

1 INCORPORATED VILLAGE OF PLANDOME HEIGHTS

2 BOARD OF TRUSTEES MEETING - VIA ZOOM

3 FEBRUARY 1, 2021

4 6:00 P.M.

5
6 PUBLIC HEARING RE: BILL NO. 1 OF 2020

7
8 P R E S E N T:

9 KENNETH C. RISCICA, MAYOR

10 DANIEL CATALDO, TRUSTEE

11 SILVA (AIDA) FERMAN, TRUSTEE

12 GUS PANOPOULOS, TRUSTEE

13 DIANNE SHEEHAN, TRUSTEE

14 ALVIN SOLOMON, TRUSTEE

15 NORMAN TAYLOR, TRUSTEE

16 CHRISTOPHER PRIOR, ESQ., VILLAGE ATTORNEY

17 EDWARD P. BUTT, BUILDING INSPECTOR

18 KATHERINE HANNON, SPECIAL PROJECT ASSOCIATE

19 ARLENE DRUCKER, VILLAGE CLERK

20

21

22

23

24

JENNIFER DEVLIN
COURT REPORTER

1 MAYOR RISCICA: Okay. So we're going to
2 start the public hearing now. As is required
3 the -- this meeting will be both recorded and
4 transcribed by a stenographer. When a
5 meeting is transcribed it's very important
6 that the person speaking identifies themselves
7 and speaks in a clear and slow voice, because
8 there's only so much can keep up with. She
9 cannot keep up with crosstalk. But we
10 shouldn't have much crosstalk because
11 everyone on the call except the board will be
12 muted until they raise their hand. The hand
13 raise function is at the bottom of the -- of
14 your screen. And I don't know where it is in
15 yours. Where -- Arlene, can you give me --

16 CLERK-TREASURER DRUCKER: The hand raise
17 was in the reactions from me.

18 MAYOR RISCICA: Reactions. Yeah. I
19 don't have the hand raise function because
20 I'm the host. So I need to --

21 CLERK-TREASURER DRUCKER: Then I think
22 also you have the three dots. It could be in
23 there as well.

24 MAYOR RISCICA: Right. And I don't have

1 that, so I would ask Dan who is a
2 participant --

3 TRUSTEE SHEEHAN: You're right, Arlene.

4 TRUSTEE CATALDO: If somebody wants to
5 participate, there is a "participants" button
6 on the bottom. You click on that and another
7 box will pop up. And there will be a hand
8 raise button there with a list of
9 participants.

10 MAYOR RISCICA: Dan, can you show us how
11 that works and what that looks like on the
12 screen?

13 TRUSTEE CATALDO: As you mentioned, on
14 the bottom of the screen there is a button
15 called "participants."

16 MAYOR RISCICA: I know that. But could
17 you raise your hand so people can see what
18 that looks like. There you go. So that
19 means that we know that Dan Cataldo wants to
20 speak. And now he's unraised his hand. All
21 right. Okay.

22 So this is our first public hearing on
23 Zoom. So I do hope you will bear with us.
24 The meeting is being -- the meeting is being

1 recorded. We talked about that. Just like
2 any other meeting, guests need to identify
3 themselves by name and address. That took a
4 little while because it has to be done while
5 we're meeting. And it will interrupt the
6 meeting periodically as we --

7 CLERK-TREASURER DRUCKER: Why don't you
8 just double check and make sure nobody is
9 there waiting now.

10 MAYOR RISCICA: Can I finish my train of
11 thought on housekeeping before I do that?

12 I plan to check on intervals. And I'm at
13 the housekeeping item. And I would like to
14 do that and then stop and check again. Okay.

15 CLERK-TREASURER DRUCKER: Okay.

16 MAYOR RISCICA: Chat is available. So if
17 you're having a difficulty or you want to get
18 a point across like Jennifer Devlin did a
19 short while ago and said, hi, I need to be
20 unmuted, you can chat.

21 We have a large crowd, which is great.
22 We never have a large crowd, so I'm happy to
23 see so many people engaged.

24 When it comes to the public comment

1 period, I'm accustomed to meetings running
2 with 3-minute time limits. And the clerk
3 will be the timekeeper. So that's what we're
4 going to do in our meeting.

5 I would honestly like to allow more time.
6 And if there are fewer questions and fewer
7 people that want to ask them, we will
8 liberally expand that. But if there are
9 people that want to ask questions, I think 3
10 minutes is customary. And that's what we
11 will do.

12 We're not trying to rule anything out.
13 We will be here until the last question is
14 asked. Okay. There's nothing that we're not
15 prepared to -- there's no time limit on the
16 meeting. So that's the way we're going to
17 control the time.

18 This is a very complicated topic. This
19 is not a simple matter. And that's why we're
20 here, because it's a complicated matter and
21 the matter the board has struggled for a
22 period of years with how to get this right.
23 And we have a suggestion on the table.

