

Village Attorney Whitehead: And they tie together.

Chairwoman Sullivan: Anything else you've seen as an issue or have it cause a hiccup?

Boardmember Alligood: I think when we talk about driveways ...

Village Attorney Whitehead: It's a complicated definition.

Boardmember Alligood: Again, I'm just throwing out ... I don't have a solution. These are just the regular things I remember.

Boardmember Gould-Schmit: I'm with you. I think the driveway thing can be confusing, and when it counts towards the requirement.

Village Attorney Whitehead: Your definition of building coverage is the one that's most wrong in my mind. Because it determines building coverage, yet it says that "some of the area of coverage or footprint of all buildings *and* structures." And that's where "structures" doesn't belong.

Boardmember Alligood: It doesn't make sense.

Village Attorney Whitehead: It should be all buildings.

Boardmember Alligood: Right, instead of driveways.

Village Attorney Whitehead: Right. If you're calling it building coverage it should be the buildings, not buildings and structures. Development coverage should include everything.

Boardmember Alligood: It needs to be somewhat logical, where a lay person could say, well, that makes sense: building coverage is building, the buildings on the site.

Building Inspector Minozzi: And when you get into development coverage, we really need to start thinking about pervious and semi-pervious.

Boardmember Gould-Schmit: I think as new products come on-line it's not so clear what's pervious and impervious any more.

Building Inspector Minozzi: In our code it's pervious or non-pervious.

Boardmember Gould-Schmit: You can use Grasscrete, you can use all sorts of stuff.

Village Attorney Whitehead: The real thing is, since this was all done the stormwater regulations have gotten so much stricter. That's where your pervious surface really is an issue. A lot of stormwater regulations now take into account if something is partially pervious. That almost may be less important for you because it's being looked at ...

Boardmember Gould-Schmit: Captured elsewhere.

Village Attorney Whitehead: ... in stormwater. But I think you still need to look at – and it's very typical for a code to look at – the two different things: building coverage and site coverage, or development coverage. But they're not properly defined here.

Chairwoman Sullivan: When you've seen that, does the definition of building and structure tie in better to ...

Village Attorney Whitehead: Yeah, because your building coverage is only your buildings.

Chairwoman Sullivan: So something else is considered development coverage. It's defined ...

Village Attorney Whitehead: Right. It's development coverage or lot coverage. And some codes in certain zones have limitations for both or only one, and your code's kind of all over the place with how it handles that. It's not just the definitions, it's what zones have which limitations.

Chairwoman Sullivan: Kerry, did you see anything?

Boardmember Gould-Schmit: No, just really piggybacking off what Eva said, just brought up, about ... I do feel, too, like you're saying, building coverage seems to just be ... I won't say structure, but building. I confused it. I do think we should make it more clear between building coverage and development coverage. And that in development coverage is where you get that definition of structures – and it's patios and pools – whereas building coverage ...

Boardmember Bass: Or driveways?

Boardmember Gould-Schmit: And driveways. I mean, there's a whole list of things.

Chairwoman Sullivan: Richard, any thoughts?

Boardmember Bass: My concerns have always been on use and lot coverage, but also on consistency. I looked at the regulations, and then looked at the built condition, and they don't jibe. So we're holding new applicants to a different standard than the rest of the built condition in the neighborhood. I would like to make some common sense between what's existing today and what our regulations require. Because I wouldn't want you to do something more than the rest of us are living with. That doesn't seem to be fair.

Chairwoman Sullivan: It's almost like you want to analyze the context of these zones.

Village Attorney Whitehead: That's a big project.

Boardmember Gould-Schmit: Honestly, I agree with Richard on that. It seems like when your zoning code does not match up with your built environment that something ...

Village Attorney Whitehead: And it happens a lot.

Boardmember Gould-Schmit: But I do feel you mix lot lines, it seems like it should ... well, maybe because I have certain philosophical things about it. I feel like if you have all these nonconforming uses, but yet ...

