

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
PLANNING BOARD
REGULAR MEETING AND PUBLIC HEARING
JUNE 16, 2016**

A Regular Meeting and Public Hearing was held by the Planning Board on Thursday, June 16, 2016 at 8:15 p.m. in the Municipal Building Meeting Room, 7 Maple Avenue, Hastings-on-Hudson, New York, 10706.

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

I. ROLL CALL

Chairperson Sullivan: Good evening, folks. Welcome to the Village of Hastings-on-Hudson Planning Board meeting of Thursday, June 16, 2016. May I have the roll call please?

II. APPROVAL OF MINUTES

Meeting of May 19, 2016

Chairperson Sullivan: All right, the next order of business is approval of the minutes from our May 19, 2016 meeting. Are there any comments on the minutes?

Boardmember O'Reilly: I have none.

Chairperson Sullivan: I have just a couple. On page 34, I believe I am asking Michael for his comments, not Mr. O'Reilly because Mr. O'Reilly has spoken just minutes before.

And on page 39 there is something about a "*reed buffer*," but I think it should just be "buffer," something I'm saying.

Female Voice: Excuse me, Kathy. What page was that?

Chairperson Sullivan: Page 38, towards the top. My speaking carries over to the top of the page, and the last sentence had something about a "reed buffer," and I'm not sure what I meant but I think we were talking about buffers.

I guess if I could make a general comment I would prefer to be referred to as a "chairperson" rather than a "chairwoman," if that's OK.

Village Attorney Whitehead: Or just "Chair."

Boardmember Cameron: Just Chair.

Chairperson Sullivan: I had that as a choice, too. If you want to stay with the "people," I'm the person.

Boardmember Ambrozek: On page 33 you're referred to as "Chairwoman Sullivan."

Chairperson Sullivan: Right.

Village Attorney Whitehead: She wants to be Chairperson.

Chairperson Sullivan: Chairperson, yeah. Thank you. That's a small one, but fits my feel better.

With that, may I have someone in the Planning Board to make the motion to approve the minutes of the Planning Board meeting on May 19, 2016 and another to second that motion? And, Mr. Cameron, you are abstaining.

Boardmember Cameron: Abstaining, yes.

On MOTION of Boardmember O'Reilly, SECONDED by Boardmember Bass with a voice vote of all in favor (Boardmember Cameron abstained), the Minutes of the Regular Meeting and Public Hearing of May 19, 2016 were approved as amended.

III. NEW PUBLIC HEARINGS - None

IV. OLD PUBLIC HEARINGS

1. **Steep Slopes Approval - Application of Michael Curtis & Nancy DeNatale for the creation of a patio, stairs and retaining walls in front of their two-family dwelling at 328 Warburton Avenue. Said property is located in the R-7.5 Zoning District and is known as**

SBL: 4.100-96-4 on the Village Tax Maps.

Chairperson Sullivan: We've gotten a letter from our engineer, who has gotten some information. I don't know if we want to discuss that at this point. I said we've gotten a letter from Hahn, so do I think we should discuss this at this point. In it looks like not all the information was given Hahn for his review. He has asked for certain items that Linda has mentioned she has reviewed, and they are items that ...

Building Inspector Minozzi: Yeah, I only sent Hahn the engineering drawings. I didn't send Hahn the entire submittal.

Chairperson Sullivan: Entire submittal.

Village Attorney Whitehead: And I think much – not all, but a lot – of the things he's asking for are actually on the plans that Jim Metzger prepared and submitted. This is a steep slopes application. He wrote site plan review in his memo, so I don't know. Buddy, did he think this was a full site plan review?

Building Inspector Minozzi: I told him it was for steep slopes and drainage, so I don't know.

Village Attorney Whitehead: So on a steep slopes application the main thing you need the engineer to review is the stormwater calculations. And you'll remember that we had asked for the stormwater calculations to be submitted, which they were.

Boardmember Bass: And that was the only item that was outstanding from the application.

Chairperson Sullivan: Right.

Boardmember Bass: And he didn't review that because he thought he had an incomplete application.

Chairperson Sullivan: Right.

Boardmember Bass: So could we condition our approval based on his review?

Chairperson Sullivan: I think that's a very fair approach at this point. I mean, where we would give Doug Hahn the complete package, let him look at it, and if he comes back and says, "Nancy and Michael, you have to put in a drain," that would be something that we could ... you know, information to be passed on to you. But I think given this conversation

we had about the size of this project and how it's decreased even since we first saw it, I think I would support that proposal, Richard.

Village Attorney Whitehead: Especially knowing that you've already gotten the stormwater calculations, which was what you had asked for.

Chairperson Sullivan: Any comment on this side of the fence?

Boardmember O'Reilly: No, I think that's fair.

Boardmember Cameron: I'd make that motion.

On MOTION of Boardmember Cameron, SECONDED by Boardmember Ambrozek with a voice vote of all in favor, the Board resolved to approve the steep slopes application **for Michael Curtis and Nancy DeNatale for the creation of a patio, stairs and retaining walls in front of their two-family dwelling at 328 Warburton Avenue**, on condition that our consulting engineer approves the stormwater calculations.

Nancy DeNatale, 328 Warburton Avenue: Wondering when we're going to hear what that final approval ... when ... the final approval from them.

Building Inspector Minozzi: You're going to have to have Jim send me another package, another submission.

Ms. DeNatale: Full package?

Building Inspector Minozzi: Full package, and I'll get it out to them ASAP.

Village Attorney Whitehead: OK, Buddy.

Building Inspector Minozzi: Yes.

Village Attorney Whitehead: I'll make it easy on you. Send him mine. I don't need it.

Ms. DeNatale: Thank you very much.

Chairperson Sullivan: Maybe for just process we can let Nancy know that they're free to move on you to get reviewed for a building permit. Is that correct?

Building Inspector Minozzi: Well, they have to go to Zoning Board.

Ms. DeNatale: We have to go to Zoning for a variance on that wall, so we wanted to go ahead with that.

Chairperson Sullivan: That would be my assumption – you can, yes.

Ms. DeNatale: OK.

Boardmember O'Reilly: It doesn't have to come back here?

Village Attorney Whitehead: No.

Ms. DeNatale: Thank you very much.

Chairperson Sullivan: No, off you go. Thank you. All right, thank you everyone for helping with those conditions. I appreciate it.

2. **View Preservation and Site Plan Approval - Application of CCI Properties, LLC for the construction of an additional building containing five (5) townhouse units on its property at 32-34 Washington Ave. Said property is located in the MR-1.5 zoning district and is known as SBL: 4.70-53-11 on the Village Tax Maps.**

Village Attorney Whitehead: View preservation's actually already approved.

Chairperson Sullivan: Correct.

Anthony Nester, JMC Planning PLLC: Good evening, Chairperson Sullivan and members of the Board. We are here on behalf of CCI Properties LLC.

With regards to this project, and from the meetings last month, we had made submissions to the Board as well as to the consultants – the engineering consultant – as well Lucille Munz, who is the Village landscape architect, for review of our plans based on comments from the last meeting. I have checked with Doug and, as far as I know, Doug has no further comments with regards to this application. I did receive a copy of Lucille Munz's comments, and she had two minor comments which we are willing to adhere to: one being moving the path lights to within the walls, which we don't have an issue with doing; and the other

question that I thought she had was with regards to maintenance of the lawn in the rear of the new building. I can answer that question right now, if it's OK.

The whole entire property will be maintained at the same time by the same person, whether it's the actual property owner or a service that comes in, and all the equipment will be brought in through the existing driveway off of Washington Avenue and all the grass will be maintained from that point.

Boardmember O'Reilly: Will it be a homeowner's association or it will be a contract?

Mr. Nester: It's either going to be a rental or an HOA. I guess they're still trying to determine that.

Village Attorney Whitehead: So there'll be a single owner responsible for the property.

Male Voice: Yes.

Mr. Nester: Yes, either way.

Building Inspector Minozzi: Just to remind the Board that Hahn did send us a memo saying that they recommend approval of site plan. And then after that we received the notes from the landscape reviewer, which you all should have gotten.

Mr. Nester: At this point, if it pleases the Board we're just at your discretion if there's any particular comments or questions that you may have, or you want us to review anything, we'll be pleased to do the best we can.

Chairperson Sullivan: All right, well, we thank you for all the hard work that shows, and we appreciate the responsiveness to our concerns about the application.

Mr. Nester: Thank you.

Chairperson Sullivan: I guess my perspective would be I would hate to have the Board walk by at some point and say, "I never knew they were going to do that." You've given us a clear indication of everything we've asked for in our site plan review.

Mr. Nester: I completely understand.

Chairperson Sullivan: Yeah, thank you so much.

I think two things I'd like to just ask Buddy. We had talked about having the police department review the signage locations and also the DPW just to talk ... look at the plans.

Building Inspector Minozzi: Yes, I had conversations with both the Police Chief and the DPW Superintendent. The Police Chief was fine with the signage. He would've recommended that exact pattern of traffic anyway, so he was pleased to see that. The DPW Superintendent was a little bit more open-ended.

We had noticed that there weren't enough pails in the southern two buildings, but then they went back and made corrections. He is concerned – not concerned, but he wants to know ... I guess concerned – about where the garbage is going to be taken, where is it going to be stored. Not stored, but where is it going to be put out when it's put out for pickup. Is it going to be in the driveway, is it going to be on the sidewalk?

Right now, your back building is slated for once a week pickup. If, in the future, they see it's not enough he could easily make it two times a week – like a Monday, Wednesday kind of thing. Those were his comments. He was concerned about where they're going to store the garbage while it's being waited to be picked up, and he's concerned that once a week, if that's going to be enough pickups for the week.

Boardmember Ambrozek: Regarding signage, I notice that there are parking restrictions now to north and south, but there's no indication on the plans for no-parking signs. Otherwise, the signage looked good to me.

Building Inspector Minozzi: I didn't even look at that because I was only looking at the signage in and out of the driveways.

Boardmember Bass: I saw on one of the site plans that there was striping for no-parking.

Mr. Nester: Yes, there is – old spots

Boardmember Ambrozek: But it requires signage, as well.

Boardmember Bass: I didn't see that.

Village Attorney Whitehead: On Warburton it's going to be subject to county approval. They're going to have to go to Westchester County to get a curbcut approval ...

Mr. Nester: That is correct.

Village Attorney Whitehead: ... and Westchester County is going to determine what's required there.

Mr. Nester: You are correct.

Village Attorney Whitehead: County road.

Boardmember O'Reilly: Is each homeowner responsible for getting their own garbage out, or is that part of the ...

Building Inspector Minozzi: Well, the garbagemen are going to come up and get it from underneath the porches, so it's going to have to be brought ...

Mr. Nester: Each individual, either as a tenant or whatever, will be responsible for bringing their garbage out.

Chairperson Sullivan: Well, it sounds like continuing to answer that question with the DPW is something that will take place as the project proceeds.

Building Inspector Minozzi: Well, I think it should be ... is it possible that we can make it part of the conditions under the approval?

Village Attorney Whitehead: You can add a condition that they consult with DPW and agree on how garbage will be handled.

Chairperson Sullivan: OK, good.

Village Attorney Whitehead: In terms of where it's placed, when it has to be put out.

Mr. Nester: That would be fine, thank you.

Chairperson Sullivan: OK, that's good.

Village Attorney Whitehead: I'm adding conditions as we go. I've added two already.

Chairperson Sullivan: So then I guess I'd like to open it up for Board comments on the new pieces of information that we received. Richard?

Boardmember Bass: I have just a minor question on drawing A-5.

Female Voice: What number was that?

Boardmember Bass: A-5.

Village Attorney Whitehead: It looks better in color.

Boardmember Bass: Do you see the columns framing the doors? They alternate, they change, but on other plans they don't change.

Boardmember Cameron: No, that's an updated drawing you have there compared to the one we have.

Female Voice: I think it's been updated and they don't change now. We updated it (off-mic) porches on the third townhouse. We now have one porch (off-mic) two. And I think that was something that Kathy recommended at the last meeting.

Chairperson Sullivan: No, I took it off the table. It was very clear. Slid it off the table.

Female Voice: (off-mic) likes the idea, and so we made that change. And with that change, that's too much going on with the columns.

Mr. Nester: It doesn't change ...

Female Voice: (Off-mic).

Mr. Nester: And the amount of impervious surface.

Village Attorney Whitehead: I'm not sure that's what Richard's question was.

Boardmember Bass: Right. So on this plan they're A, on another page they're B. Pick one or the other.

Female Voice: Is this on? This is now the final drawing, with the columns all matching from porch to porch.

Boardmember Bass: OK, so A-5 doesn't have the matching from porch to porch.

Mr. Nester: We will make sure that they're all the same.

Boardmember Cameron: I had that same question.

Boardmember Bass: I thought you were just seeing if we were really reading the plans.

Mr. Nester: That's actually a pretty good observation, picking that up.

Boardmember Bass: I read a couple plans per day. That's it.

Chairperson Sullivan: Michael?

Boardmember Ambrozek: On plan A-1 you show the stairs going down to the garage door – to door that pedestrians can get into the garage. Yes, there. That is a new location from the previous plans, and what I don't see is any safety railing to prevent anybody falling in from the ground level.

Mr. Nester: There will be ... and if it's not on a plan I do apologize. But all retaining walls would have safety fences on them.

Boardmember Ambrozek: And the same ...

Mr. Nester: Going down the stairs, yes. At some point, where that stair meets the porch above – because it's going down as the porch is staying still – there will be safety fences going all the way down.

Boardmember Ambrozek: And similarly, where the driveway descends below grade level there'll be railings for that, too.

Mr. Nester: Yes. If you look on drawing C-2, I believe, or C-1 shows all the retaining walls with the safety fences on them.

Boardmember Ambrozek: OK.

Mr. Nester: I have a clear drawing of this if anybody ...

Chairperson Sullivan: Bill, do you have any comments?

Boardmember O'Reilly: No, not of what I've seen.

Boardmember Cameron: Could you bring up A-7, maybe change it here to ... this thing, you've done an interesting and nice job of taking all the windows on the second and the attic floors and putting dividers in different places. Then after all that, we have about 12 or 13

plain glass sliding doors at the bottom. I just wondered if you had talked to the ARB about any dividers in those doors. I know they have to be interior. You've got this wonderful group of houses that look like they're built in the 1850s to modern America 10 years ago. I just think it would cost relatively little money, and it would be a very nice touch, to have some sort of dividers ...