24 And so we're going to explain to you our

1 thinking in coming to our conclusion. And
2 that starts with a fundamental understanding
3 of what is a Planning Board, how does it
4 operate and what are the requirements of
5 members? And then -- and then the building
6 inspector is then going to give us a
7 presentation about Planning Boards in
8 general, but also very specifically about
9 issues in our village. And so -- so the
10 building inspector is going to speak.

11 And then the -- and then the trustees
12 will have an opportunity to weigh in if they
13 have anything to say. And then we're going
14 to introduce the public inputs that we got
15 since we announced the meeting. And then
16 we're going to have your public comment.

17 So it's going to be a lot of presentation
18 time first. That's a necessary predicate to
19 an understanding of the issues so that we can
20 deal with questions. And that's what we're
21 going to do. So that's the agenda. And I've
22 discussed housekeeping.

23 And so now I'm going to stop the share
24 for a second and go see if there's anybody

1 else trying to get in. Nobody is trying to
2 get in. So I'm going to share my screen
3 again and ask the clerk to discuss the -- the
4 clerk to call the roll first to determine if
5 we have a quorum and then to discuss the
6 notice required and notice given for this
7 meeting.

8 CLERK-TREASURER DRUCKER: Okay. Roll
9 call.

10 Mayor Riscica.

11 MAYOR RISCICA: Here.

12 CLERK-TREASURER DRUCKER: Trustee
13 Cataldo.

14 TRUSTEE CATALDO: Here.

15 CLERK-TREASURER DRUCKER: Trustee Ferman.

16 TRUSTEE FERMAN: Here.

17 CLERK-TREASURER DRUCKER: Trustee
18 Panopoulos who might be muted, but I know
19 that I've seen him.

20 Trustee Sheehan.

21 TRUSTEE SHEEHAN: Here.

22 CLERK-TREASURER DRUCKER: Trustee
23 Solomon.

24 TRUSTEE SOLOMON: Here.

1 CLERK-TREASURER DRUCKER: Trustee Taylor.

2 TRUSTEE TAYLOR: Here.

3 CLERK-TREASURER DRUCKER: Village

4 Attorney Chris Prior.

5 MR. PRIOR: Here.

6 CLERK-TREASURER DRUCKER: Building

7 Inspector Ed Butt.

8 BUILDING INSPECTOR BUTT: Here.

9 CLERK-TREASURER DRUCKER: Special project
10 associate Katherine Hannon.

11 MS. HANNON: Here.

12 MAYOR RISCICA: So do we have a quorum?

13 CLERK-TREASURER DRUCKER: Yes. We have a
14 quorum.

15 MAYOR RISCICA: Great. Could you proceed
16 to advise us if we -- if adequate notice was
17 given of this meeting?

18 CLERK-TREASURER DRUCKER: I will. Can
19 you please unmute Gus also?

20 MAYOR RISCICA: Right now I can't do
21 that.

22 CLERK-TREASURER DRUCKER: So I provided a
23 letter to you that should be there with a
24 list of the required documents.

1 The first requirement is to place the
2 legal notice in the official newspaper of the
3 village 10 days prior to the meeting. On
4 January 20, 2021, the legal notice was placed
5 in The Manhasset Press. I've enclosed the
6 affidavit of publication provided by The
7 Manhasset Press. Do you want to show that,
8 Ken?

9 MAYOR RISCICA: Yeah. I'm trying to
10 unmute Gus at the same time.

11 CLERK-TREASURER DRUCKER: Oh, okay.

12 TRUSTEE PANOPOULOS: I'm unmuted, Ken.

13 MAYOR RISCICA: Okay.

14 CLERK-TREASURER DRUCKER: Okay. The
15 second requirement is the posting of this
16 legal notice on the utility poles within the
17 village as well as the bulletin board outside
18 of village hall and on the village website.
19 Enclosed is the affidavit of Katherine Hannon
20 dated January 19, 2021, stating that this has
21 been done.

22 And the third requirement is to provide
23 to the Nassau County Planning Commission the
24 bill for their review.

1 MAYOR RISCICA: That's not a notice
2 thing, is it?

3 CLERK-TREASURER DRUCKER: Okay. Yeah.
4 That's not a notice. It's a requirement, but
5 it's not a notice. I just want to --

6 MAYOR RISCICA: What you just described
7 was the minimum -- the minimum requirements
8 for notices; is that correct?

9 CLERK-TREASURER DRUCKER: Correct.

10 MAYOR RISCICA: Did we supply anything
11 beyond the minimum required?

12 CLERK-TREASURER DRUCKER: We actually
13 supplied three additional notifications. The
14 first one was a NorthShoreALERT on January
15 14, 2021, informing residents that the
16 village will be holding a public hearing in
17 order to satisfy input from residents.

18 There was a second additional
19 notification which was the village newsletter
20 which mentioned the public hearing. That was
21 provided on January 25th. And the third
22 additional notification was another
23 NorthShoreALERT notification on January 29th
24 providing information to residents on how to

1 review documents that are relevant to this
2 public hearing.