Village Attorney Whitehead: Well, it's nonconforming structures.

Boardmember Gould-Schmit: Yeah, existing.

Boardmember Bass: And it's hard because Hastings is built organically on irregular lots on irregular streets so it can't be as cookie-cutter as I'm trying to make it sound. But from my block, I looked at the zoning. There's only one house on my entire block that complies with the underlying regulations.

Boardmember Gould-Schmit: I would believe it.

Village Attorney Whitehead: What's interesting is, this code was adopted in 1994. I don't know how much was done to do that analysis at the time this code was adopted. Because that's when it should have been done.

Boardmember Bass: This would be a really good student project.

Village Attorney Whitehead: That's when it should have done, when they were drafting this code. They should have looked at how many nonconformities are we creating. You shouldn't adopt zoning that creates a lot of nonconformity.

Boardmember Alligood: Right.

Village Attorney Whitehead: You're always going to have some.

Mr. Metzger: Unless the zoning is correcting a real problem that exists. For example, on Ridge Street many years ago, when they were building the four townhouses, there were new setback regulations. The developer was arguing, Hey, all these other houses are built to the sidewalk. When the neighbors showed up and said, We can't U-turn on a dead end street because we're backing into our neighbors' living rooms the Board realized that's why the

code was changed and did not allow them to build closer to the sidewalk than the current code was. We have to be careful of that, as well.

Village Attorney Whitehead: A lot of the problems don't necessarily have to do with ... a lot of the problems have to do with lot lines.

Boardmember Ambrozek: And on this subject, I ...

Boardmember Alligood: Thinking ... like personal experience, almost every house on my block has a detached garage in the back that doesn't conform to the setbacks. You know, they're small lots. As soon as you touch that ... if you want to do any kind of like minor renovation of your garage you have to get a variance. Which is just silly because they're not bothering anybody, no neighbor's going to complain because they're already there.

Building Inspector Minozzi: Actually, that's why we have that 50 percent rule in place, which really comes into play with those nonconforming garage repairs.

Village Attorney Whitehead: The Zoning Board still sees a fair number.

Boardmember Alligood: Glad to hear that is the rule.

Boardmember Ambrozek: But on this idea, I'd like to see variety in the variations on the architecture and uses throughout the Village, not having everything cookie-cutter. Zoning tends to push things into cookie-cutter shapes, which is, I don't think, what we want for the Village.

Mr. Metzger: Not necessarily if you have a good architect.

Village Attorney Whitehead: You're not starting from scratch so I don't think you're ever going to have cookie-cutter in this village.

Boardmember Ambrozek: But the zoning creates more of the same kind of constructions.

Mr. Metzger: If I could argue from an architect's perspective, it's true if you don't put a lot of effort into the project. The zoning says this is what you can do in terms of the volume of your building, and you build that volume and you throw some windows and doors in it, and you call it a building. One of the members of our committee, whose work I respect tremendously, is Christina Griffin. She takes projects and turns them into something that is typically unexpected but conforms with all the zoning. Sometimes it takes a little bit more effort to do something nicer. It can be done. I like to look at the zoning and protecting

neighborhood as opposed to determining what a person can build on their own lot. It prevents somebody from creating a situation that will negatively affect all their neighbors.

Village Attorney Whitehead: That's going to be so out of character.

Mr. Metzger: Exactly. It kind of goes both ways, and that's kind of why this board exists is to help make sure any nonconformance is not onerous to the neighbors.

Village Attorney Whitehead: The Zoning Board exists.

Mr. Metzger: Or the Zoning Board. But even in site plan review, when you're trying to determine how something should lie on the site. That's part of the process. And a really good architect will usually do a really nice project. And you'll get certain architects who will do something that will look like the other houses, but they'll change the scale of the windows, they'll change the slope of the roof, and that can make the house look significantly better without doing something wildly different. There has to be a bit of a give and take there. But I agree with you. We're not looking to create a village where every house looks the same. That exists in Levittown and that can be in Levittown and that's fine by me. I welcome the challenge of designing something that's unique but is conforming.