Building Inspector Minozzi: That wasn't brought up at the ARB meeting, but it's definitely something ...

Boardmember Cameron: I would just suggest that you ...

Female Voice: We could look into that.

Boardmember Cameron: You go back and look into that. There's a whole bunch of different ways you could divide them up, but I'm sure you know them all. I just think it would look an awful lot better.

And I guess you and the ARB discussed about having the ... have you changed that? I guess they did that on purpose. You wanted to have ... on the second floor of the ... that's all right, we'll go with ... it's just two of the buildings have more hatchwork. That's fine. That ends on this, but I do have a bunch of comments on your planning thing, but that ends my comments on the design.

Chairperson Sullivan: Do you want to jump in to the planning?

Boardmember Cameron: Sure.

Chairperson Sullivan: Might as well.

Boardmember Ambrozek: I'd like to raise a question about the lighting. Your light fixtures, they describe that they can use incandescent lighting devices.

Mr. Nester: Yes.

Boardmember Ambrozek: But do you plan to use incandescent, or from a green point of view do you think you will use LEDs?

Mr. Nester: For the sconces that are on the front door and the rear patio areas it doesn't ... it makes more sense just to do regular incandescents just for maintenance purposes, just to keep them single, 100-watt bulbs up in the front door. We did do the LED lights on all the

path lights and the sidewalks all along there to try to keep it as green as possible. But we also ... you know, just to keep the residential feel with the type of fixture that it shows. We could look at an equivalent alternate if that's something that you guys wanted to do.

Boardmember Ambrozek: Well, I think for the path lighting using LED lights would be very good.

I have a question – I'm trying to understand – your illumination numbers.

Mr. Nester: OK.

Boardmember Ambrozek: Especially, you have one lamp ... I can't identify it except to say that it has a large black dot as opposed to the smaller circles. And it's just by the driveway. It's the one light fixture you have near the driveway that I think is red?

Mr. Nester: Yeah. What I tried to do here – and I realize it was very difficult and there was a lot of information – but to try to meet the requirements of the code we tried to put as much information as possible. What I have highlighted here, there's three large dots – which is one by the right side of the existing driveway here, one in the back by the parking area, and another one in the front of the driveway. Those are like lamp posts.

Boardmember Ambrozek: Yes.

Mr. Nester: So that's going to be this type of fixture on a 7-foot high pole.

Boardmember Ambrozek: Yes.

Mr. Nester: OK. And then all the other small dots – all except for around the building – are the path lighting.

Boardmember Ambrozek: Yep.

Mr. Nester: And then all the sconces on the front and the back are going to be similar to these.

Boardmember Ambrozek: Like carriage lights, yes.

Mr. Nester: Correct.

Chairperson Sullivan: And you had some sconces in the alleyway, correct?

Mr. Nester: Yes, exactly. I'm sorry, thank you, I didn't highlight those. We're going to have the same sconces in the alleyway.

Boardmember Ambrozek: I was puzzled that for the lights – those three driveways, the three lights around the driveways that are on the poles – that the illumination numbers that you have around them are not consistent. They vary by almost 100 percent, from around 2.9 – a value of 2.9 – up to 6.7, as you describe an arc around them. I could not understand how these numbers were being generated.

Mr. Nester: Well, it's generated using a program based on the files provided by the manufacturer of the particular light. To answer your question, I would have to look into that lighting. But they're a very low-wattage bulb; it's only a 150-watt bulb. So it's fairly ... not going to be very high levels of intensity as you would see in a parking lot or in the street.

Boardmember Ambrozek: Right. I just couldn't understand the variance. As you walk around the lap in a circle ...

Mr. Nester: Well, it does include ... and I understand your concern on this side. It's a little bit more consistent on the north end. But it does take into account all the lighting from the building and all the other lights as a whole. So it's not looking at each individual light fixture as an individual light, light, light. The levels will vary somewhat in a non-consistent (sic) almost like a topography type of ... if you want to look at it that way. I was actually toying with instead of giving you the point by point, there is what they call an IsoLux line, which is similar to a topography line, but it was worse. Which made a little bit more sense.

Boardmember Ambrozek: None of these numbers are exceptionally high.

Mr. Nester: No, no. And another thing to point out, too, is there is an existing cobra head on Warburton right over here, and close to the entrance there's another cobra head on the utility pole on Washington Avenue. It's very low levels of light.

Boardmember Ambrozek: Thank you.

Chairperson Sullivan: Jamie, back to you.

Boardmember Cameron: You can go to the one on the screen back there now, and this is actually the planning one. In looking at this, I was sad to see ... on an earlier diagram you show which of these – on E-1, go to E-1 – you show which trees you're taking down. I see you're taking down a whole bunch just north of what I'll call the central walkway.

Mr. Nester: I have the plan here if you want to just look.

Boardmember Cameron: No, that's all right. We have a nice row of trees there, which actually very much sort of shelter the sidewalk in the front. It suddenly occurred to me that it might actually make sense for the stairs which you have going down through the trees to actually be relocated slightly northward – in other words, where you're taking down all those trees.

Mr. Nester: Well, those trees are getting ... I believe are right in this area here?

Boardmember Cameron: Yes, you're putting shrubs in. I was looking at it, and as we talked about a walkable community, what have you, the fact of the matter is, if that stair is farther to the north everybody in the building could just easily go down that stair and be right in the same place on the sidewalk. In fact, the people in the northern units don't have to go down and then come back in order to go into town. So I was thinking – and a suggestion that you might consider – putting the sidewalk slightly farther north, like where you're ripping these trees out. But since you're doing that anyway, that would help save the trees farther south. I think it would equally balance the place because you have a sidewalk all the way on the south end coming down to the ...

Mr. Nester: To the driveway.

Boardmember Cameron: Those are low-voltage lights, I guess.

Mr. Nester: Yes.

Boardmember Ambrozek: I had the same thought when I saw all those trees being removed.

Boardmember Cameron: Yeah, it just seemed to me a ...

Boardmember Ambrozek: I know that we talked about moving the sidewalk south like this previously, but now that I see the trees being removed north of where it is I feel that's a better location for the sidewalk as well.

Boardmember Cameron: For the stairs coming down.

Boardmember Ambrozek: Stairs. The stairs, yes.

Boardmember Cameron: I'm just suggesting you consider that because you get a two-fer out of it. In fact, it's a more efficient place to have the stairs, and secondly it allows the people going to the first two units really to go right out without having to go down and come back. It also puts the stairs where you're taking trees out. Maybe you might just put that on the list of things, because I have other things on planning to discuss with the ARB, since you're going back to see them anyway, and bring that up with them.

Mr. Nester: Just getting a ... I'm not sure why we would have to go back to the ARB.

Boardmember Cameron: Isn't that in that thing that they're on the planning ...

Village Attorney Whitehead: No, on the walls.

Boardmember Cameron: On the walls.

Village Attorney Whitehead: They don't know that yet.

Boardmember Cameron: Oh, OK. You'll learn that. While you're there for other reasons ... because I just ... anyway, it's just ... my reaction is a much better way to place it. And since you're taking those trees out ... and if not, I think you should actually put the same kind of trees back so we have a consistency going down. So it would change your planning diagram, and I don't think it would be as good.

Mr. Nester: We can definitely look at it.

Boardmember Cameron: It would go forward maybe, I don't know, 15 feet.

Mr. Nester: Well, the purpose of doing it was to try to centralize that sidewalk so it was equal distance from all the units. Not to get one unit closer than the other.

Boardmember Cameron: But I'm just bringing it up. You can think about where the destination is. The destination is either downtown or the garage, and if it's downtown you just walk along the sidewalk up above and come down. Exact same distance.

Mr. Nester: I don't see any issues why we couldn't look at that.

Boardmember Cameron: OK, with that in mind maybe we might just go to the plans themselves. If we go to the back of the property, you put in two red maples in the back, which I think are excellent. They're the top ... the two big guys in the top right-hand. I think that's a wonderful idea because they are ... one of my concerns, which I expressed in an

earlier meeting to Christina, was that we have an awfully big roof area. And what we want to do is have something visually that breaks up the view of the roof area. The nice thing about the red maples is, they are ... they get up to about 30 feet, 35 feet and they've got a good-sized head, about 25 feet. It'll do a nice job, so I like those.

Then I looked over at the trees to your left, the white firs, and they're like gigantic, slightly blue Christmas trees, when we're finished. I just thought they looked awfully heavy back there. And, quite frankly, they also are kind of close to the building which is not on your property but the existing two-story single-family residence. You just essentially put these three big trees in front of them. While we aren't dealing with view preservation at the present time, nor am I bringing it up again since we already approved it, it just seems to be a sort of unwelcome thing where you have these people only 6 or 7 feet beyond your fence to put three big Christmas tree things that grow right to the ground in front of them. I just suggest that you can make some better choices on what you put there.

Continuing along, going to the parking lot. Now, I like the hollies, by the way, and not just because we have quite a few hollies at our house and they work exceedingly well. But they're really nice because they can really actually shield things, and the deer really don't eat hollies. I can attest to that. But you put in a whole bunch of white cedars. And I know why you did it, because you've got a narrow piece of land to put them on.

Chairperson Sullivan: You might want to scroll that down.

Boardmember Cameron: But they're just going to be eaten. So we're going to end up with these 8-, 10-, 15-, 18-foot white cedars later on, which all the cars are exposed because the first 4 feet will be gone.

Chairperson Sullivan: Could you show ... could you just scroll down the plan because Jamie's referring to ...

Mr. Nester: Actually, if it pleases the Board I do have some presentation materials based on my boards which may help.

Boardmember Cameron: OK.

Mr. Nester: If I can pass them out.

Chairperson Sullivan: I'm just thinking, also, too, if you could scroll ...

Mr. Nester: I'll tell her to do that.

Chairperson Sullivan: Yeah, thank you.

Mr. Nester: There's two sheets there. Just zoom out to the landscape plan.

Boardmember Cameron: Can you move it down a little bit so the light ...

Mr. Nester: Go to the landscape plan, the first one – one.

Boardmember Cameron: That row right there. You can now see the existing two-story single residence sitting behind the three white firs. I mean, I just think that in that particular location wants something which isn't necessarily that tall – five of the white cedars now. You want something, however, which does a great job of keeping its bottom. I think white cedars, quite frankly, in spite of our deer darting program are really not a great first choice.

Anyone else have something? They're white firs. They look like sort of Christmas trees. Those guys. They go to 50 feet. It's not a good long-term idea. I think that's all I had, actually, on this. I don't necessarily have candidates for you for that parking area. Hollies would work, actually.

Mr. Nester: We can consult with the Village's landscape architect and select some species of trees or whatever we need to do that would be satisfactory to the Board.

Boardmember Cameron: But I think the key thing there is the white cedars, as you know, grow very, very tall and they leave the big gap at the bottom. They just don't work. I mean, they'll work for the first six to eight years, and then everybody will be chasing Bambi.

Mr. Nester: OK.

Chairperson Sullivan: Kerry, I'm glad you joined us. Do you have any comments or questions?

Boardmember Gould-Schmit: No, thank you.

Chairperson Sullivan: OK. A number of Boardmembers have brought up some of the concerns that I have, as well. The thing I'd like to focus in on is the section that you showed through the sidewalk showing the guardrail. This is on L-2, I think.

Female Voice: And what page?

Chairperson Sullivan: I think that's L-2.

Male Voice: I have a blowup right here.

Chairperson Sullivan: This was helpful. We were interested in understanding where guardrails were going to go, as well as the walls themselves. This is helpful. I think there's some work that needs to be done on it, and this gets to what Jamie mentioned. That I think I would like to recommend this gets brought to the ARB for guidance for us on what those safety fences are like and how the walls work. I shared with the Board just a sketch I had made of an elevation of the front of the building showing kind of where the walls were and where the fences were. Also, given the nature of that historic wall – I'll call it historic, but a very beautiful old wall – it is important to understand how these walls are going to be working in relationship to them also with the materials as well.

Linda and I spoke a little bit about it, and I think she's got a proposal for us to use, potentially, as a condition of approval. And how we can do that without making that another trip back to us, in that case.

Mr. Nester: The revised plans that were submitted to the Board did identify the walls to be concrete with a stone veneer to match, as close as we can, the existing walls that go on the north end of the site. There was one section of the wall on the south end, where you had mentioned, I believe it was an e-mail, that it didn't look as structurally integral as the rest of the walls. Although because it was a different type of wall.

Boardmember Bass: You're talking about the south wall?

Mr. Nester: The south wall. And that south wall actually is in between here.

Chairperson Sullivan: Actually it's not. It's between the house to the south.

Building Inspector Minozzi: All the way to the south, sir.

Chairperson Sullivan: The south property line that goes up and down the site.

Mr. Nester: See, this utility pole right here is where the large married wall stops and this small wall begins. I believe it goes up to right here. So there's only a small section of that wall that goes from here to here.

Chairperson Sullivan: I'm talking about the wall on the actual south property line.

Mr. Nester: This?

Chairperson Sullivan: Yeah. That's the area that looks like it could use some assistance.

Mr. Nester: OK, I apologize. I misunderstood.

Chairperson Sullivan: This is indicative of ... you know, this was useful to see ... one thing I'm just going to say, you have ... so the sidewalk has a foot-and-a-half wall with a 4-foot high safety fence on top of it. So we're talking 5-1/2 feet.

Mr. Nester: This wall here?

Chairperson Sullivan: Yeah, that's a foot-and-a-half. So 5-1/2 feet's pretty fence-like, and that's why I'd love our ARB folks' attention in how things sort of sort out what's needed for actual code requirements for drop-off, and then what that would look like in relationship to the other hard work that they've done on the building itself. That's a proposal I make to the Board. I think it might be advantageous. It's good information, but I think it needs to go a little bit further. And I think our advisory boards will move to do it.

Village Attorney Whitehead: The idea was just that we would ask them to go back to the ARB before the issuance of a building permit just to review the walls and the railings. You don't have to come back here. It's just ...

Boardmember Bass: And the window divide.

Mr. Nester: OK.

Boardmember Cameron: And our comments to the plans, too. Oh, that's different.

Village Attorney Whitehead: We've got some other ... I've been adding.