3 MAYOR RISCICA: So I would ask the
4 village attorney, if he's unmuted, is this --
5 does this level of notice constitute
6 inadequate, adequate or more than adequate
7 notice of the meeting, sir?

8 MR. PRIOR: You've taken care of all the
9 requirements. And you've also made
10 additional efforts in excess of what's
11 required by the law to notify the public
12 here.

13 MAYOR RISCICA: So we've met the notice
14 requirements to have this meeting?

15 MR. PRIOR: Yes, you have.

16 MAYOR RISCICA: Okay. I'm going to get
17 out of the screen share for a moment because
18 I do have another visitor. It looks to me
19 like he's from outside of our village.
20 Randall. Randall, I'm going to unmute you
21 for a second. And you need to give your name
22 and address for the record.

23 MR. ROSENBAUM: Sorry, Ken.

24 MAYOR RISCICA: No. That's okay.

1 MR. ROSENBAUM: I didn't hear you. Just
2 logging on.

3 MAYOR RISCICA: The clerk needs to record
4 your name and address for the record.

5 MR. ROSENBAUM: I'm sorry. Randall
6 Rosenbaum. Village of Flower Hill. I will
7 give you my home address. 1 Overhill Lane.

8 MAYOR RISCICA: Good to see you here.

9 MR. ROSENBAUM: I'm interested in your
10 public hearing. Thank you. Good to see you,
11 Ken.

12 MAYOR RISCICA: Okay. I'm going to go
13 back to our screen share. That's all that I
14 had in the -- that's all that I had in the --
15 that's all that I had in the waiting room. I
16 will stop screen share because I don't think
17 I did that one right. And I want to go back
18 to the agenda. Okay.

19 Arlene, you have something there from the
20 Nassau County Planning Commission? What is
21 that?

22 CLERK-TREASURER DRUCKER: Yeah. That's
23 actually another requirement. And that's the
24 last requirement where we have provided the

1 bill for them to review. So enclosed is the
2 letter from them acknowledging that they
3 reviewed the bill and have determined that
4 this is for local determination, which
5 basically means that they see no reason to
6 provide input.

7 MAYOR RISCICA: Okay. So we have that.
8 So we have complied with all the requirements
9 to have this bill. So what's next on our
10 agenda, I believe -- let's check -- is the
11 village attorney and -- I seem to have
12 eliminated a page that I need. So I will
13 stop sharing for a second and I'm going to
14 re-establish that page. Okay. Here it is.
15 I'm going to share that page.

16 So I would like to turn it over to the
17 village attorney to speak. Can everybody see
18 the screen share?

19 TRUSTEE SHEEHAN: Yes.

20 MAYOR RISCICA: And this is the legal
21 language and the technical aspect of what
22 we're proposing to do. And in Section A or
23 AB it discusses the legislative history the
24 Board of Trustees of Plandome Heights

1 recognizes. And this is essentially our
2 rationale for what we're doing. And I think
3 it's important that Chris read this into the
4 record, because we wordsmithed this over
5 three different meetings. We've been talking
6 about this issue, as I mentioned, for years.

7 And when Flower Hill did what they did in
8 merging their Planning Board last year, the
9 board noticed that. The board pressed me
10 that, how come we haven't acted on it? We
11 talked about acting on it, and we haven't
12 acted on it.

13 So we spent three different meetings
14 talking about it and articulating our
15 rationale. So this has been done in a
16 thoughtful manner over a 3-month period. And
17 I think it's important that Chris read it
18 into the record. Chris, can you do that?

19 MR. PRIOR: I would be happy to. This is
20 Christopher Prior, the village attorney.

21 As the Mayor described, what I'm about to
22 read to you is contained in the bill that's
23 before the board tonight and before the
24 public in this hearing. And this section

1 explains why the board is proposing to take
2 this action.

3 The Board of Trustees of the Village of
4 Plandome Heights recognizes that the village
5 consists almost entirely of building lots
6 that are not able to be further partitioned
7 or subdivided as of right in light of the
8 village's zoning restrictions on lot
9 dimensions.

10 Furthermore, the village has only very
11 infrequently been presented with partitioning
12 or subdivision applications for property in
13 neighboring jurisdictions for which the
14 village has shared jurisdiction. As a result
15 the village is presented with applications
16 for subdivisions or partitioning on extremely
17 rare occasions, such that many years may
18 intervene between meetings of the village
19 Planning Board.

20 Due to such infrequency of meetings and
21 minimal need for the Planning Board function,
22 the duly appointed members of the Planning
23 Board heretofore established by Local Law
24 No. 1 of 2004 of the village do not have the

1 opportunity to become familiar with current
2 property and zoning issues within the village
3 or in neighboring jurisdictions, but are
4 burdened by the obligation to satisfy annual
5 training requirements which are rarely put to
6 use.

7 At the same time the members of the Board
8 of Trustees collectively meet regularly to
9 address the many issues that arise in the
10 village, including those that pertain to
11 property and zoning issues. The trustees
12 receive briefings and presentations relating
13 to property, zoning and land use matters from
14 time to time from the village attorney and
15 the village building inspector.