Village Attorney Whitehead: Can I just go back, not going back to the coverage and definitions thing, but I wanted to tell this board what ended up happening when we really looked at 32-34 when it was before the Zoning Board for the variance. We've just talked now about the use of three different terms – building coverage, development coverage, the coverage – and in the code it uses none of those. What the code actually says defined all of those, but in the MR-1.5 zone the requirement says all buildings and structures on the lot shall together cover not more than 15 percent of the area of the lot. So it doesn't use any of those terms; it uses buildings and structures.

What we realized was, to go back to a definition of the building and definition of structures the driveways are excluded. Christina was using development coverage, which is a calculation that includes driveways. Development coverage isn't what the code says.

Chairwoman Sullivan: Right. Well, that applies for the single-family.

Village Attorney Whitehead: But it's also in MR-1.5. It doesn't say building coverage shall be no more than, or development coverage shall be. It says all building constructions on the lot together shall not cover more than 15 percent. It doesn't even use the defined target.

Chairwoman Sullivan: You're right. It's crazy.

Village Attorney Whitehead: We found she'd been conservative in using the defined term and it was hurting her because it had her coverage number higher than it should have been. Because the way the code reads, buildings and structures do not include driveways. It defines all these terms and then doesn't even use them.

Boardmember Cameron: All of which is explained in this memo to Marianne. The reason why the parking does not exist in that district is because site plan approval would allow us to look at parking, whereas in the one- and two-families – since we're not looking at it – parking has to be included in the percentages otherwise you might get too much. That's what she says in the memo here.

Boardmember O'Reilly: Well, Kathy out asking us what areas of frustration we have seen or come across most commonly. The same would apply from your point of view, Buddy. I'd be interested to hear what are the most common things you hear from architects and planners and things like that come across your desk.

Building Inspector Minozzi: I would say coverage is always very confusing because of the structure definition. Going back to the same thing, that's probably the biggest one. Heartaches over setbacks, especially when you're bordering a paper street and there's no definition that says it's a paper street or a paved street it still has to follow setbacks. Like your neighbor, Bill, who had to follow two front yards. Bill has two front yards, even though one of his front yards is woods. That's troublesome. I would say, God, that's the biggest one.

Chairwoman Sullivan: Coverage and setbacks.

Building Inspector Minozzi: And it's funny enough that Eva has mentioned it. The garage repair one comes up a lot. Last year we must have had six of them, and this year so far I think we have two. One, the Zoning Board just heard a month or two ago. I thought it was two months ago when the Zoning Board heard it. That's a tough one, too, because if you look in our code under ... let's see, it's under repair. No, damaged structure it's under. You're playing with that 50 percent rule, and it's like now that's 50 percent; is the roof 50 percent, are the walls 50 percent, the foundation 50 percent? What's 50 percent?

Then once we settle on what's 50 percent, well, how am I supposed to do that. My roof's good, but my walls and foundation are shot. I don't know what to tell you. It costs double to try to do it and stay out of the boards than actually go to the boards. That's a really big hiccup I come across.

Village Attorney Whitehead: Plus, lots of times they need to be widened a little because they're so old you can't get a car in.

Building Inspector Minozzi: It's already nonconforming. I'd say that's my biggest hiccup is setbacks and coverage.

Boardmember Cameron: Well, that's residential.

Building Inspector Minozzi: I do mostly residential; 90 percent is residential.

Boardmember Cameron: Right.

Chairwoman Sullivan: It's not really anything we've seen, but it's what I've seen going around town. The Zoning Board would be dealing with it because it's single-family homes, but it's a little bit of a trend to take an existing home, tear it down, then build something that's much bigger in its mass; something where a house looked like it was a two-story house with a roof and all of a sudden it's a two-story house with a huge roof. Those, I'm starting to see.