Chairperson Sullivan: That was the thing. Jamie brought up the other concern I had, was the screen on Warburton. I think he's made a proposal that I would support – and Michael, I think, also – looking to shift that stair and take advantage of the place that you are taking trees down. But that came off a specific suggestion. Given the Zoning Board was also interested in the screen, given the trees and plantings that are going in, is there an issue? Does anyone on the Board have an issue with it not being a similar tree, a similar type of species when they do this infill planting? Or should it be something that is like those existing trees so it's a continuous screen of plant material with the same type of tree? That's a question, if anyone is concerned about that.

Boardmember Cameron: Are you talking about assuming they move the stair?

Chairperson Sullivan: We have one other area that the screen is being ... some trees are being taken down.

Boardmember Cameron: Yes, farther up.

Chairperson Sullivan: Farther up, so the question is a general one. Does the Board have any concerns if the plantings change, given we're trying to keep a screen and given the Zoning Board would like to have the screen maintained?

Mr. Nester: If I may just comment on that, Chairperson Sullivan. One of the reasons why ... and although shifting the sidewalk north may change things a little bit, but from a symmetry point of view it's unavoidable to cut down some of the trees that are in this area here with regards to some of the existing utilities that have to go through here.

Chairperson Sullivan: And we understand that.

Mr. Nester: So we were trying to keep a symmetric sense of, you know, you have a group of spruces here and here and then we're trying to keep these plantings in between consistent. So that was one of the reasons why this area, we had chose similar plantings.

Boardmember Cameron: Actually, Kathy, I'm not as much concerned about the ones all the way to the north where they've put in the other plantings. The reason why is because the building that's there is quite far back from the road. The whole reason for having the row of trees farther down is that we have these buildings really quite high up, sitting on a fairly piece of land close to the road. And we actually thought that we would never run into this problem because we thought nobody in your building want to look at the garage. But you've now opened it up with this opening here, and I think if we really want to ... we can give people a peek in on the northern end, and looking in there that would be very nice. But coming down, I would rather that we move the walkway and keep a sort of symmetry down there. Because I think that will help a lot.

If you had been here at our early meetings, we had one person after another being unhappy with these big buildings looming up there. I think you guys did some great work, and Christina did great work and her firm, in making the buildings smaller. This row of trees, I think, help a great deal.

Mr. Nester: OK.

Chairperson Sullivan: Good argument, thank you.

Boardmember O'Reilly: Is the moving of the stairs north something for the Architectural Review Board, or not?

Village Attorney Whitehead: If you're going to ... you can make it a condition for the whole. It's really a site plan issue more than an architectural issue.

Boardmember O'Reilly: OK.

Chairperson Sullivan: I'm more concerned just about what those walls are made of and the railings are, at the end of the day. I think that's sort of a separate issue.

Jamie addressed the screening in the back, which was something I had a concern with. I think the only other thing is something Buddy and I talked about, and it involves how construction deliveries are sort of managed here. Buddy had some suggestions, and I think we talked about how we can make sure that both Warburton and Washington – which are incredibly busy and difficult to maneuver streets – that the construction traffic, it minimizes the impact on people trying to get to and from trains, getting to and from town.

Building Inspector Minozzi: Yeah, we were speaking about possibly having the construction deliveries, equipment deliveries not during rush hour. Because as Kathy said, Washington Avenue is – you know, Andrew, you own two buildings down there now – how busy it gets, you know, when the trains come in or trains are going out. I think it would be very smart if, as construction planning, that they're very specific when they're getting the deliveries. You know what I mean?

Male Voice: (Off-mic).

Mr. Nester: That could be a condition of the building permit, as well, right? with regards to construction.

Village Attorney Whitehead: I'd rather have a condition of the site plan approval.

Building Inspector Minozzi: That was one of the things that did come up.

Village Attorney Whitehead: Buddy, we should define the hours.

Boardmember Bass: Can I make a supplemental suggestion on rush hour, something from

the Comp Plan? That we shouldn't have garbage pickup on Warburton Avenue and Washington Avenue during the morning peak hours.

Village Attorney Whitehead: They can't solve that.

Boardmember Bass: Staff could make a suggestion to the DPW. Because this is something we made a suggestion as part of the Comp Plan five years ago. And the other day I watched garbage trucks on Washington. We urged them not to do it; we should also not do it.

Boardmember Cameron: So you're going to make them carry the garbage from their two-family unit all the way down? I'm just kidding.

Boardmember Bass: No, garbage can be picked up at 2 o'clock in the afternoon.

Village Attorney Whitehead: Richard, drive down Main Street in Irvington in the morning going to the train between the school, garbage trucks.

Boardmember Cameron: Those of you who don't live here, watching Washington between 7:15 and 9 o'clock is like seeing a racetrack. Everybody has left themselves about a minute-and-a-half to make the train once they get there, and they are going down that hill unbelievably fast.

Boardmember Bass: Well, the Transportation Committee's going to fix all that.

Boardmember Cameron: Yeah, right.

Chairperson Sullivan: The last thing is something Michael sort of brought up.

Village Attorney Whitehead: I just want to get that. So we want to say no construction deliveries parked on Washington or Warburton ...

Boardmember Cameron: Between the hours of ...

Mr. Nester: Six to 9, 3 to 5?

Building Inspector Minozzi: Yeah, I would say like 9. I mean, I have to ask some commuters, but I'd say something like hours only between 9 and 4 or something to that effect, or 9 and 3.

Village Attorney Whitehead: I was doing the opposite. So between 7 and ...

Mr. Nester: Six to 9 is typically peak hours.

Village Attorney Whitehead: Between 7 and 9?

Chairperson Sullivan: Why don't we also have the police department weigh in just to get their expertise? We can think of the best times.

Boardmember Bass: We can get them to weigh in on the garbage trucks.

Boardmember O'Reilly: We have little garbage trucks.

Chairperson Sullivan: The other thing is, Michael brought up the issue of the illumination around the lamps.

Mr. Nester: Sorry, I missed that.

Chairperson Sullivan: I'm sorry. Michael brought up the issue of the illumination, the foot candle, numbers around the various light fixtures. At some point that'll get folded into the Green Building Code. I personally the cut-off fixtures are going to be required and that the indications at the property lines are too high. But that's just me looking at the code for a second. Again, that'll be another issue, I think – Linda and I spoke about – perhaps with the landscaping.

Village Attorney Whitehead: Well, it's also an issue for Buddy before he issues a building permit.

Building Inspector Minozzi: Christina did help write the Green Code. She was instrumental in writing the Green Code so ...

Village Attorney Whitehead: Yeah, but Christina didn't do the light (unintelligible).

Building Inspector Minozzi: Yeah, I know.

Village Attorney Whitehead: We were just going to put in a condition that says the lighting will be reviewed for clients, and will have to be amended if necessary to comply with the Green Code. The Building Inspector will undertake that review before issuance of a building permit.

Mr. Nester: Is that something, Charles, that you would do? Or you want us to send it to the

Village consultant, the landscape and lighting consultant?

Building Inspector Minozzi: I don't think the Green Code ...

Mr. Nester: Has anything to do with you.

Building Inspector Minozzi: Yeah, it wouldn't be from my office. This is not going to go through the consultants.

Mr. Nester: OK, just wanted to know who to coordinate with.

Building Inspector Minozzi: It's going to be a stipulation of Christina's when she submits for building permit that all the items on the Green Code have to be addressed.

Mr. Nester: OK.

Building Inspector Minozzi: It's part of the review process.

Chairperson Sullivan: I guess the last thing I'll say is, at some point ... I looked at the dimensions from Warburton to the building. It's 29 feet. That's the setback of the building. And you've called out, I think, 12 feet to the retaining wall. The dimensions between that retaining wall and the building are very contingent upon the stairs themselves. You have two sets of stairs and there's a little discrepancy between the architectural and the engineering drawings on the number of stair treads you have. I think when you look at that, and get into and look at handrail projections and ADA requirements – especially the stair down to the basement – there may be some adjustments there. That'll be, I think, something I'd like ... that's really in Buddy's world.

Village Attorney Whitehead: Yeah, that's something he's going to look at when he looks at the building permit.

Building Inspector Minozzi: Absolutely.

Chairperson Sullivan: I think things might shift a little bit, but again that's not something we're looking at right now.

So, Linda, we talked about potentially having a subcommittee of the Board to be available to respond to any changes in landscaping and lighting and other issues that might come pre building permit.

Village Attorney Whitehead: Yes, I think we've talked about a couple of conditions that relate to making some changes to the landscape plan. One way of dealing with that is to create a subcommittee of the Board – two or three members of the Board – as a landscape committee, with the authority to review those changes to the landscape plan that you've conditioned your resolution upon so they don't have to come back to the full Board.

It doesn't really even have to go back to the consultant because these aren't comments the consultant raised; these are comments that this board made. And it's just sort of a more efficient way to get these were your concerns. So it's a more efficient way to get your concerns addressed. You've asked, in a couple of areas, for the species to be changed. So I think if there was a subcommittee that could just look at a revised plan and say OK, that addresses our concern, we're satisfied.

Boardmember O'Reilly: Good idea.

Chairperson Sullivan: I think the lighting, perhaps, could be that as well.

Village Attorney Whitehead: Well, they agreed to the one lighting change. And the rest of it, a lot of it's Green Code. I think the comment relating to conflicts between the lighting and the landscaping are resolved largely by putting the lighting in the walls or steps.

Mr. Nester: Correct.

Village Attorney Whitehead: So I think that's actually been addressed.

Chairperson Sullivan: OK.

Village Attorney Whitehead: So now we're just putting in a condition that says they're changing that lighting to be in the walls and the steps.

Chairperson Sullivan: And the ARB will ask them to bring the walls and guardrails to the ARB, and let the ARB come back to us. Then we'll make a decision at this point?

Village Attorney Whitehead: Well, they don't have to comment. They can just comment to Buddy. I don't think that has to ... you just want to make sure they look at that particular ...

Building Inspector Minozzi: Yeah, absolutely. We'll make sure they take a look at these specific items and make sure they're approved through the ARB prior to the building permit.

Chairperson Sullivan: OK, all right. That's good.

Boardmember Cameron: Including the French doors and that sliding ...

Village Attorney Whitehead: Yeah, yeah.

Building Inspector Minozzi: And that'll give you some time. It won't be rushed now. You know, that's something we can work on as we're finishing up.

Mr. Nester: OK.

Village Attorney Whitehead: Yeah, and you just need that signoff from the ARB before you can get your building permit.

Mr. Nester: OK, thank you. And that would be the same with the new landscape committee, or whatever?

Village Attorney Whitehead: All of that will be prior to the issuance of a building permit.

Mr. Nester: OK.

Boardmember O'Reilly: I was going to say can we also say we were glad to see the extended porch back so the ARB doesn't take that away when you go back to them?

Boardmember Cameron: And we'd like all the porches back, but we're not going to bring that up.

Boardmember O'Reilly: Well, we did get one back.

Village Attorney Whitehead: Do you want me to read through the ...

Chairperson Sullivan: I wanted to ask for volunteers, maybe, for the landscape committee. Any other comments at this point?

Building Inspector Minozzi: Would there be any problem ... this doesn't seem like it's too big of a deal with the ARB. Would there be any problem doing this electronically? Because they handle a lot of issues electronically.

Chairperson Sullivan: You could potentially show them the level of detail that we received, and see if they can make any determination. I think they're going to potentially

want to have some other information provided.

Building Inspector Minozzi: OK.

Village Attorney Whitehead: We'll leave that to your and their discretion.

Building Inspector Minozzi: OK, I'll talk to the Chair about it see what he has to say.

Village Attorney Whitehead: I think what this board wants to make sure is that they look at these particular items.

Boardmember Cameron: Including the sliding glass doors, but they already have that.

Chairperson Sullivan: What the new materials are that get put on the walls, actually, potentially reuse some of the stone that you're taking out?

Mr. Nester: Correct.

Chairperson Sullivan: You know, just the whole ... I think they may want it for infill, but that's up to you and them. We look forward to it. So any volunteers for this subcommittee for landscape?

Building Inspector Minozzi: And we do have enough time to get you on the ARB agenda.

Boardmember O'Reilly: If you'd like to be useful I would be happy to, going around.

Chairperson Sullivan: I think that would be awesome.

Village Attorney Whitehead: Do we have Jamie and Bill?

Chairperson Sullivan: Jamie and Bill is good. That'd be great. Kerry?

Village Attorney Whitehead: She's not a landscaper.

Building Inspector Minozzi: The meeting is on the 11th so you have some time. You have one, two, three weeks before the meeting.

Mr. Nester: OK.

Building Inspector Minozzi: And I just need to get it to me in a reasonable time so I can

deliver it in the packages.

Mr. Nester: OK, thank you.

Female Voice: (Off-mic) 11th?

Mr. Nester: The 11th, yeah.

Building Inspector Minozzi: That's if the Chair says he wants to do it.

Village Attorney Whitehead: And on the landscaping, you can just submit the revised plans to Buddy. He'll pass them on to Jamie and Bill, and they'll communicate.

Building Inspector Minozzi: I'm sorry, I was talking to them. Who is on the committee?

Village Attorney Whitehead: Jamie and Bill.

Building Inspector Minozzi: Oh, just Jamie and Bill?

Village Attorney Whitehead: Yep.

Chairperson Sullivan: And I'll sit in as a sidekick. So Ms. Linda, our conditions.

Village Attorney Whitehead: Do you have a question?

Male Voice: You're set on the board, right?

Village Attorney Whitehead: Yeah, there's only two on the subcommittee. Or three if Kathy's in. It's not a quorum.

Male Voice: (Off-mic) seven-person board. Because then we have notice issues.

Village Attorney Whitehead: Kathy and I had a discussion and Buddy and I had a discussion in an effort to come up with some things that are sort of standard conditions. And also, Jamie, in response to the recommendation of the Land Use Task Force we are going to start doing real resolutions.

Boardmember Cameron: Oh, good.

Village Attorney Whitehead: I apologize for getting this all to you a little late. But just so

the applicant is aware we can make sure. I don't think there's anything here you'll have a problem with, but just to run through the conditions and also see if the Board has any additional comments.