16 In addition through the village's
17 membership in the New York Conference of
18 Mayors and the Nassau County Village
19 Officials Association the trustees have
20 access to property, zoning and land use
21 materials and information from those
22 organizations.

23 Furthermore, in a small village like
24 Plandome Heights there is an inherent

1 difficulty in identifying and securing
2 residents who are ready, willing and able to
3 serve the village in a voluntary
4 uncompensated role such as that of member of
5 a separate Planning Board.

6 And the interests of the village are not
7 served if such individuals do come forward
8 and volunteer only to serve on a board that
9 meets as infrequently as the village's
10 separate Planning Board.

11 So this is the extract from the proposed
12 bill explaining why we're here. And the text
13 of the actual shifting of function from
14 Planning Board to Board of Trustees is rather
15 simple. And I don't think we need to read
16 that into the record. So the -- just to give
17 you just a little bit of background.

18 The New York State Village Law permits
19 villages but does not require them to have a
20 Planning Board comprised of separate
21 individuals separate from the Board of
22 Trustees. The village law authorizes
23 villages to regulate subdivisions and also to
24 regulate the site plans. These are functions

1 that -- both of those functions are in some
2 villages given to Planning Boards.

3 In the Village of Plandome Heights we
4 have not regulated site plan as a subject
5 matter for the Planning Board. So in essence
6 the only function that the Plandome Heights
7 Planning Board has is to consider
8 subdivisions; that is, the taking of one lot
9 and dividing it into more than one lot. It
10 can also include partitioning, which is the
11 relocation of property lines between
12 properties.

13 This village is largely built out in the
14 sense of parcels in the village in relation
15 to our zoning code. There are a couple of --
16 a few parcels that theoretically could be
17 subdivided in the future as of right, but
18 there are not many. And I can tell you that
19 I became the village attorney -- I believe it
20 was 2006. And I recall in that period of
21 time three, perhaps four times when the
22 Planning Board actually had business.

23 So you have years that go by between
24 matters that require the attention of the

1 Planning Board. And logically people who are
2 serving in that capacity on the village
3 Planning Board don't have the opportunity to
4 maintain a fresh awareness of what the
5 function requires.

6 And so when things do pop up again before
7 the Planning Board, infrequently though that
8 may be, that requires sort of a long track to
9 get back on course and recall what the
10 function is. You're a small village. You
11 have a Board of Trustees that's comprised of
12 seven people, which by the way is rather
13 unique. Most village boards have five
14 people.

15 So you have the issues that were
16 mentioned in what I read that flow out of
17 that. Do we have enough volunteers to handle
18 those roles? There are need for volunteers,
19 and yet it seems almost wasteful to take the
20 five Planning Board members and two
21 alternates to the Planning Board, have them
22 commit to give time to the village, commit to
23 take the training to be up to speed and then
24 to have those skills go stale. And then

1 those people are effectively not able to
2 serve on other boards and volunteer in other
3 ways.

4 So that's where we are. As I noted in
5 what I read, it was 2004 when you established
6 the Planning Board. Your village established
7 subdivisions as their role. And with the
8 time that's gone by and seeing the history of
9 things, the board has been considering making
10 a change to streamline the process.

11 MAYOR RISCICA: First I think it's
12 important for the residents to understand
13 what is involved in evaluating a subdivision
14 request and what things like "as of right"
15 mean. What sort of criteria can the board
16 consider? Because I think that's very
17 important to the dialogue here.

18 We have an ARB, an Architectural Review
19 Board that's allowed a wide latitude of
20 judgment. This design would not fit within
21 our community and we want you to change it.
22 And we can argue back and forth about that.
23 But ultimately the independent residents on
24 that board bring their judgment led by a

1 really outstanding leader in -- a really
2 outstanding leader. And the community
3 benefits from that.

4 The Zoning Board gets to evaluate zoning
5 requests in light of the track record and
6 history that we have in the village in light
7 of the perhaps particular circumstances of
8 the individual family. They have
9 unexpectedly gotten triplets and they really
10 want to stay in the village and need to
11 expand the house. And perhaps that enters
12 into somebody's determination from the
13 standpoint of judgment and community input.

14 But Planning as I understand it, and I'm
15 not an attorney, Planning has an entirely
16 different set of rules and requirements that
17 I would like you to review. And I would like
18 you to review how those rules and
19 requirements sit with the members of the
20 Planning Board who have pressure from the
21 community and want to have an impact on the
22 Planning Board.

23 MR. PRIOR: Sure. The Planning Board
24 looks at a project, a proposed subdivision,

1 only when it is zoning compliant, either
2 because the property can be subdivided from
3 one into two theoretically because the
4 property itself once divided by two has
5 sufficient lot size frontage and lot area to
6 become subdivided without the need for
7 variances.