Village Attorney Whitehead: But they haven't had to go to the Zoning Board so they're building them conforming to zoning. We have not seen those in the Zoning Board.

Boardmember Cameron: Well, that one on ...

Boardmember Alligood: One on ... I know which one you mean. That little tiny street?

Boardmember Cameron: No, there's the two down there. But just even before that, it's on High and Rose.

Building Inspector Minozzi: No, he's conforming in all aspects.

Boardmember Cameron: That big building.

Boardmember O'Reilly: That's a three-family, right?

Building Inspector Minozzi: Two-family.

Boardmember Cameron: Otherwise it'd be before us.

Building Inspector Minozzi: It was a two-family before, he just doubled the size of the house. I mean, he's right to the limit, but he's there.

Village Attorney Whitehead: He conforms and didn't have to go to the Zoning Board.

Building Inspector Minozzi: He conforms. It conforms to setbacks, it conforms to height, it conforms to coverage, it conforms to everything.

Boardmember O'Reilly: That's a two-family, eh?

Building Inspector Minozzi: Two-family, yeah.

Chairwoman Sullivan: I'm thinking of some on Rosedale.

Boardmember Alligood: I know which one.

Building Inspector Minozzi: The one on the corner of Rosedale and Ravensdale, that was before me. Where they took it down to the platform and then rebuilt it up?

Chairwoman Sullivan: Yeah.

Boardmember Cameron: There's the one on James Street which we did the subdivision. It's a much bigger house than the other houses around it now.

Building Inspector Minozzi: Oh, yeah. That's number 6 James Street.

Boardmember Cameron: That's a quite different discussion because we are going to see bigger houses. The land is so expensive that we're just going to see bigger houses. If we want to figure out a way of making the zoning change we'd have to do that.

Building Inspector Minozzi: Well, people are absolutely pushing their houses to the limits. Most are staying within the limits, but some have no choice.

Mr. Metzger: There was a brief moment during the economic downturn when houses actually started getting slightly smaller, and as the economy has started to come back – that being a relative term – everybody decided to go big houses. It follows cars. You know, everybody was buying econo-boxes. Now you're seeing a lot of SUVs and trucks on the road again. It's the nature of people. They want as big as they can possibly afford. I'm not a big fan of that.

Chairwoman Sullivan: We have a tool in the code which Buddy and I looked at and it was floor area ratio, which I found only in two zones which are the unmapped waterfront zones.

So it exists but it's not used, and the FAR – floor area ratio – could potentially control the mass of something.

Village Attorney Whitehead: That could be a recommendation, then. You could put an FAR requirement into the residential ...

Chairwoman Sullivan: Greenburgh has it.

Building Inspector Minozzi: I've been actually toying with it for about a year now. I think it could be helpful in multiple genres of the code, multiple areas of the code.

Chairwoman Sullivan: I don't really know beyond that that it's a way to do that or how you'd apply it, but it could control that.

Village Attorney Whitehead: The trick when you start doing FAR – and this is what we've seen – is the arguments that come up all the time and issues that come up all the time when you have an FAR requirement in a residential zone is what's included in your floor area, like your attics. It becomes what is the floor area that counts.

Building Inspector Minozzi: Their attics count as long as there's a doorway to the attic, a full-length doorway.

Village Attorney Whitehead: And Rye has changed it six times.

Building Inspector Minozzi: If there's a slope in the attic it doesn't count.

Village Attorney Whitehead: It depends on the wall height and width. Rye's changed it several times to try to be more restrictive because they deal with it a lot.

Mr. Metzger: For people listening at home, floor area ratio is the amount of floor you can build as a percentage of your lot size. You can do a single floor that covers half the lot or you could do two floors that covers a quarter of the lot. These would be the same floor area ratio. Just to make it clear because a lot of times people watching have no idea what we're talking about, including me.