The first condition is just all site work shall be accordance with the latest revised plans submitted as reference. We're going to list the plans in the resolution. "All applicable county, state and regional permits shall be obtained prior to the issuance of any Village building permits. If any such permit requires any modification to the plan that we've approved a determination shall be made by the Building Inspector as to whether the modification is substantial and should be returned to the Planning Board." That's pretty standard. "Prior to commencement of any work on the property the applicant shall have all trees to be removed marked in the field, and have required tree protection in place on the trees to remain ad have all erosion controls installed." That'll be inspected by the Building Inspector prior to the start of any site work. The applicant or its successor shall maintain all plantings as required under the approved site plan, and any dead plant material should be replaced.

Mr. Nester: Is there a time frame on that, or is it just indefinitely?

Village Attorney Whitehead: Indefinitely. Because they're a significant part of the overall plan. Over time, some species may change, things like that, but the idea is to make sure ... we know trees die, we know things happen. "Prior to the issuance of a building permit" – this is one we've talked about – "the applicant shall appear again before the Architectural Review Board with details for the proposed walls and railings, and changes to sliding glass doors to provide dividers." Those are the three things we want to ask the ARB to look at. "All site work, including the parking spaces for the existing buildings, shall be completed prior to the issuance of a C of O for the new buildings." We don't want you doing a whole new building and not getting that done.

Male Voice: Could you just reread that one?

Village Attorney Whitehead: "All site work, including the parking for the existing building, shall be completed prior to a C of O for the new buildings."

Male Voice: (Off-mic) decide to do the renovation of the existing (off-mic).

Village Attorney Whitehead: Because you definitely can't get a CO for that without having the parking for it.

Male Voice: (Off-mic) thinking about how it could affect ...

Building Inspector Minozzi: You just don't want a parking lot for the existing building to be a stone wall.

Male Voice: (Off-mic) and not get around to the existing renovation.

Village Attorney Whitehead: Then this, again, is something we talked about: "Lighting shall be modified as required for compliance with the Green Code, as determined by the Building Inspector." Again, "The Building Inspector shall determine if such changes require additional review by the Planning Board. The Planning Board has designated a landscape subcommittee which will review the final plans for the following items and determine if any revisions are necessary. If determined necessary, the landscape subcommittee will require and review such changes, and advise the Building Inspector when the final plan is acceptable. The landscape committee retains the right to refer plans to the full Planning Board if it deems necessary."

And then following are the items they are going to specifically review. "The landscape screen along the easterly property line along the new parking areas – in particular, replacing the cedars with alternate plant material."

Chairperson Sullivan: And I'd say the white pines ...

Boardmember Cameron: The white pines.

Village Attorney Whitehead: It was getting there. "Review the landscaping plan along the easterly property line to replace the white" ... were they white plants or white firs?

Male Voice: White firs.

Village Attorney Whitehead: Right, "right to replace the white firs." I think we have here any conflicts between light fixture locations and landscaping. Do we want to leave that just in case, even though we've made the other change?

Chairperson Sullivan: Yeah.

Village Attorney Whitehead: Then the last one was the screen of existing trees and new plantings along the Warburton Avenue frontage, with a reminder that the Zoning Board requires a condition of the variances that this screen be maintained to the maximum extent possible."

Chairperson Sullivan: We had one other issue, which I think was not fencing the back behind the building.

Village Attorney Whitehead: OK, I think that doesn't go here, but we'll add that as a condition.

Male Voice: I think we agreed to that. I just want to remember if we put in ... when we put the porches in and the patios in the back I wanted to make sure ...

Boardmember Cameron: It's in the plan.

Male Voice: You had tiny little ones, remember?

Village Attorney Whitehead: We didn't do that condition yet. We'll get there.

Male Voice: We're saying the same thing. I wanted to make sure that the work in the future isn't misinterpreted, where the plan shows tiny little ...

Village Attorney Whitehead: The condition will say except as shown on the approved plans.

Male Voice: That's all I was trying to ... we're all speaking the same language.

Building Inspector Minozzi: Yes, sir.

Village Attorney Whitehead: Who found my typo? "The Planning Board has determined the project will contribute to the Village's need for parks and recreational facilities and that suitable land is not available on the property for a park, and therefore pursuant to zoning code section 295-112(c) the applicant shall make the payment to the Village in lieu of parkland in the amount of \$45,000, which shall be paid prior to" – I don't know if it's typically done prior to the CO.

Building Inspector Minozzi: It has to be issued ... we have to receive the rec fees before the issuance of the C of O.

Village Attorney Whitehead: OK, not building permit – CO.

Building Inspector Minozzi: No, no, no; C of O.

Male Voice: Just one comment. I just want (off-mic) my calculator: \$7,500 times five

came out to ...

Village Attorney Whitehead: No, it's \$7,500 for each two-bedroom and \$10,000 for the three-bedrooms.

Male Voice: Thank you.

Village Attorney Whitehead: Buddy and I both did the math.

Male Voice: Thank you.

Village Attorney Whitehead: We both did the math.

Male Voice: So you said the (off-mic) was \$45,500?

Village Attorney Whitehead: It was \$45,000.

Male Voice: OK, thank you.

Village Attorney Whitehead: Ten: "Modify the lighting plan to replace the accent path lighting with lighting in the walls or on the steps," as you offered. "Applicant shall consult with DPW and reach agreement on the handling of the garbage ... how the garbage is going to be disposed of, or taken out. Modify the plans to provide that all columns on the front porches are the same." This one we took care of elsewhere. So one thing that I just want to see is does the Board definitely want the stairs relocated?

Boardmember Ambrozek: I would.

Chairperson Sullivan: I would.

Boardmember O'Reilly: That does it then.

Chairperson Sullivan: Three out of three.

Village Attorney Whitehead: OK. So, "Relocate stairs to the north ..."

Boardmember Ambrozek: Where the trees are being removed.

Village Attorney Whitehead: "... to the area where the trees were proposed to be removed." OK? "Relocate the stairs to the north to the area where existing trees are

proposed to be removed."

Boardmember Ambrozek: I mean, this is something we would really appreciate. We know that you've moved the stairs already.

Mr. Nester: Just briefly looking at the plans, I don't see any reason why we couldn't do that.

Boardmember Cameron: It doesn't have to go all the way up.

Village Attorney Whitehead: That's why we want to read these to you and make sure you don't have a problem with any of them.

Boardmember Cameron: It shouldn't line up with the stairs going up to the place.

Mr. Nester: It should be offset a little bit.

Boardmember Cameron: A few feet down.

Village Attorney Whitehead: "No construction deliveries parked on Washington or Warburton between 7 and 9 a.m., which time may be modified in conjunction with the police department." And then the last condition will be "that there shall be no fences placed in the rear yard other than the trellises, as shown on the approved plans."

Anybody have anything else?

Chairperson Sullivan: That includes subdividing ... putting the fence between the two buildings, as well.

Village Attorney Whitehead: Well, you've got the alley there.

Chairperson Sullivan: Existing in the ...

Village Attorney Whitehead: Oh, here?

Chairperson Sullivan: Yeah.

Village Attorney Whitehead: That's part of the yard.

Chairperson Sullivan: OK.

Male Voice: (Off-mic).

Mr. Nester: Just I want to make sure with regards to the fencing, construction fencing is OK during construction? This is just permanent fencing?

Building Inspector Minozzi: You're actually going to have to put construction fencing up ...

Village Attorney Whitehead: I think it's shown under ...

Building Inspector Minozzi: ... to protect (cross-talk).

Mr. Nester: Yeah, it is. I just wanted to make sure because I'm looking at the one plan and it is shown on the other plan. Wanted to make sure.

Building Inspector Minozzi: Yeah, we are definitely going to be doing a pre-construction inspection to make sure all these safeties are in place.

Village Attorney Whitehead: I put that in there, and without you asking for it.

Building Inspector Minozzi: No, it's part of our inspection schedule.

Village Attorney Whitehead: So do you guys have any questions or comments on those conditions?

Mr. Nester: No. Thank you.

Male Voice: Thank you.

Boardmember Cameron: Can we vote?

Chairperson Sullivan: Yeah, wow, Jamie. You keep pushing me along here. I'm so excited.

So may I have someone in the Planning Board make the motion to approve the site plan application as ...

Village Attorney Whitehead: Subject to the conditions.

Chairperson Sullivan: ... subject to the conditions as outlined by our attorney?

SITE PLAN APPROVAL RESOLUTION
CCI PROPERTIES, LLC, 32-34 WASHINGTON AVENUE
SBL: 4.70-53-11

Adopted at the Planning Board meeting of June 16, 2016:

On MOTION of Boardmember Bass, SECONDED by Boardmember Ambrozek with a voice vote of all in favor, the Board resolved the following:

WHEREAS, CCI Properties, LLC (the “Applicant”) submitted an Application for site plan approval for the construction of an additional building to contain five (5) townhouse units while retaining the existing two (2) family home, together with associated walkways, driveways, parking, retaining walls, landscaping, lighting and stormwater improvements (the “Project”) on the property at 32-34 Washington Avenue, located in the MR-1.5 zoning district (the “Property”); and

Commented [ks1]: Do we ever add the date application is complete? Which would be 6/16/16.

Commented [LW2]: I don't think we need to state that.

WHEREAS, the Planning Board has reviewed the plans and Application at several properly noticed public hearings, taken public comment, and requested modifications and additional information, all of which has now been provided; and

WHEREAS, on October 15, 2015 the Planning Board as Lead Agency under SEQRA adopted a Negative Declaration determining that this project will not result in any significant adverse impacts on the environment; and

WHEREAS, on October 15, 2015 the Planning Board referred the application to the Zoning Board of Appeals and recommended View Preservation Approval and making recommendations on each of the required variances; and

WHEREAS, on February 25, 2016, the Zoning Board of Appeals granted View Preservation Approval and the variances required in connection with the Project; and

WHEREAS, the Village’s consulting engineer reviewed the Application as well as a Stormwater Management Plan and Stormwater Pollution Prevention Plan (the “SWPPP”) Report, and has indicated by Memorandum dated June 7, 2016 that all of their comments have now been addressed; and

Commented [ks3]: Add “several times”

Commented [LW4]: I don't think it is necessary.

Commented [ks5]: Add date that they were satisfied?

WHEREAS, the Applicant appeared before the Architectural Review Board; and

WHEREAS, the Village’s consulting landscape architect has reviewed the final landscape

and lighting plans and issued a memorandum containing comments; and

WHEREAS, the Planning Board has considered the Application; comments and responses to questions by the Applicant and its representatives; the memos, letters, reports and comments of the Village’s consulting engineer and landscape architect; and has heard interested members of the public.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board **APPROVES** the Application for site plan approval for the Project as shown on the following final revised plans submitted by the Applicant:

The following plans prepared by JMC Planning Engineering Landscape Architecture & Land Surveying, PLLC as may be amended as required by the conditions below.

Dwg.	Title	Rev./Date
E-1	Existing Conditions & Demolition Plan	#3 06/07/2016
C-1	Layout Plan	#10 06/07/2016
C-2	Grading & Utilities Plan	#11 06/07/2016
C-3	Sediment & Erosion Control Plan	#9 06/07/2016
C-4	Construction Details	#4 06/07/2016
C-5	Construction Details	#6 06/07/2016
C-6	Construction Details	#7 06/07/2016
C-6A	Construction Details	#4 06/07/2016
C-7	Sight Line Distance & Parking Maneuver Plan	#5 06/07/2016
L-1	Landscaping Plan	#1 06/07/2016
L-1A	Lighting Intensity Plan	06/07/2016
L-2	Landscaping Construction Details	#1 06/07/2016

Stormwater Pollution Prevention Plan prepared by JMC Planning Engineering Landscape Architecture & Land Surveying, PLLC last revised May 19, 2016.

The following plans prepared by Christina Griffin Architect PC as may be amended as required by the conditions below.

Dwg.	Title	Rev./Date
S-1	Site Plan	06/02/2016
S-2	Sections through the Site	06/02/2016
A-1, A-4	Basement, First Floor, Second Floor and Attic Floor Plans	06/02/2016

A-5	Color Scheme of West Elevation	06/02/2016; Approved by ARB 4/30/2016
A-6	West Elevation	06/02/2016
A-7	East Elevation	06/02/2016
A-8	North & South Elevations	06/02/2016
A-9	North & South Elevations as seen from Alleyway	06/02/2016

BE IT FURTHER RESOLVED that the Board **APPROVES** the Application subject to the following terms and conditions:

1. All site work shall be in accordance with the latest revised plans submitted, as herein referenced.
2. All applicable county, state and regional permits, shall be obtained prior to the issuance of any Village building permits. In the event that such permit(s) require any modification to the site plan approved by this resolution, a determination shall be made by the Building Inspector as to whether the modification is substantial and should be returned to the Planning Board.
3. Prior to the commencement of any work on the Property, the Applicant shall have all trees to be removed marked in the field, have required tree protection in place on trees to remain, and have all erosion controls installed. The Building Inspector shall inspect and confirm the above prior to the start of any site work.
4. Applicant or its successor shall maintain all plantings as required under the approved Site Plan and any dead plant material shall be replaced.
5. Prior to the issuance of a building permit, the Applicant shall appear again before the Architectural Review Board with details for the proposed walls and railings, and to review the sliding glass doors to determine if dividers should be added.
6. All site work, including the parking spaces for the existing building, shall be completed prior to the issuance of a Certificate of Occupancy for the new buildings.
7. Lighting shall be modified if required for compliance with the Green Code as determined by the Building Inspector. The Building Inspector shall determine if such changes require additional review by the Planning Board.
8. The Planning Board has designated a Landscape Subcommittee which shall review

the final plans for the following items and determine if any revisions are necessary. If determined necessary, the Landscape Subcommittee will require and review such changes and advise the Building Inspector when the final plan is acceptable. The Landscape Subcommittee retains the right to refer and plans to the full Planning Board if it deems necessary. The items to be subject to additional review include the following:

- a. The landscape screen along the easterly property line along the new parking area, including replacing the proposed cedars with alternative plant materials.
 - b. The screen of existing trees and new plantings along the Warburton Avenue frontage (the ZBA required as a condition that this screen be maintained to the maximum extent possible).
 - c. Any conflicts between light fixture locations and landscaping.
 - d. The landscape plan along the easterly property line, including replacing the proposed white firs with alternative plant material.
9. The Planning Board has determined the Project will contribute to the Village's need for parks and recreational facilities, and that suitable land is not available on the Property for a park, and therefore pursuant to Zoning Code Section 295-112.C. the Applicant shall make a payment to the Village in lieu of parkland in the amount of \$45,000, which shall be paid prior to the issuance of a Certificate of Occupancy.
 10. The lighting plan shall be modified to replace the accent path lighting with lighting in the walls or steps, as recommended in the report from Munz Associates, PLLC dated June 10, 2016.
 11. The Applicant shall consult with the Department of Public Works and reach agreement on the handling of the garbage and where it will be placed for pickup.
 12. The plans shall be modified to provide that all columns on the front porches shall be the same.
 13. The plans shall be modified to shift the front stairs to Warburton Avenue to the north to the area where the existing trees are proposed to be removed, and the trees shown to be removed to allow for the stairs at the location indicated on the June 2016 plans shall remain.