8 Or alternatively it comes to the Planning
9 Board -- a subdivision comes to the Planning
10 Board as legally compliant with zoning
11 because it already has obtained whatever
12 zoning variances might be required if, in
13 fact, subdividing one into two would create
14 one or more substandard lots.

15 MAYOR RISCICA: Let me stop you right
16 there for a second, Chris.

17 What are the chances -- and then, Ed, you
18 can weigh in on this also if you want. What
19 are the chances of someone who wants to
20 subdivide getting a variance out of our
21 Zoning Board?

22 MR. PRIOR: Well, that's a hard question
23 to answer.

24 MAYOR RISCICA: Does Ed want to weigh in

1 on this?

2 BUILDING INSPECTOR BUTT: I can. Sure.

3 Any time we get any kind of an
4 application that comes in, first thing we do
5 is look at it even on a preliminary basis
6 purely for zoning. The third -- the 12 years
7 I've been here, we've only had one case come
8 before the board or come to me with a two-lot
9 subdivision, which is the one that's most
10 recently been submitted and under
11 construction over at Summit.

12 If I can, the project -- the location and
13 all the requirements to meet a minor lot
14 coverage --

15 MAYOR RISCICA: But, Ed, my specific
16 question -- and I want you to get into all of
17 that when you have your presentation. My
18 specific question is counsel made the point
19 that the Planning Board only gets something
20 once it's either zoning compliant or has an
21 appropriate variance. And my question is:
22 What are the chances of our Zoning Board
23 issuing a variance to a property that it
24 knows would then go to subdivision?

1 BUILDING INSPECTOR BUTT: Slim and none.

2 MAYOR RISCICA: Slim and none would be my
3 guess because our Zoning Board, unlike our
4 Planning Board, can exercise different
5 judgments. And the Zoning Board would know
6 intuitively that subdivisions are not popular
7 in the village. And, therefore, they would
8 rarely, if ever, grant one. Our -- the
9 current membership of our Zoning Board would
10 probably not.

11 BUILDING INSPECTOR BUTT: Absolutely.
12 Absolutely.

13 MAYOR RISCICA: That's all that I wanted
14 at this point, but that's fine. But I want
15 you to get into some depth. Thank you.

16 Chris, go on please.

17 MR. PRIOR: So again the subdivision only
18 comes to the Planning Board when you got
19 something that's legally compliant, or in the
20 unlikely scenario that the Zoning Board
21 granted a variance to permit it to go forward
22 on a subdivision basis. The Zoning Board --
23 again remember as the mayor described before,
24 the Zoning Board is being asked by a property

1 owner to allow that property to be developed
2 in a way that it does not comply with our
3 zoning code. They're asking us to vary the
4 law so that they can do something that the
5 code doesn't permit. That gives that board
6 more discretion in terms of saying no than a
7 Planning Board has when it's faced with an
8 application for subdivision or partitioning
9 when there aren't any zoning issues.

10 A frequent consideration for Planning
11 Board members and the community -- I say this
12 practically -- it's a consideration as oppose
13 to the legal standards of consideration -- is
14 whether a subdivision on my block around the
15 corner in my community is going to impact
16 things from a population density standpoint.
17 There are too many people already in the
18 community or we have a proper balance. One
19 more or two more families or houses will be a
20 problem.

21 That comes up quite a bit, at least in
22 conversation from residents during
23 subdivision applications, which I hear in all
24 of the villages that I work with. But that

1 is not an issue that's ever before the
2 Planning Board. That's an issue that's first
3 before the trustees who determine what zoning
4 is in a community. When they establish the
5 size of lots, they're controlling density
6 that way.

7 It indirectly can come before a Zoning
8 Board if a Zoning Board is being asked to
9 grant variances that would permit, for
10 example, a subdivision where there's
11 inadequate lot size for a subdivision. But
12 the Planning Board, if it gets into that game
13 and decides to make decisions based on the
14 density of population, is going into an area
15 that it has no legal authority to regulate.
16 This is an impermissible reason for a
17 Planning Board to take an action.

18 So what does the Planning Board look at?
19 The New York State Village Law sets forth the
20 considerations that a Planning Board is
21 entitled to look at and should look at when
22 evaluating a subdivision application. It
23 looks at the following issues. Can the land
24 been used safely for building purposes? Can

1 that occur without danger to health? Can it
2 occur without peril to fire, flood, drainage
3 or other menace to neighboring properties of
4 the public health, safety and welfare?

5 The Planning Board can look at whether
6 flood hazards would be aggravated by a
7 proposed subdivision. They will see whether
8 the proposed subdivision conforms with the
9 village map and comprehensive plan. In our
10 village that's the zoning codes and the body
11 of decisions made by the Zoning Board and the
12 Planning Board.

13 Is there street frontage that satisfies
14 village code? Can the property be improved
15 in a way that's reasonably in conformity with
16 existing topography? Can it be approved by
17 -- with minimal effect on existing grading,
18 cut and filling so that we can retain natural
19 contours to the extent possible? Can we
20 limit stormwater runoff in this project? Can
21 we conserve natural ground cover and soil?