Boardmember Bass: We have to be careful. My favorite examples are some in the Bronx and Riverdale. Some of the buildings in Riverdale have the hallways on the exterior of the building so they wouldn't count for floor area. When you leave your elevator you're walking out in the wintertime to get to your apartment. They, again, had to fix that.

Village Attorney Whitehead: This is what happened in Rye. Builders get ways around it, then the code has to be changed again to try to catch that.

Boardmember Bass: I've been accused of that.

Building Inspector Minozzi: I guess no matter which way we do it it's not going to ever be without its issues. I think it's something we should look at to see, well, which way is going to have less issues.

Chairwoman Sullivan: What are you talking about?

Building Inspector Minozzi: FAR compared to coverage, and the way we do it.

Boardmember Cameron: We might not want to have FAR apply for smaller lots because we're having trouble enough with applying to our larger lots.

Chairwoman Sullivan: I don't know where we go with it here.

Building Inspector Minozzi: If you wanted to do something to give the Board of Trustees a little something that you guys may have on your minds, besides wait for them, is to tell us what to do. It's in their lap right now.

Boardmember Ambrozek: I have another subject area that has been bubbling around in the back of my mind. As we try and do more and more solar power, people are going to want to have their roofs facing south, which may not be necessarily the way you would design a roof for a building on the orientation of their lot. Also, they may want to change the slope of the roof and would need to have higher height. Because you want to have, typically, the sun perpendicular when it's the lowest point in the sky in winter so you get the greatest benefit all year 'round for the solar power, solar energy.

I don't have any concrete thoughts on this, but I could see that this could be an area that's going to challenge us: how do we allow for variances in a height limitation or the view preservation because of people wanting to try to put in solar power on their roofs. It's something we don't want to discourage, but at the same time the zoning needs to address it.

Village Attorney Whitehead: I don't think we've seen any out of all the houses that are being through the solarize campaign.

Boardmember Ambrozek: That's because they're typically on existing buildings. But I'm seeing future constructions or renovations to existing buildings.

Building Inspector Minozzi: I guess the house on (inaudible) was designed (inaudible). The way they have the roof it was designed to have solar and was built right into the house that way. So a very unique roof if anybody drove by.

Mr. Metzger: Michael, to your comment before about zoning driving design, I worked for an architect in Nyack many years ago and he designed a house where the eave of the roof was about this high off the ground. Except, obviously, where the front door was there was a gable to get in. The pitch of the roof was about a 14 in 12. For those who don't know, 12 and 12 is a 45-degree angle. This roof was starting to approach vertical so he could get a huge volume of space underneath the roof. This wasn't done for solar, but it was a way to approach having a huge roof surface in a conforming house.

Actually, the house started to look a like a cottage you'd see in a fairy tale because the proportions were so unusual but it was extraordinarily beautiful. There are ways to deal with these sort of issues. You want to increase the amount of roof area to increase your solar gain and there are ways to deal with that from an architectural perspective. Most people obviously won't do that, but it can be done.

Boardmember O'Reilly: Speaking of fairy tales, I read years ago the companies that were attempting to develop tiles or cells that had the solar cells in them so that you didn't put separate solar panels on your roof.

Mr. Metzger: That exists, and there's also paint that is photovoltaic. I have no idea how available it is, I don't know how effective it is.

Village Attorney Whitehead: The shingles are pretty available.

Building Inspector Minozzi: Yeah, we have one in Hastings already.

Village Attorney Whitehead: The solar shingles are available.

Building Inspector Minozzi: And there are apparently windows you can use that also will generate a certain amount of electricity. As the technology develops and it becomes more cost-effective you're going to see those things. I think part of the deal is, people are trying to figure out how to do solar so it doesn't look like solar.

Building Inspector Minozzi: That's what's great about the shingles. I like them very much.

Boardmember O'Reilly: Our estimate for doing this, solar is affected by the fact that we're surrounded by trees. We were told we'd have to cut certain trees so that could become an issue.