14. No vehicles making construction deliveries shall be parked on Washington Avenue or Warburton Avenue between 7:00 AM and 9:00 AM Monday through Friday. The times set forth may be modified by agreement with the Police Department.
15. No fences shall be installed at any time in any of the open yard areas except for the trellises shown on the plans.
16. All modifications to the plans set forth in this Resolution shall be submitted and approved by the Building Inspector or the Landscape Subcommittee as applicable prior to the issuance of any building permit for the Property.

Commented [ks6]: Evening Rush?

Commented [LW7]: Evening rush was not discussed. I think the assumption was construction work would be done earlier than the evening rush.

Vote:

On motion of: Richard Bass
Second by: Kerry Gould-Schmidt

In Favor: Bass, Gould-Schmidt, Cameron, O'Reilly, Ambrozek, Chair Sullivan

Against: None

Absent: Eva Alligood

Dated: June 16, 2016

Mary Ellen Ballantine
Planning Board Secretary

Chairperson Sullivan: So the motion of ...

Boardmember Ambrozek: Unanimously.

Chairperson Sullivan: Unanimously ... a voice vote, we've approved, with the modifications as we've discussed for site plan approval.

Mr. Nester: Thank you.

Male Voice: Thank you.

Boardmember Bass: Congratulations.

Boardmember Cameron: I want to thank you for your persistence and your patience, and it's going to be a beautiful building. Sorry it took so long.

Male Voice: (Off-mic).

Building Inspector Minozzi: She's in Ukraine having a good time.

Village Attorney Whitehead: And, you were sort of the first ones for our new format with trying to do ... previously, the resolutions largely had just been in the minutes. And we're trying to ... so once it's finalized you'll get a copy.

Male Voice: OK, thank you.

Chairperson Sullivan: Thank you very much for everything. Appreciate all the hard work. Good luck.

3. **Amendments to the Previously-Approved Site Plan - Application of Ginsburg Development Companies, LLC for the development of a 7.45 acre tract of land situated on the westerly side of Saw Mill River Road (State Route 9-A) immediately south of the municipal boundary with the unincorporated area of the Town of Greenburgh and approximately 0.3 miles south of the intersection of Lawrence Street and Saw Mill River Road into a public space and a multi-family dwelling complex with a total of 66 dwelling units, 12 of which are proposed to be affordable units. The Amendments proposed make modifications to certain site improvements. Subject tract of land is situated in the Village's Mixed Use Planned Development District (MUPDD) as designated on the zoning map of the Village of Hastings-on- Hudson. The property is designated as Lots 4.60-46-3.1, 3.2, 3.3 & 3.4 on the Village Assessment Roll.**

Leonicio Torres, Chief Architect, GDC: Hello, how are you doing today – tonight? We were here a couple months ago and we requested to make a couple of modifications to the site plan, which we did. We went with the ARB last month. We met with them a couple of months, but last month was the last month we met with them. They approved ... they made

... or I don't know exactly the proper verbiage, but they approved our revisions and they had some of their own comments. So I'll just walk you through those revisions right now.

Chairperson Sullivan: Please do.

Mr. Torres: Basically, the gist of it was that originally we had the amenities ... we have a community-wide outdoor amenity space for the residents of this project. Originally, we had that outdoor amenity space in between these two buildings. That's how we received our original site plan approval. But after working on it for some time, and working in the field and looking at it more and more, we decided that we wanted to get the amenities in this space instead – between these two buildings – because it was a wider space. We had originally put it here because we could get this area to be a little bit more level. But we decided that perhaps we could get the amenities located between these two buildings if we somehow worked out the topography and their location relative to this topography.

That was the initial reason we came before you again, before this board again. Some of the changes that we were requested to make were, we were requested to modify ... we have a walking path here, which is a sort of utilitarian walking path from the exit stair. But it's really for the purpose of reaching meters which we have on this side of the building. Originally, that walking path just came straight out. We were asked by this board – I'm not sure about this board or by the ARB – to basically combine this path with an existing path we had behind the building, which we did. We modified it so that way now it's one path as opposed to having two separate paths. So now they're connected.

We were also requested to, asked to ... we have these series of walking trails in the back. The idea being that people who live on this side we want to sort of give them the amenity where they could walk around on the site. We have this wonderful connection to the South County Trailway. The idea being that if people wanted they could exit the buildings, follow these sort of natural gravel paths, following the topography, very informal, and walk around the site. If they want, they could eventually make their way to the South County Trailway, over the bridge.

Building Inspector Minozzi: That was recommended by the ARB that we add some additional paths, and they did.

Mr. Torres: Right. You can see we added this path, we added paths that ... we made sure we connected the path basically to every exit stairway. That was something that we did. Another reason we came to the Board was originally we had the trash shed located right here in this little island. Again, after looking at it and thinking about it, it was just too close to the building. We wanted to come back to you guys and ask if we could move it further away.

Which at the last meeting with you guys, you guys did approve. Then we went to the ARB and they approved also. They asked us to reduce the size as much as possible, which we did. We reduced it as much as we could, given the dimensions of the containers, the trash containers, that we're required to have in that shed. They also asked us to provide some landscape screening around two sides of the trash shed, which we have shown and we will do.

Building Inspector Minozzi: And they did a little bit of a design change with the doors and the parapet in the back.

Mr. Torres: Correct. They asked us to make the building a little bit more aesthetically pleasing. Originally, we had the color scheme which is a simple gray to match the gray of the buildings. Originally, the design called for ... you know, we were trying to make it a more economical building. One of the things we did was, we had parapets around the front and the sides of the building, but we didn't have a parapet on the back side of the building. The drainage condition was such that the water just rolled off a sloped roof to a gutter at the back of the building.

They asked us to make it more aesthetically pleasing, so we decided to provide a parapet all the way around, on all four sides. We did an original drainage system. It cost us a little bit more money; we have to connect it to the drain system. It's a little more complicated, we decided to do that. Also, we made the door to the shed, you know, a bit more attractive. And we changed the coloring of it. Instead of just having a simple light gray color to match the buildings we changed the color scheme. That way, the building itself will match the darker gray accent panels. The door itself, we'll match the red color we have as our theme throughout the building.

You can basically see the colors in the rendering elevation. It's the dark color and the red color. It really made it more attractive. Then again, we shrunk the building also.

Building Inspector Minozzi: The ARB was also concerned about screening from the trailway and the screening from the new parkland. So they have addressed that screening on the two sides of the building, as well.

Mr. Torres: Correct. The last thing the ARB asked us to look at was the fire pit. We have these two amenities. We have a fire pit and we have a barbecue pavilion. Again, these were the amenities. Previously, we just had sort of an open amenity; it was an open area for people to go and sort of congregate. We decided to give them more of a functional use as an amenity so we provided a fire pit and provided the barbecue pavilion. The original design for the barbecue pavilion was an octagonal shape. We had a picture of ... originally, we had

a shingle roof on it. After the initial comments from the ARB, we decided to change the color scheme and change the materials of the building, but retain the overall design.

The building, we retained the octagonal shape, but we put a standing seam metal roof and made the colors more in line with the color scheme of the building. Then we received additional comments from the ARB, and they really asked us if we could ... they felt the building architecturally was too disjointed from the rest of the architecture. They asked us to revisit the design if we could, if we didn't mind, and we did. We came up with this design, and this design you've seen the renderings for the barbecue pavilion. It's really a play on the entry canopies that we have on each building. We have these very industrial entry canopies which are constructed with actual steel W sections so it's really made to look industrial. We made the design. They also have these brise-soleils, or solar shades. We adopted that design of the entry canopies. We also have a design on the façade of the building where we have these solar shades so we adopted that design for the barbecue pavilion. The ARB, they really liked it and approved it at the last meeting.

In relation to the fire pit, we just simplified the design, which was something they appreciated also. Finally, at the last ARB meeting Ms. Sullivan asked us to modify the orientation of the barbecue pavilion and the fire pit. This is something we did also. I rotated it, I got the pads a little bit closer together.

Chairperson Sullivan: I'd like to say I made that suggestion to the ARB, and I think they are the ones ...

Mr. Torres: And they agreed, yes.

Building Inspector Minozzi: For the record.

Village Attorney Whitehead: She was an observer.

Mr. Torres: Yes, I agree. It was a good suggestion.

What we did in terms of the orientation, I sort of ran an imaginary line that connected these two buildings. That imaginary line became the orientation for the barbecue pavilion. It puts it a little bit off, askew to the street. But it also pushes it further back from the street, as well. That rotation allowed me to also then rotate the fire pit such that the entrances to the barbecue pavilion and the fire pit and closer in relation to each other and more relatable from one another.

Boardmember Cameron: Is that the vent in the roof ...

Mr. Torres: Correct.

Boardmember Cameron: ... and that black thing's the vent.

Mr. Torres: Correct. It's just going to be a small little roof vent, the idea being that some of the barbecue smoke we don't want it to get trapped in there, so it can escape.

Boardmember Cameron: I agree.

Mr. Torres: Yeah, that's it.

Boardmember O'Reilly: So the perspective for this rendering here is taken from ... it's about looking at it from the center building.

Mr. Torres: Yes, basically.

Boardmember O'Reilly: I understand the building looking at this, this way anyway.

Mr. Torres: It's the artist's interpretation to try to get the good perspective. But yeah, it's generally that direction. You can see it's artistic license with the perspective there.

Chairperson Sullivan: So any questions? Michael, any questions?

Boardmember Ambrozek: Well, I just want to make a comment. I appreciate you joining the paths, as I suggested. I really like all these changes.

Mr. Torres: Great.

Boardmember Ambrozek: I'm only speaking for myself, not the Board.

Chairperson Sullivan: Any comments?

Boardmember O'Reilly: On this? No, I'm very happy with it.

Chairperson Sullivan: Jamie, any thoughts? You've been with this project the longest of us all.

Boardmember Cameron: Yeah, right. Actually, Eva is the same as me. There's only one thing on the plans, when you look at them – the plan you've got right there – your path going

around building C still veers into the 100-year floodplain. One of the things we asked you to do – it's only barely in the upper right-hand corner – was to make sure it doesn't go into that 100-year floodplain. In S-1(b) it does go in.

Mr. Torres: S-1(b) has got it in? OK, we'll have to talk to the engineer. Because on our design drawing we definitely have it outside of the 100-year floodplain. So we'll make sure he corrects that.

Boardmember Cameron: The other thing is, on this wonderful dumpster – and I'm grateful for you making it smaller and what have you – I'm going to say it even though I'm not sure it's worth it. If you actually took that row of trees and put it on the southern end of the dumpster, and we gave you permission to put it on *our* property, you could actually push the dumpster farther back. What's surrounding the dumpster on that side? There's something different than the dumpster on that side?

Mr. Torres: No, it's just ...

Boardmember Ambrozek: The parking spaces.

Mr. Torres: Yeah, so one side we have parking spaces. The other side is just going to be grass. It's just open, vegetated land.

Boardmember Cameron: Well, it looks like trees to me.

Boardmember O'Reilly: Where are you looking?

Boardmember Cameron: Around the dumpster, on two sides.

Mr. Torres: We've added landscaping so we're showing that there's going to be ... we've indicated some landscaping there.

Boardmember O'Reilly: This is where the trucks drive in.

Boardmember Cameron: Right, I appreciate that. Maybe we'll leave it the way it is. I was just thinking of taking the whole thing and pushing it slightly south so the landscaping ended up on our property rather than yours. That way you'd have a little more space between the car parked right next to you and your dumpster. Because someone's going to park their car next to the dumpster. But forget it.

Chairperson Sullivan: Kerry, any comments?

Boardmember Gould-Schmit: Yeah, I think it's lovely.

Mr. Torres: Thank you.

Boardmember Gould-Schmit: More in context with the building, I think, too.

Boardmember Cameron: Yeah, we really got that industrial design working.

Chairperson Sullivan: Richard, any thoughts?

Boardmember Bass: No.

Chairperson Sullivan: The only comment I had made at the ARB meeting was to update the landscape plan at some point.

Mr. Torres: Yes.

Chairperson Sullivan: And let us take a look at it. Then we can talk about what kind of screening is going around the garage, or the dumpster. And also, too, as you look at the area now in front of the new pavilion location if there's any other ... in one of your sketches you had shown some additional planting there so it would be nice to see that.

The other thing, too – and this is to something Michael has brought up – you may want to talk about changes you've made to the wall on the north side.

Mr. Torres: Oh, yes.

Chairperson Sullivan: It's something you had mentioned, the wall to the north side.

Mr. Torres: Correct. I forgot about that, I'm sorry. One of the other requests the Planning Board made was that we might break this wall open, which we did. As I discussed at the ARB, I'm showing a representation of sort of the concept. When they get to really build it and they're building it, they're going to try to match this. But, you know, that's totally concept and they're going to make it work in the field. Because field conditions, you know, aren't as perfect as we like to draw them on our plans.

Chairperson Sullivan: So basically, the grade within the walls actually comes down and meets the sidewalk area.

Mr. Torres: Right.

Boardmember Cameron: I was thinking, as you were describing these pathways – and I know people who go in front – you might find, with an elderly crowd or a certain age crowd where you have these buildings is what they really want to do is walk around buildings A, B and C. You may find this open throat you have, a path running up that, and then right behind your building where they can join the path there, gives them a nice quarter-mile, whatever it is, walkway. People are going to do that.

Mr. Torres: We don't want to provide a path here because it's going to be a little steep, it's going to be heavily vegetated. Because we have a very ugly building here.

Boardmember Cameron: Yeah, I know.

Mr. Torres: So we want it heavily vegetated so our residents that are in this building have something nice to look out when they look out their windows. And it's steep; we have a drop-off here, there's a retaining wall. It wouldn't be great to do that.