22 These are the considerations that the law
23 permits a Planning Board to look at. And one
24 thing that I've noticed over time is that

1 many of the issues that are before a Planning
2 Board can be addressed by applicant through
3 engineering. Sometimes it can be very
4 expensive engineering.

5 But lots of the issues before a Planning
6 Board can be addressed through engineering,
7 which is why a Planning Board which is
8 typically made up of lay persons, at least in
9 the context of engineering, they will have an
10 engineer in addition to the building
11 inspector guide them in their review of a
12 subdivision plan that's presented to them to
13 see if all the factors that I just described
14 can be dealt with -- and with issues of
15 egress and ingress into the property, the
16 ability of fire emergency vehicles to get to
17 the property, the availability of utilities,
18 water, sewer, waste disposal, slopes and
19 grading, preserving trees and natural growth
20 and the quality of the soil.

21 Again, these are factors that are before
22 the Planning Board. They're relevant.
23 They're actually required considerations for
24 the Planning Board. And there are things

1 that are engineering sensitive, building
2 department sensitive. And often Planning
3 Boards are best served by being guided by the
4 village engineer and the village's building
5 department.

6 When issues do come up before the
7 Planning Board -- again, you know, density is
8 not one of them. But when issues come up
9 about the feasibility of the soil, is it
10 stable enough or are the grades appropriate,
11 typically an applicant is going to come in
12 with its own engineer to make the case
13 because a -- somebody who owns a construction
14 company comes in and makes the case is not
15 really making the kind of points that the
16 Planning Board needs to hear.

17 So these sorts of topics, these issue
18 that are before a Planning Board, they're
19 dealt with by engineering experts on the
20 applicant's side, which are then also
21 addressed by an engineer that the village has
22 engaged for the project.

23 So one of the points that I'm trying to
24 make here is a lot of this is much more

1 objective and fact based. And whether it can
2 be resolved is a factual based answer, which
3 is different than a Zoning Board which has,
4 again, more discretion. Because each time
5 it's asked to grant a variance it's being
6 asked to lift the burden of the law off of a
7 property owner.

8 The Mayor made the point earlier with
9 respect to the village's Architectural Review
10 Board. That board too just by the nature of
11 its work is -- there is a more subjective
12 element in terms of aesthetics and design.
13 And it has its own code that's sort of built
14 in an element of subjectivity.

15 So those are the factors that the
16 Planning Board in your village must look at
17 in doing subdivisions. Those are the factors
18 that whatever board has the chore would have
19 to look at. And whatever board has the
20 chore, whether it's the Trustees or whether
21 the status quo is maintained and it's the
22 Planning Board, the heavy lifting -- I mean
23 the decisions are always the board's. But a
24 lot of the intelligence that the board gains

1 comes from experts who are working on these
2 applications both for the applicant and for
3 the village.

4 MAYOR RISCICA: So, Chris, let me ask two
5 things. One, to put it into specific relief
6 in a way that residents can understand. So
7 I'm on the Planning Board. I have a
8 subdivision in front of me. I don't like
9 subdivisions, okay. My neighbors don't like
10 subdivisions. I live in a 1,638 square foot
11 home on Winthrop Road and I don't want a 45-
12 or 4,800 square foot home near me. I don't
13 think we need one more family in this
14 community. And I'm not going to vote for
15 this. What's your reaction to that?

16 MR. PRIOR: I have a couple of reactions.
17 No. 1, if that sort of viewpoint that you
18 described is something that the Planning
19 Board member has before the application even
20 comes before him or her, that should
21 disqualify that Planning Board member hearing
22 the application. Because what you described
23 to me is a person who is not able to act
24 impartially on a subdivision application

1 before the -- before its -- before the
2 Planning Board, which is charged with dealing
3 with that stuff on an arbitrary -- on an
4 objective and not arbitrary basis.

5 MAYOR RISCICA: I want to be clear.

6 I'm not describing some, you know,
7 theoretical resident which is out of the
8 mainstream. I'm trying to describe a person
9 in a position to absorb community input and
10 express it into the planning process in a
11 good faith way. I'm not trying to describe
12 somebody who's not intelligent or
13 knowledgeable. I'm trying to describe
14 somebody who is absorbing the community input
15 and expressing it into the Planning Board
16 process. I just wanted to make that point
17 before you continue, but go on.

18 MR. PRIOR: Okay. And my answer is the
19 same. That person that you just described
20 with that value set should put themselves on
21 the Board of Trustees and make decisions on
22 density in the village, because you can't do
23 it through the Planning Board by denying a
24 subdivision application because you feel that

1 way or because your neighbors feel that way.

2 One of the issues I see with Planning
3 Boards in villages that I deal with all the
4 time is of a number of thankless jobs that
5 village residents can take on, I think a
6 Planning Board's job may be the most
7 thankless because I think a lot of people
8 feel the way you just described.