Building Inspector Minozzi: No, we've got tree permits already. And our tree permits only go on projects that are 1 acre or more – I mean, dwellings that are on 1 acre or more – and we're starting to see some tree permits coming in. I know there has definitely been some burning.

Mr. Metzger: The other big issue with solar is the fire departments have to be retrained. Even if the power goes out those panels remain live. If you need to penetrate a roof to vent smoke this was happening in California as this was starting to become a thing. Firefighters were becoming electrocuted. I know our fire department is going through special training to learn how to identify where those sort of dangers might be.

Chairwoman Sullivan: I want to pull back.

Mr. Metzger: Oh, I'm sorry. We're getting a little off topic here. I'll sit down now.

Boardmember Alligood: It's very interesting.

Chairwoman Sullivan: I want to pull back because we were almost ready to talk about what we're going to do. Then we can have an early meeting. Like my first meeting could be short, awesome. So, Buddy, what's your thinking?

Building Inspector Minozzi: What I was thinking was that, like I said, if you wanted to work – as Linda's recommended – work on definitions and send something up to the Board before they actually get back to us I don't think that's a bad thing.

Chairwoman Sullivan: I think maybe a list of things that are a priority maybe than every definition in the book. I just tried to make a little list – and I'm not saying this goes to them today, by any means – with a definition of building and structure, leading into coverage in its many different ways. Height in the two downtown zones, especially the issues of the slope. A definition of grade. Michael's point about open space. Driveway, how it's considered. Richard's point about looking at the existing and how our regulations fit, that's a big issue but it's an important one. FAR, if you don't mind adding that is something to potentially consider. Would garage repair be on that list, do you think? How existing garages are repaired?

Anything else as a potential list?

Boardmember O'Reilly: That was a good summary.

Boardmember Gould-Schmit: Like the setback, I guess feeding into the garage repair.

Chairwoman Sullivan: I'll send this around, and maybe for the next meeting people can follow Linda's suggestion and just look at the definitions

Building Inspector Minozzi: Do you want me to put this as a discussion item next month? I'll just keep it on.

Chairwoman Sullivan: If it's not next month it can be the next month.

Village Attorney Whitehead: You know what? Keep it on, and if it's late we don't do it. We've done that before. Then I think we just keep doing that, and then any time you have a lighter meeting where it's not late we can sort of work on this a little.

Boardmember Cameron: So you're putting setback ...

Chairwoman Sullivan: I'm putting setback as a potential one, yeah.

Boardmember Cameron: Two things on setbacks, just so we get the full thing. One is that we actually have some setbacks that are determined by the height of the adjacent wall. We have adjacent walls that actually go down the slopes so the walls get bigger as you go down the slope. We probably want to do something about making the amount of setback – if it's added to because the wall's higher – the average amount of the height of the wall rather than having a setback line that curves out as you go down the hill.

Chairwoman Sullivan: This is going to be why it's a draft list. Because people with more knowledge of certain issues can add to it.

Village Attorney Whitehead: And the setbacks is also how do you measure a setback on some of the irregularly shaped lots. That's always a little tricky.

Boardmember Cameron: Then we have that wonderful provision in our code which if a building's longer than 16 feet ...

Building Inspector Minozzi: Longer than 160 feet.

Village Attorney Whitehead: Which was another issue.

Boardmember Cameron: You add another foot (cross-talk) ...

Building Inspector Minozzi: Yeah, you got to add a foot for every 50 feet it's over.

Chairwoman Sullivan: All right, we'll be back to this. We could go on.

Building Inspector Minozzi: There's some very irregular things.

Chairwoman Sullivan: May I have someone on the Planning Board make the motion to adjourn the meeting?

V. ANNOUNCEMENTS

Next meeting date May 26, 2016.

VI. ADJOURNMENT

On MOTION of Boardmember Bass, SECONDED by Boardmember Gould-Schmit with a voice vote of all in favor, Chairman Cameron adjourned the Regular Meeting.

Chairwoman Sullivan: We're adjourned.