Building Inspector Minozzi: It wouldn't be conducive for a walkway. That actually came up at the ARB meeting, and that's why the pathway doesn't go all the way to the north end of the building.

Boardmember Cameron: All right. So only the younger crowd can go through the woods.

Chairperson Sullivan: Any other comments?

Boardmember O'Reilly: I had a general comment, but not on this. It's something else to do with the site plan, or I think it's the site plan.

Chairperson Sullivan: Sure.

Boardmember O'Reilly: When we were doing the three buildings we were worried about it not going above 40 feet, not being too high. But the center building, when I look at it being built, every time I drive by it, it looks squat in comparison to the other two. I know it has a big tree in front of it, which sort of shades it to a great extent. I don't want to send you back to the ARB for this, but I was wondering could there be something on the top of that shorter building to give it a lift?

Mr. Torres: We do have a similar element and a similar entry canopy to buildings A and C. I don't know if they've done it yet – I haven't been to the site in awhile – there's supposed to

be an entry canopy that's very similar to the other buildings. The ultimate problem is that it's an affordable building so affordable mandates don't allow you to go crazy. For example, at the market rate buildings we have 9 foot 8 ceilings, right. At the affordable building you couldn't do a 9 foot 8 finished ceiling because it's not seen as appropriate for an affordable building.

When you go through New York State affordable building code – I forget what it's called, I think HUD – they tell you things you literally cannot do. In regards to unit sizes I'll give you an example, just so you understand. In regards to unit sizes, they don't just have a minimum unit size, they have a maximum unit size.

Boardmember O'Reilly: You might be talking about something I'm not asking about. When you were before us, there was some thought about putting some sort of thing on that.

Boardmember Cameron: Oh, no, we said no.

Boardmember O'Reilly: But the center building.

Mr. Torres: The center building has a very similar one ...

Boardmember O'Reilly: Could do something?

Mr. Torres: No, it does. The center building has a very similar entrance – and let's call it decorative roof cornice – to building A and building C.

Boardmember Cameron: One of the problems with the affordable buildings, it's only two stories high whereas the other two are three. I asked this question at one time, but I'm not sure the tread piece above the top windows is as big on the affordable building as it is on this building.

Mr. Torres: Oh, same exact detail.

Boardmember Cameron: It's the same detail?

Mr. Torres: Oh, yeah, yeah. Same detail, same detail.

Boardmember Cameron: It does look shorter.

Boardmember O'Reilly: I'm talking about something that sits as a decorative piece.

Boardmember Cameron: You have no idea how many discussions we had about that.

Boardmember O'Reilly: I know, because you were talking about the height of this one. I'm talking about the height of the shorter one.

Boardmember Cameron: No, no, no. They kept having this medallion on top, and we kept giving them a hard time. Their boss didn't want the medallion.

Mr. Torres: We ultimately modified it, though, and brought it down. It's a little bit more contemporary, but yes it'll definitely have something. I thought you were referring to the proportion to the building. Because ultimately, the proportion of it is going to make it look squat.

Boardmember O'Reilly: No, it was just a decorative piece I was thinking of.

Mr. Torres: Or at least more squat relative to the other buildings.

Chairperson Sullivan: OK? All right, we can do another vote?

Boardmember Cameron: I just have one more comment, which I raised earlier. I know your timing ... as you ... and Buddy can write you a note on this if he hasn't already. As you know, the conditions for you to get your certificate of occupancy is that you submit drafts of all these agreements. That we waived you having to produce the agreements ahead of time and put them in the back of our resolution. They're all there; six pages of an outline of agreements. It's a condition, before you can get a certificate of occupancy, that these agreements be submitted and approved. We did that to you as a courtesy at the time because you wanted to get your building permit because you wanted to get off and running and start building. You didn't want to spend months writing the agreements. I'm sure the agreements will be absolutely perfect, but if they're not and we way no, we don't like them, and you have to come back another month I feel you guys get caught.

Joe Gigaleski, Ginsburg Development Companies: The agreements, they're subject to Planning Board approval, or were there like drafts already done?

Boardmember Cameron: I think it's attorney approval.

Village Attorney Whitehead: Village Attorney.

Mr. Gigaleski: Village Attorney approval, OK.

Boardmember Cameron: But we just don't want you to ... we want this thing to move forward promptly.

Mr. Torres: And we're flying on-site.

Boardmember Cameron: And the bridge looks terrific.

Mr. Torres: The bridge is beautiful.

Building Inspector Minozzi: They just don't want to get caught in the 11th hour and then have a problem.

Boardmember Cameron: Were not worried about litigating.

Building Inspector Minozzi: That's why Jamie brought it up.

Chairperson Sullivan: OK, so are we ready, folks? We talked about the path being in the floodplain, but that is something that, Buddy, you'll catch and we don't have to make that part of our resolution?

Boardmember Cameron: No, it was in the original resolution that you had taken out.

Chairperson Sullivan: All right, so may I have someone on the Planning Board make the motion to approve the modifications, I guess we'll call it – amendments – to the site plan approval, and another to second that motion?

On MOTION of Boardmember Ambrozek, SECONDED by Boardmember O'Reilly with a voice vote of all in favor, the Board resolved to approve amendments to the previously-approved site plan for the application of Ginsburg Development Companies, LLC, for the development of a 7.45 acre tract of land situated on the westerly side of Saw Mill River Road (State Route 9-A) immediately south of the municipal boundary with the unincorporated area of the Town of Greenburgh and approximately 0.3 miles south of the intersection of Lawrence Street and Saw Mill River Road into a public space and a multi-family dwelling complex with a total of 66 dwelling units, 12 of which are proposed to be affordable units. The Amendments proposed make modifications to certain site improvements. Subject tract of land is situated in the Village's Mixed Use Planned Development District (MUPDD) as designated on the zoning map of the Village of Hastings-on-Hudson. The property is designated as Lots 4.60-46-3.1, 3.2, 3.3 & 3.4 on the Village Assessment Roll.

Mr. Gigaleski: Thank you. The landscape items that we wanted to check back with later, how are we handling that? You wanted to look at the landscaping around the refuse area, or somebody had suggested that.

Boardmember Cameron: Well, I just brought that up as a potential improvement, but no one seemed to be that interested so I abandoned it. It's just that you have an opportunity to move the dumpster over a little bit because you're taking a couple feet of your property for foliage.

Chairperson Sullivan: Well, I think, Jamie, there's some talk about what the Village wants to do with that piece of property. So I don't think I'd offer our property to them at this point.

Boardmember Cameron: I'm a very generous guy, though.

Chairperson Sullivan: You're right, we do need to see the site plan modified ...

Village Attorney Whitehead: The landscaping.

Chairperson Sullivan: The landscape plan, excuse me, based on the relocation of the amenity.

Mr. Gigaleski: The Board needs to see the landscape plan for those area? OK.

Building Inspector Minozzi: Linda, can I send that to the Board electronically?

Village Attorney Whitehead: Yeah, they're not really looking to approve it. You just want to make sure there's an updated landscape plan. I know you already voted, but it's just sort of a condition of approval of the amended site plan that you submit a revised landscape plan.

Mr. Gigaleski: OK.

Boardmember Ambrozek: But the question is, can that be submitted electronically or does it have to be on paper?

Building Inspector Minozzi: Well, what I meant is can we do it without coming to a meeting.

Village Attorney Whitehead: Yes, it doesn't have to go to the Board.

Mr. Gigaleski: OK.

Chairperson Sullivan: OK, thank you for letting us kind of add something to our vote.

Mr. Gigaleski: Thank you very much.

Chairperson Sullivan: Good, OK. The night is young. It is 10, do people feel comfortable jumping into a discussion item, tackling some of the items we had? I take that as a yes?

Village Attorney Whitehead: Our meetings should get shorter now that you've got some of that.

VI. DISCUSSION ITEM

Land Use Approval Task Force- Definitions

Chairperson Sullivan: What I think I'd like to do, Linda suggested we look at the definitions. I asked Buddy and Mary Ellen to include just a printout of these. My feeling is that we kind of came up with a top-10 list of definitions we discussed as problem children and ones we'd like to go into further. Which is why I suggested looking into the definition of buildings. But to your question, Richard, I asked everyone to take a look at them and identify if there was another definition that needs more conversation based on it seems inconsistent or problematic. I don't really want to go through it alphabetically, but I'd love for your impressions of what definitions were ones that seemed problematic and we might want to add to our list.

We talked about that list and pulled out, I think, five or six. Then this is just a chance, on Linda's recommendation, to look over all the definitions and if anything else looked confusing.

Boardmember Cameron: I have a couple.

Chairperson Sullivan: OK, that's perfect. Does that make sense, Richard? Because going through them one by one I just don't want to do, frankly. I think others have done that. So from a Planning Board member, a definition that seems confusing or causes problems or whatnot.

Village Attorney Whitehead: You want to go first?

Chairperson Sullivan: Anyone want to go?

Boardmember Bass: Just one definition that's not referenced a number of times is housekeeping facilities. It's a defined term throughout the definitions, but it's not a defined term.

Chairperson Sullivan: Housekeeping facilities?

Village Attorney Whitehead: You mean it's used in ...

Boardmember Bass: It's used, but it's not defined. So it's used in accessory apartments, it's used in dwelling units. To me, housekeeping facilities means someone comes to my house and cleans. That's not how it's used here. So we don't have that interpretation.

Boardmember Cameron: It's a maid's room effect.

Boardmember Bass: I'd love someone to come and clean.

Boardmember O'Reilly: We all want that, don't we?

Building Inspector Minozzi: Housekeeping facilities basically means a stove and facilities.

Village Attorney Whitehead: If you look at the definition of accessory apartment it kind of goes on to say "including independent cooking, bathroom, or sleeping facilities." So we could create that definition using the language that's there.

Boardmember Bass: Buddy, maybe I'm a little slow, but when I first read it that's not what leapt to my mind.

Building Inspector Minozzi: Really? OK, OK.

Chairperson Sullivan: Anything else?

Boardmember Cameron: Well, I have something on the first page.

Chairperson Sullivan: You want to just do it by page? Anything on page one?

Boardmember Cameron: Yes, "basement."

Chairperson Sullivan: Basement's on the list.

Boardmember Cameron: OK. The one controversial thing is that I've raised the issue with basement, and this is in the context of Washington Mews. It's called "that space above a building that is partly below grade." One of the things we have is when we have condominiums attached one to the other, but we're considering them all as one building. As a subtlety, or something we can think about, if it said that space of a building or a dwelling unit that is probably below grade then you look at each separate unit in the condo separately, or you could make it do that. It doesn't do that now.

Village Attorney Whitehead: Do you want to do that, or do you want to look at the building as a whole?

Building Inspector Minozzi: Well, that's what happened in Washington Mews. There were parts of the building that were zero and parts of the building that were 100 percent. It ended up averaging out to just below the 50 percent mark.

Village Attorney Whitehead: I can tell you that generally where you have a multi-family building, whether it's condos or not, it's taken by the building as a whole.

Boardmember Cameron: OK. I was going to suggest we go and look at other places to see what people do. But if that's what they do it's just that where we have our steep slopes – have slopes, as we do – you could have something in which the back end is a basement and the front end is a cellar, or the reverse. You could have some choices where, in fact, there is nothing in the back because it's completely underground. What we're doing is giving somebody an extra floor.

Village Attorney Whitehead: Only in part of the building.

Boardmember Cameron: Yes.

Village Attorney Whitehead: Because you've got to average that.

Boardmember Cameron: Anyway, I bring that up as a potential consideration.

Boardmember O'Reilly: Also in the basement – and maybe this is just to me – does everybody understand what the average established curb level is?

Boardmember Cameron: It's either the curb or the finished grade.

Boardmember O'Reilly: So the curb is ...

Boardmember Cameron: The street.

Boardmember Ambrozek: And you take the average.

Boardmember O'Reilly: You take it where it is, right?

Boardmember Ambrozek: And if it's a long slope it's the average between the beginning and the end of the property line.

Boardmember O'Reilly: And you take the average. We tried to do that. So that's purely what it says, the curb.

Boardmember Cameron: What I was going to go on to next is that Buddy has his way of determining this, and I think you take the midpoint on the wall or something like this and check that. It can make a difference if the slope goes up and down like this. I don't want him running around with a computer.

Building Inspector Minozzi: You just have to take averages to create points.

Village Attorney Whitehead: But you shouldn't be doing that. You should be making the applicant provide that information. And when you talk about average finish grade they should be taking spot elevations around to come up with that average.

Chairperson Sullivan: I think that gets back to us needing to define how people calculate grade, to Bill's point. And Jamie mentioned earlier getting a diagram. A picture's worth a

thousand words sometimes.

Building Inspector Minozzi: It is and, unfortunately, I don't think any picture could've helped us with Washington. It was so difficult to figure out.

Boardmember Ambrozek: I'm trying to understand what is the significance of the difference in terms "basement" and "cellar."

Boardmember Cameron: Well, one's above and one's below.

Village Attorney Whitehead: One is at least 50 percent above and one is less than 50 percent above.

Boardmember Ambrozek: Right. Why do we need both?

Building Inspector Minozzi: A basement is a story, a cellar isn't.

Boardmember Cameron: Yeah. Basement chews up one of the floors. If you're allowed three floors the basement is one of them. But if it's a cellar it doesn't count.

Village Attorney Whitehead: It's because a basement is more than 50 percent above grade. If it's less than 50 percent above grade it's a cellar and doesn't count as a story.

Boardmember Bass: This isn't on the list, but when it came to "bed and breakfasts," and a "boarder" or "roomer," that may be problematic. Normally, in other jurisdictions I've seen length of time. So a bed and breakfast is less than 30 days, or that's a transient use. If it's more than 30 days it's not a transient use. I suggested we put length of time in those two definitions.

Chairperson Sullivan: I like it where "rooms are rented from time to time."

Village Attorney Whitehead: Well, her trade says transient guests. But you can define that as no more than 30 days.

Boardmember Bass: And that's keeping with state law, that definition.

Chairperson Sullivan: So Richard has got us moving on to page two.

Boardmember Ambrozek: So when we say permanently we mean more than 30 days?

Boardmember Bass: Yeah, permanently occupied is a strange term. I would, again, use the more than 30 days' occupancy.

Village Attorney Whitehead: Take out "permanently."

Boardmember Ambrozek: "Who intends to occupy a room ..."