9 MAYOR RISCICA: I know. That's why I'm
10 describing it. Yeah.

11 MR. PRIOR: And they're welcome to feel
12 that way. And I understand it. And, you
13 know, I live on a block in a village and I
14 think it's quite fully developed. And I
15 would be upset if there was a subdivision on
16 my block. I don't think there any are that
17 are able to be legally subdivided right now.

18 MAYOR RISCICA: In the interest of time I
19 am going to interrupt you so we can kind of
20 move the meeting along. I'm sure the
21 residents want to speak. But in the interest
22 of time, what you just said is a very good
23 reason why the Board of Trustees should not
24 want this role --

1 MR. PRIOR: Yes. That's a good point.

2 MAYOR RISCICA: -- and doesn't want this
3 role.

4 MR. PRIOR: Yeah.

5 MAYOR RISCICA: In fact, some have
6 advised that it gives us deniability to let
7 the Planning Board approve the unpopular
8 subdivisions rather than us. So there are --
9 so there is a clear argument that the Board
10 of Trustees would not want this role. And
11 then I'm going to ask you the second
12 question. And it's a critical question.

13 The law requires because of what we just
14 discussed that the Planning Board members
15 regularly take training. Are you aware in
16 our village if our members on the Planning
17 Board regularly take required training? And
18 what is the village's reaction to that?

19 MR. PRIOR: I don't believe that the
20 village board members do take formal
21 training. The training that they take
22 essentially comes from me when we do meet.
23 And that's how the village has been basically
24 dealing with this rather than having --

1 MAYOR RISCICA: For the information of
2 the residents. In the last subdivision Chris
3 arranged, partly at my request a separate
4 executive session meeting of the Planning
5 Board -- 2 hours -- simply to review this
6 kind of information with the Planning Board
7 members since they normally don't deal with
8 subdivisions and they don't possess the
9 training.

10 And I would suggest that's the reason
11 that we're here. The Board of Trustees is
12 concerned about those two facts. And, Chris,
13 unless there's something else you want to
14 add, I would really love to hear from Ed
15 Butt, because I know he's personally involved
16 in this. And he's got his eye on the
17 horizon. And he knows what there is in the
18 village. And if you have something else to
19 say, I would love to hear it. If not I would
20 love to move on to Ed so we can move on to
21 the residents.

22 MR. PRIOR: Let's hear from Ed.

23 Thank you.

24 BUILDING INSPECTOR BUTT: Thank you.

1 MAYOR RISCICA: Mr. Butt, the floor is
2 yours. And I will just by way of
3 introduction say that the village is very
4 fortunate to have Edward Butt as our building
5 inspector. He is a very practical and
6 helpful guy. And he is a building inspector
7 for more than just our regular village. He
8 does Plandome Manor also. And he's a working
9 architect. So he does projects in the town
10 and other villages. So he has a great breath
11 of experience that we should all have great
12 respect for and are fortunate to have him.

13 BUILDING INSPECTOR BUTT: Thank you, Ken.
14 Good evening everyone.

15 I just wanted to, I guess, throw my two
16 cents into some of what's being proposed this
17 evening with respect to the removal of the
18 Planning Board. There are a couple of
19 factors in this. I've been the building
20 inspector here for about a dozen years now,
21 and we've really only had one case ever come
22 before this board.

23 The zoning in the Village of Plandome
24 Heights is rather restrictive in order to

1 build a subdivision or a second home because
2 we have some very restrictive issues, one of
3 which is 100 foot wide or 90 foot wide front
4 yard. That's very restrictive. A lot of our
5 older homes, especially in the Bournedales
6 and so forth are not that wide.

7 So there's a whole section of the
8 village, actually a substantial amount of the
9 village, to the point there's really only two
10 homes if you look at them just basically on a
11 map that could potentially be subdivided.
12 And even then those two would be somewhat
13 difficult in nature anyway and potentially
14 not make a lot of sense.

15 So, again, there is a reason for the
16 practice. Because a lot of people might have
17 even looked at these developers who know
18 every nook and cranny around here. They
19 realize these areas are not developable from
20 that case. The only thing is that a lot of
21 these developers that are coming in now,
22 they're looking at knockdowns. They're
23 looking to knock any house down, build a new
24 one. That kind of thing. Get about as big

1 of a home as they possibly can.

2 But we have a lot of restrictions in the
3 village. And because of that even some of
4 the newer homes that have been built in this
5 village have really been sort of
6 proportionally in keeping with the rest of
7 the village. I don't think we've really seen
8 anything that I would consider a monstrosity
9 in this village. Everything has been done in
10 respect.

11 And we have a very active, very critical
12 Architectural Review Board when it comes to
13 how they look at a lot of these buildings.
14 And, you know, I think when you think about
15 this, a lot of times in larger subdivisions
16 if you're looking at 10-, 12-lot subdivisions
17 that I've been a part of in the past, they
18 start to talk about the architecture and
19 things like that. But you have an
20 Architectural Review Board. A lot of the
21 towns don't.