Village Attorney Whitehead: For more than 30 days.

Boardmember Bass: Because permanent is a really long time.

Village Attorney Whitehead: Yeah, that's an odd use of a word.

Chairperson Sullivan: Yeah, I'm never leaving. Forget it, they say so in the zoning code.

Boardmember Bass: Some of our kids may say that.

Village Attorney Whitehead: But it says "paid compensation." Your kids don't pay.

Boardmember Bass: Oh, yeah. If they stay they start paying.

Chairperson Sullivan: So page three, "dwelling unit" at the top.

Village Attorney Whitehead: You have to apply for a boarder or a roomer.

Chairperson Sullivan: Anything there, anything on dwelling unit?

Village Attorney Whitehead: Well, on page three you start getting into the four definitions you need to look at together, which are "building coverage," "building," "development coverage," and "structure."

Chairperson Sullivan: But we're saving those for the end.

Village Attorney Whitehead: Tonight?

Chairperson Sullivan: Tonight we're going to do "building," I swear.

Village Attorney Whitehead: Really? We're going to do those four tonight?

Boardmember Bass: Normally, "court" is also a more specified measurement – 30 by 40 is

a New York City court. It's a great detail that we want to go into tonight.

Village Attorney Whitehead: Set a minimum?

Boardmember Bass: Is it a court or is it a side yard? Is it indented 3 inches, therefore that is a court? Or does a court have to be deeper? Can you have a window on a court, but you can't have a window on a side yard?

Chairperson Sullivan: I felt, too, the mews isn't problematic because of the high retaining wall behind some of those buildings. Buddy was really clear: it's got to be enclosed on all three sides. But it's like those people still are going to have ...

Village Attorney Whitehead: But a court is surrounded by a building on three sides. It's not just a wall.

Boardmember Bass: But you could have a court.

Boardmember Cameron: They have inner courts and outer courts.

Chairperson Sullivan: But let's ... I think we can look at it ..

Boardmember Bass: You can have a really narrow court, and is that a court that's ...

Village Attorney Whitehead: That's really an alley.

Boardmember O'Reilly: What would be an example of an outer court?

Village Attorney Whitehead: A courtyard that's surrounded on three sides with a building, but the fourth is like open to the street or something.

Boardmember Ambrozek: Or a driveway.

Building Inspector Minozzi: We had the same problem on Washington Mews again on that.

Boardmember O'Reilly: But it says a courtyard is three or more sides.

Village Attorney Whitehead: Right. So you can have like a U-shaped building.

Boardmember O'Reilly: Right.

Village Attorney Whitehead: That's an outer court.

Boardmember Cameron: It's a court three or more sides. And then if it's entirely closed it's an inner court, and if it's not entirely closed it's an outer court. Read the next sentence.

Building Inspector Minozzi: Only if you read the whole definition.

Boardmember O'Reilly: I'd rather you called it a courtyard.

Village Attorney Whitehead: No, they're commonly called courts.

Boardmember Ambrozek: But to Dick's point.

Boardmember Bass: Richard.

Boardmember Ambrozek: I'm sorry, Richard. He's trying to say there must be some minimum depth in order for it to become a court as opposed to just an indentation in an exterior wall.

Chairperson Sullivan: Correct.

Village Attorney Whitehead: Right.

Village Attorney Whitehead: So there needs to be a minimum size.

Boardmember Ambrozek: Minimum depth indentation.

Chairperson Sullivan: Right.

Boardmember Ambrozek: And there's nothing in this definition for that.

Chairperson Sullivan: Right.

Village Attorney Whitehead: Right, we need to add a minimum size.

Boardmember Cameron: Really big court.

Chairperson Sullivan: Anything on page two? We're going lightly over this, identifying things.

Village Attorney Whitehead: So we're ignoring the three big ones on this page?

Chairperson Sullivan: We're going to do coverage – we know we are. Things we want to add.

Boardmember O'Reilly: When does it come into play, the whole idea of a court which it's an inner or an outie. You can do something with it or you can't do something with it.

Chairperson Sullivan: What I recommend is you go to the zoning code electronically, use the term and search and you can find out where it pops up and go from there. Personally, I didn't do that. Page three, dwelling unit at the top?

Boardmember Cameron: Well, I have one but it's really on page four. It's height building. It has to do, again, with our friends at Washington Mews. That is, when we did the 35-foot wide sections one of the problems we ran into was that the site had a street which was crooked compared to the sidelines. In other words, we had these diagonal 35-foot pieces which don't work as well. It just seems to me that we can probably – and this would be something to think about and I've been thinking about it – have some language where the sections are not perpendicular to the curb. In other words, where the side lot lines are not perpendicular to the curb the Planning Board may require they be at another angle; i.e. perpendicular to the side lot lines.

Building Inspector Minozzi: The side lines or something like that?

Boardmember Cameron: Or something in between, and I think we can get that discretionary language. That's what Linda can tell us.

Village Attorney Whitehead: What definition are we talking about?

Boardmember Cameron: Actually, we're in B-2.

Chairperson Sullivan: Under height.

Village Attorney Whitehead: We don't go all the way down to height? I'm sorry.

Boardmember Cameron: She got me to the bottom of page three, height building, so I rolled over to page found and down to item B-2.

Boardmember Bass: We still have some things on page three.

Boardmember Cameron: All right, we can go back.

Boardmember Bass: Under "family," B, "a householder living with a reasonable number of individuals."

Village Attorney Whitehead: "Householder" is the odd word there.

Boardmember Bass: Well, also "reasonable number." I mean, is that an arbitrary ... you know, who gets to decide that?

Village Attorney Whitehead: There's a whole lot of case law on it.

Boardmember Bass: Oh, I know. But I think because it's ill-defined that leaves us open.

Chairperson Sullivan: So let's look at that definition and bring it up to modern times.

Boardmember Bass: And let's go look at the case law.

Building Inspector Minozzi: Wouldn't that take you to how many occupants you have per bedroom?

Village Attorney Whitehead: This is separate. This isn't a building code issue, this is what makes a house a single-family house.

Boardmember Cameron: And we're not North Carolina so ...

Boardmember Bass: Definitions of floor area and floor area ratio and gross court area I think are kind of fuzzy. Normally you have zonings for floor area and you have gross floor area. Then we have a definition of what is defined as a floor area. Mechanical space doesn't count towards zoning floor area, but it does count towards gross floor area, just as cellar counts towards gross floor area. Again, not tonight but I think those definitions ...

Village Attorney Whitehead: Need to be looked at?

Chairperson Sullivan: We found that floor area ratio isn't used except in two districts we don't use, which are the unmapped waterfront zones.

Village Attorney Whitehead: So these definitions were added, but they're not used anywhere else. If they are going to be used they should be cleaned up.

Chairperson Sullivan: I'm saying I know that for floor area ratio, but gross floor area I don't know for sure. I didn't ever do the searching electronically.

Building Inspector Minozzi: Well, we start to look at coverage in certain zones. This FAR may be coming into more play than it is currently if the Board decides to go in that direction.

Boardmember Ambrozek: OK, I'd like to suggest that we add a definition for "fence," for two reasons. Fence is referred to other definitions, and also I think we may need to consider fences for deer fencing separately.

Chairperson Sullivan: Buddy mentioned also that I think Greenburgh has a provision that in front of your house, in the front yard, the fence can be no more than, say, 4-1/2 feet.

Village Attorney Whitehead: That's pretty standard, that's everywhere. Along with, really, you don't limit your fronts to 4. What's your fence height?

Building Inspector Minozzi: It's 6 foot 6.

Village Attorney Whitehead: Even in the front.

Building Inspector Minozzi: Yep.

Boardmember Bass: Really?

Village Attorney Whitehead: That's not a definition thing.

Boardmember Cameron: But we submitted a change to the code to the Board of Trustees, and we made a critical error when we did it. We forgot to go out and check all the things on the top of the hill where we have all these deer fences. I'm going to resuscitate that.

Village Attorney Whitehead: It's very common that fences along a street line or a front yard street line – front street line – are limited to 4 feet. That's a visual ... and in some places, like in Rye for instance, it's the front line and within 35 feet of the street.

Boardmember Cameron: Yeah, at the corners.

Building Inspector Minozzi: I just was dealing with Greenburgh recently. I think anything that's forward of the house is limited to 4 feet.

Village Attorney Whitehead: Yeah, I've been watching a 6-foot fence that went up along Sunnyside Lane get reduced down to 4 feet.

Boardmember Cameron: But I think if we do get into fencing we should actually possibly deal with deer fencing and allow it.

Building Inspector Minozzi: Actually, what Greenburgh says is anything from your front line of your house back can be 8 feet. It's kind of interesting. As long as it's behind the front wall of the house you could basically have carte blanche.

Village Attorney Whitehead: And 4 in the front is very common. In the back, I've seen anything from 5 to 7. I haven't seen 8 other than Greenburgh.

Boardmember Cameron: Well, we have a lot of 8 here in our town. I think we can deal with it by saying – and I can pick a number – 90 percent transparent within a 45-degree angle of the fence so you can actually see through it. And that's what people want.

Building Inspector Minozzi: Yeah, you wouldn't have to be your typical deer fence or x-net fence.

Village Attorney Whitehead: Maybe we should add a definition of deer fence.

Building Inspector Minozzi: What Jamie's saying is if you're going to give a special provision for a deer fence that the whole fence has to be 90 percent transparent.

Boardmember Cameron: Within a 45-degree angle.

Village Attorney Whitehead: I think the best way to do that is add a definition of deer fence that includes that concept. Then in the fence section add a new height provision for deer fence that allows them to be higher.

Building Inspector Minozzi: Yard fences and deer fences.

Boardmember Bass: Can we ban chain link fence?

Chairperson Sullivan: Too cheap, too possible. You can look through it if it's black. Anything else on this page?

Boardmember Cameron: Which page are you on?

Chairperson Sullivan: Three. We're moving along.

Building Inspector Minozzi: Now we can go back to Jamie's number four.

Chairperson Sullivan: Yeah, but we've already dealt with that.

Village Attorney Whitehead: Except I didn't get it.

Boardmember Cameron: You look at B-2, in B-2 you have these ... you're measuring the ... you have pieces going across the property, and the problem is that where the curb line is not perpendicular to the side lot lines you get the very thing we had which you could see in the plans for the Washington Mews. It just seems to me we could take that number two definition and put language in that gives permission, when the two aren't perpendicular to each other, for the Planning Board to choose another angle for that.

Village Attorney Whitehead: But should it be the Planning Board or should it be the Building Inspector? Because you're not always going to have a Planning Board application, and it's the Building Inspector who really applies the code.

Boardmember Ambrozek: And he's the one who has to check.

Chairperson Sullivan: Well, this is in the MR-C, which we don't see a site plan.

Boardmember Cameron: Anyway, since I blessed us with this language to begin I'll take a look at it first.

Chairperson Sullivan: Anything else on four, page four?

Village Attorney Whitehead: The only thing – and I'll say it because it's true everywhere and nobody's updated it – we might want to look at home occupation and bring it into the 21st century.

Boardmember Bass: Yes.

Village Attorney Whitehead: And you may one of those first communities to actually do that. Everybody talks about it, but nobody does it.

Boardmember Ambrozek: Do we need to have assisted living facility?

Village Attorney Whitehead: You have it in here, but it's only in certain zones. And the

Village Board has a petition before it right now to add it so I wouldn't do that one right now. One of the ones you see in home occupation all the time that's entertaining – and actually it's not in yours – is a telephone exchange or telephone operator.

Building Inspector Minozzi: Omigod, there's still towns that have that?

Village Attorney Whitehead: Well, they haven't updated their codes.

Boardmember Cameron: So are we going to page five?

Chairperson Sullivan: We are going to page five.

Boardmember Ambrozek: Well, talking about telephones do we need to address cell phone, cell phone towers, and repeaters?

Village Attorney Whitehead: You have a whole code ...

Boardmember Cameron: We have a code for that.

Village Attorney Whitehead: You might want to look at the definition of "hospital" because it's also a little ... I know Jamie's feeling about sanitariums because we have one.

Boardmember Cameron: It's the one time the town went to (cross-talk) has to do with a hospital up where the ...

Village Attorney Whitehead: Where the pool is, or near the pool.

Boardmember Cameron: The pool, yes.

Chairperson Sullivan: So hospital.

Boardmember Cameron: Long Island Jewish.

Boardmember Gould-Schmit: What year was that?

Boardmember Cameron: The 1940s.

Boardmember Gould-Schmit: Huh.

Boardmember Cameron: So can we go to length of building?

Chairperson Sullivan: Yep.

Boardmember Cameron: So you go over the page, somebody can explain to me why we ... "façade closest to, or generally parallel, with the front lawn line." We measure a building length by how long it is facing the front lawn line, even though ...

Village Attorney Whitehead: Because that's where it has the greatest impact. You're looking at it from the street, I'm sure that's why it was done that way.

Boardmember Cameron: OK, but the only problem with that is that in our code we talk about building length, including ... and we don't really mean that. Anyway, maybe we do. I just think having done that we should go look at the code where it uses building length and see whether we really mean when someone has a building which is 40 feet wide and 100 feet long and we really mean it's a 40-foot wide building.

Building Inspector Minozzi: Which number are we on?

Village Attorney Whitehead: It's not width, it's length.

Boardmember Cameron: Length, yes. (Cross-talk) a lot which is 40 feet in length and 100 feet in width ...

Village Attorney Whitehead: OK, so we should look at where it's used.

Boardmember Cameron: Yes.

Building Inspector Minozzi: Which one are you talking about? I just stepped out.

Boardmember Cameron: We're looking at "length building," which rolls over page four and page five.

Building Inspector Minozzi: Oh, OK. Got you.

Boardmember Cameron: Measuring the length of a building by looking at the front lot line.

Building Inspector Minozzi: Got you.

Boardmember Cameron: Even though the building could be 40 feet wide and 100 feet

long.

Boardmember Bass: How does that apply to a corner property? How do you define it?

Boardmember Cameron: Well, you get to choose your front lot line in certain places, but other than that ...

Village Attorney Whitehead: We have to look at where it's used in the code to see what it really should be saying.

Chairperson Sullivan: Anything else on this page?

Building Inspector Minozzi: Yeah, I just actually found this yesterday. A lot width, number two, to me it's very confusing.

Chairperson Sullivan: This is H?

Building Inspector Minozzi: Yeah, letter H, number two.

Village Attorney Whitehead: No, it just says you measure the lot width at the front yard setback line.

Building Inspector Minozzi: That is a number of feet from the front lot line required by this chapter for front yard.

Village Attorney Whitehead: It's written poorly, but I've seen it in other codes.

Building Inspector Minozzi: Oh, that just means the setback?

Village Attorney Whitehead: Yeah, it means you're measuring your lot width at your front yard setback line. It could be written better.

Building Inspector Minozzi: Yeah, that really confused me.

Boardmember Ambrozek: You can write it better.

Boardmember Gould-Schmit: Way better.

Village Attorney Whitehead: I think I just said it better.

Boardmember Gould-Schmit: You just rewrote it.

Boardmember Cameron: Number B, lot area: "the total horizontal area included within lot lines." Do they mean that we don't measure the property on a slant, we're measuring horizontally? I mean, I think that's what they mean. In other words, if you're on a slope the area is actually what it would be horizontal.

Building Inspector Minozzi: I think that's exactly what they mean, Jamie. It would bring up parallel lines and measure on a horizontal plane, not on an angle.

Chairperson Sullivan: This is where you go crazy.

(cross-talk)

Village Attorney Whitehead: I don't think that makes sense.

Boardmember Gould-Schmit: My lot is like this, but I think my lot area is determined by my actual lot – the measurements.

Boardmember Ambrozek: On a flat plane.

Village Attorney Whitehead: No, I don't think it's on a flat plane.

Boardmember Cameron: That's what this is.

Boardmember Ambrozek: Then what does horizontal area mean?

Village Attorney Whitehead: I don't think that ...

Building Inspector Minozzi: I don't think any survey is written on a flat plane. It's with the contour of the land.

Village Attorney Whitehead: What's really meant – because it doesn't say on a flat plane – by horizontal area is ... I can pull how lot area is defined in some other code. Because that's really odd.

Boardmember Bass: Also, can we just go back to A, "lot?" "An area of land having frontage on a street. I imagine we have some tax lots in Hastings that are landlocked.

Building Inspector Minozzi: We absolutely do.

Boardmember Bass: I know that's interesting. You don't want to, just by definition, take away someone's tax line.

Village Attorney Whitehead: Well, the tax lots and zoning lots are two different things.

Boardmember Bass: But this just says "lot."

Village Attorney Whitehead: But this is in the zoning code.

Boardmember Bass: So a zoning lot has to front on a street?

Village Attorney Whitehead: Or it's nonconforming.

Boardmember O'Reilly: Tax lot.

Building Inspector Minozzi: If a lot doesn't have frontage the setbacks are astronomical. There is some language about setback lines with lots that don't have frontage.

Boardmember Cameron: We had what's-his-name, the guy ...

Building Inspector Minozzi: The old Freitag house, 665 we had that issue. The setbacks were like 100 feet or something like that.

Boardmember Cameron: But then also that guy who used to own the garage.

Village Attorney Whitehead: What I like is that they used "personal" in the definition. I'm going to look at other codes in this one, too, because it's a bad definition that uses the term "personal" in the definition of lot, but "parcel's" not defined.

Chairperson Sullivan: Anything else on this page besides "maximum development coverage?"

Village Attorney Whitehead: Clearly, we can see that we can rewrite every single definition.

Boardmember Cameron: Quite frankly, what we need to do in some of these places is to come up with examples. We're just trying to get rid of confusion. Because we sometimes have a problem, then we start arguing about what it means.

Village Attorney Whitehead: If we don't argue it's up to Buddy to decide what it means. That's what the law says.

Boardmember Cameron: I know.

Chairperson Sullivan: Can we move to page six?

Boardmember Cameron: We've got to make Buddy's life easier.

Boardmember Bass: "Mixed-use building," I think also needs a better definition. Because you could have a mixture of retail and office. Here, it's really looking at residential and nonresidential. I think a retail is a different use than office use.

Building Inspector Minozzi: I know primarily when we use the term "mixed-use buildings" downstairs it's residential and nonresidential. That's the primary reason we use it. It's to differentiate mixed-use from a regular home.

Village Attorney Whitehead: But we did sort of wonder, and we looked at this before, why we need both definitions and how they're used.

Chairperson Sullivan: Mixed-use residential.

Village Attorney Whitehead: And I think that, again, you have to look at where it's used in the code and find the two different definitions.

Building Inspector Minozzi: Most of it comes up in the CC district.

Village Attorney Whitehead: But why the two different definitions and are they used differently in the code?

Chairperson Sullivan: It said CC is where it's used?

Building Inspector Minozzi: Mm-hmm. Since I've been here that's where it's come up the most.

Village Attorney Whitehead: But are both terms used?

Building Inspector Minozzi: No, we've only ever used mixed-use. I never really used the definition of mixed-use residential.

Village Attorney Whitehead: OK. So we need to check why we have both.

Chairperson Sullivan: Anything else on this page?

Boardmember Ambrozek: Yes, I'd like to add the definition for "open space." And I'd like to make the observation that I feel one way to define open space is that it is space that is not covered with a roof.

Building Inspector Minozzi: That's not what, Michael?

Boardmember Ambrozek: Does not have a roof over it.

Building Inspector Minozzi: Oh, OK.

Village Attorney Whitehead: This is another one we can pull definitions from some other codes.

Chairperson Sullivan: I saw something that was really nice because it talked about it being space that people can use and wasn't encumbered by things and it's just open area that no one can get.

Boardmember Ambrozek: I thought about encumbrance, then you run into all sorts of problems like what about a shed or a fence. One has to be very careful about not allowing those things, but still have it be open space.

Boardmember Cameron: The thing that got me on open space is where you have three verandas and each one counted, even though they were the same space, as another piece of open space.

Boardmember Ambrozek: That's where I came from, also.

Boardmember Bass: Not to jump to the next page, but there should be a definition of "recreation space" versus "open space." Because if we have an apartment building that has a rooftop space that's recreation space, but we don't have that defined.

Boardmember Ambrozek: I think that could be considered open space, as well.

Village Attorney Whitehead: It's often considered open space.

Boardmember Bass: OK.

Village Attorney Whitehead: And you don't have a requirement for recreation space, so you don't need to define it.

Chairperson Sullivan: Are you thinking because open space is when people can actually touch the ground, and recreation space is on a built?

Boardmember Bass: Right, recreation space is a more defined and limited term.

Village Attorney Whitehead: You don't require recreation space in your code.

Boardmember Cameron: Well, we do. We decide we don't have enough we charge them \$7,000 to \$10,000.

Village Attorney Whitehead: That's not technically recreation space. It's a much more complicated analysis. You're supposed to go through a whole analysis before you charge, and I put some of that in that resolution.

Boardmember Gould-Schmit: So \$45,000?

Chairperson Sullivan: Basically, we're looking at open space and we'll think about rec space and see what happens. I think we're all on the same line. We need to sort of figure out what we want. Anything else on seven?

Village Attorney Whitehead: Oh, seven. I'm still on six.

Chairperson Sullivan: Did I jump ahead?

Boardmember Bass: On signage, I think there should be a definition between accessory signs, accessory business signs, and advertising signs.

Village Attorney Whitehead: Well, should it be in the definition or should it be in the sign code?

Boardmember Bass: Because I could have a garment store and I could have Richard's Garment Store, or I could have Drink Coca-Cola Here. They're different signs.

Village Attorney Whitehead: But that's, I think, in the sign code not in here.

Boardmember Ambrozek: Doesn't this apply to the Architectural Review Board?

Building Inspector Minozzi: Advertising signs aren't allowed in the Village anyway. Along your thinking, though, Richard, I think our code doesn't really talk about the little business push-in-the-ground like political signs that say other things.

Village Attorney Whitehead: Lawn signs?

Building Inspector Minozzi: Lawn signs, thank you. We don't even address those. How long they're allowed to ... even political signs. I know some towns have two weeks after.

Village Attorney Whitehead: No, no. It would have to be strictly content-neutral. You regulate political signs differently than other types of signs.

Boardmember Gould-Schmit: Couldn't we get it for everybody and say your sign should be gone? I mean, you can do time, place and manner, honestly. When people are sticking signs on a public space, and they don't go back and get them.

Building Inspector Minozzi: Yeah, it drives me crazy.

(Cross-talk)

Village Attorney Whitehead: That's your sign code.

Boardmember Gould-Schmit: Just in general.

Boardmember Ambrozek: And then you have your Drive Safely campaign now.

Boardmember Cameron: Actually I have to tell you something. Back in 1972 I took a set of bylaws for a big company we were starting in Bermuda. I changed it, and I got rid of *chairman*, and I put in *chair*. The lawyer down in Bermuda was furious at me, but he lost.

Chairperson Sullivan: Well, thank you for fighting the fight.

Boardmember Cameron: I have a request. A lot of these definitions suspiciously have this thing that says "amended 8-5-2008 by LL #24-2008." Could you pull a copy, or could we find a copy, of the memo that was written to the Board of Trustees when that was done? Because it's all over the place, and usually these things have a write-out to the Board of Trustees at the same time.

Boardmember Ambrozek: Which could help us.

Boardmember O'Reilly: Are you saying you want all of them, or just these?

Village Attorney Whitehead: The easiest way to get them, I could ask Susan.

Chairperson Sullivan: OK, seven.

Village Attorney Whitehead: Yeah, just some background on it.

Chairperson Sullivan: Anything else on seven?

Village Attorney Whitehead: Legislative history.

Chairperson Sullivan: Going to eight?

Boardmember Cameron: Yes, I have to get one on eight.

Chairperson Sullivan: On eight I had one.

Boardmember Cameron: Go ahead.

Chairperson Sullivan: Townhouse. Read it, it's so bizarre.

Boardmember Ambrozek: I read that many times.

Boardmember Gould-Schmit: Why is it there?

Chairperson Sullivan: I don't know.

Village Attorney Whitehead: Is it used in the code anywhere?

Chairperson Sullivan: I didn't search it, but I just flagged it as one of several.

Boardmember Ambrozek: Is it a tax issue?

Village Attorney Whitehead: No.

Chairperson Sullivan: I'll run a search on it, but it just ...

Building Inspector Minozzi: What are we on, I'm sorry.

Village Attorney Whitehead: Townhouse.

Boardmember Bass: And just to be anal, on "supermarket," why is 15,000 square feet the definition of a supermarket?

Village Attorney Whitehead: No idea.

Boardmember Bass: If I have a 14,000 square foot market ...

Building Inspector Minozzi: It's a bodega?

Village Attorney Whitehead: Then you're just a retail store, and you're not a supermarket. It's another one where we should do a word search. Are there different requirements in the code for a supermarket?

Building Inspector Minozzi: I don't know, it never came up.

Boardmember Cameron: I could tell you why it's there.

Village Attorney Whitehead: Because the A&P was the only one over 15,000 square feet.

Boardmember Cameron: Because they didn't want supermarkets. Somewhere else it says here you can't have supermarkets except in certain zones. I'm sure it says that.

Village Attorney Whitehead: It was to limit a store over 15,000 square feet to the A&P.

Building Inspector Minozzi: I'm sure that's why that got changed.

Boardmember Bass: If you look at the zoning for that district, only a supermarket is permitted in that district. If that's not spot zoning I've never seen it.

Building Inspector Minozzi: Oh, yeah. Definitely.

Boardmember Cameron: I have the last definition. Actually, once you realize what it means the definition of a "yard" works just fine. I'm not suggesting changing it. It's added to the nearest part of the principal building. I think this is a place where a diagram would be really good. Because once you see what they really mean by tangent to the nearest ...

Building Inspector Minozzi: Yeah, this has definitely come up a few times in the past. I

think a diagram would be very useful.

Village Attorney Whitehead: Jamie likes to draw those.

Boardmember Bass: Jamie, I'll send you some examples with pictures.

Boardmember Cameron: OK, great.

Boardmember Ambrozek: I'd like to add on page eight a definition for "wall." We talk about walls a lot.

Boardmember Cameron: Boy, I'm interested in that one.

Village Attorney Whitehead: I've actually seen it in other codes.

Chairperson Sullivan: So it's 10:30, folks, and we've done good. We got to the definitions.

Boardmember O'Reilly: So who's going to be doing these definitions?

Chairperson Sullivan: What we're going to do is, we have another list of definitions that we talked about. I think that'll be part two of our exercise. I think it's late, and I'd love this to go into building and structure and coverage and all that good stuff, but I think that will be first on our list next time.

Village Attorney Whitehead: And I think your agenda should be getting ... you know, we got rid of 32, 34. Hopefully, your agendas for a little while will be a little shorter and we'll have some more time. I will, on some of the ones I said, try to pull stuff from some other codes.

Building Inspector Minozzi: Do you want to put some on the agenda in the next month, Kathy? So you want to continue definitions or continue land use approval task force?

Chairperson Sullivan: Just continue land use approval task force. And I think next month we can talk about buildings and structure and coverage, and get into some of that top 10 list of the first items, and maybe you get into a few others.

Village Attorney Whitehead: And just to make a note, we did take a step tonight towards one of the things recommended by the land use task force. We have a separate resolution.

Building Inspector Minozzi: Now if we can just do the same thing next week I'll be even

happier. Doing resolutions for the Zoning Board.

Village Attorney Whitehead: I'm going to try to do a form. They only have one thing on the agenda.

Boardmember Cameron: One of the things we should put into the resolutions someplace, that piece of paper, is the code for the lot.

Village Attorney Whitehead: It's in the title. It says 32-34 Washington, and then it says SBL.

Boardmember Cameron: OK, good.

Village Attorney Whitehead: You shouldn't have to search. See, the idea now is that it's not in the minutes. It's a separate document that will be in the property file. By the way, by law you are required to send applicants their resolutions.

Chairperson Sullivan: We're doing that.

Boardmember Gould-Schmit: We could e-mail.

Village Attorney Whitehead: We now can do that. And they're supposed to be filed in the Village Clerk's office.

Boardmember Gould-Schmit: We're going to straighten things out around here.

VII. ANNOUNCEMENTS

Next Meeting Date - July 21, 2016

VIII. ADJOURNMENT

On MOTION of Boardmember O'Reilly, SECONDED by Boardmember Bass with a voice vote of all in favor, Chairperson Sullivan adjourned the Regular Meeting.

Chairperson Sullivan: Thank you for a good night's work, folks.