22 So one of the duties -- and I think Chris
23 can chime in on that as well -- is in the
24 larger projects sort of in North Hempstead

1 you will see some comments from the Planning
2 Commission, but they don't even have an
3 actual hearing, a Planning Board, but a
4 Planning Commission that might offer some
5 suggestions about designs and things of that
6 nature. But we have an Architectural Review
7 Board. So we actually spend a lot of time on
8 these new houses, hours of time in here
9 discussing how these buildings should look.

10 Other than that, I mean when it comes to
11 zoning and it comes to a subdivision it's,
12 you know, it can be built or it can't be
13 built. And if it can and it can meet all the
14 criteria that Chris spoke about before as far
15 as what needs to be reviewed -- you know,
16 this is not like we have a -- it's not a very
17 difficult bar for those criteria to be met
18 and set a trap as far as traffic and ingress
19 and egress. But again it's all sort of
20 controlled by the Architectural Review Board.

21 That being said, I just think it's a
22 large burden to be asked to be around for
23 something that may not happen for years
24 again. And I think that it certainly can be

1 handled within the confines of what we have
2 as an Architectural Review Board because that
3 would have to go before the Architectural
4 Review Board.

5 And like I said prior, if it's something
6 that would need a variance, I just can't
7 imagine that the Zoning Board would actually
8 allow something like that to happen. And
9 again, you know, a lot of these things,
10 everything is publicly noticed. It's all out
11 there. Someone is -- and I'm sure, you know,
12 we can get the word out if there's somebody
13 that concerned about anything like that.
14 That's why we have these public forums: both
15 Architectural Review Boards and BZA.

16 So I really think that the -- there's no
17 lack of control by not having a Planning
18 Board in place in this village for what the
19 purposes are in the future of what is about
20 to happen.

21 MAYOR RISCICA: So, Ed, thank you for
22 that. And I would remind you that in the one
23 subdivision that we looked at in the last 20
24 years, one of the issues that the residents

1 had -- and it's an appropriate concern. I
2 shared it when I heard it, which is why I
3 asked for the study. And that is if we
4 approve one we're opening the floodgates for
5 subdivisions.

6 So I asked you to do a study. I asked
7 the building department, you and your people,
8 to do a study of properties in the village
9 that could be subdivided without a variance,
10 which we now agree is unlikely to something.
11 And maybe it would be helpful if you shared
12 with the board what that is, what the results
13 of that was.

14 BUILDING INSPECTOR BUTT: Yeah. I went
15 through them all. And -- there are actually
16 only two properties that can be subdivided.
17 I don't know if I need to describe where they
18 are or anything. But they're both on --
19 they're both -- have access from Plandome
20 Road, which presents a whole other case too.
21 Because anything you do on Plandome Road
22 would require approval from the county in
23 addition to that. And that's a very large
24 undertaking as well.

1 But even if that's the case, it's only --
2 it would be those two homes that are on that
3 area. I think they're over on Plandome Court
4 side. But again it would require knocking
5 down another home. You wouldn't be able to
6 keep it. You would have to do some major
7 work to the project -- to the property. And
8 I just don't think it's in a real desirable
9 spot. So -- so, you know, it's really --

10 MAYOR RISCICA: And I would add to what
11 Ed said. There's actually four. There's
12 actually four properties that are eligible.
13 One is the Shelter Rock Church, which is
14 highly unlikely to change its profile from a
15 church. And the second is one of the -- that
16 beautiful Duke house that you see as you
17 enter Plandome Court from the north. And
18 that is a magnificent historical
19 architecturally beautiful home with a
20 separate grandfathered-in carriage house that
21 served as an apartment. It is highly
22 unlikely that would ever -- that someone
23 would tear that house down and subdivide
24 that. So that only leaves two of the four

1 that would be available.

2 So in our village's future two of the
3 four available subdivisions -- properties
4 that are available to subdivide legally will
5 come up at some time or may come up at some
6 time. And they both legally meet the
7 requirements on the face of it. So that's in
8 the village's future one way or another.

9 And, Ed, did you have anything else that
10 you wanted to add?

11 BUILDING INSPECTOR BUTT: That's really
12 it. If anybody has any questions --

13 MAYOR RISCICA: I have a question for
14 you.

15 You do projects in the town. What --
16 does the town have a Planning Board for
17 subdivisions or the --

18 BUILDING INSPECTOR BUTT: The town does
19 not have a Planning Board for subdivisions or
20 even changes in use. It actually all goes
21 through the Board of Zoning and Appeals.

22 MAYOR RISCICA: So correct me if I'm
23 wrong --

24 MR. PRIOR: Subdivisions in

1 unincorporated areas of the town, both North
2 Hempstead, Hempstead and Oyster Bay, they go
3 -- they also go through the Nassau County
4 Planning Commission, Zoning Board for
5 whatever -- Zoning Boards like this. But the
6 Nassau County Planning Commission handles the
7 subdivisions in unincorporated areas.

8 MAYOR RISCICA: Are they actively
9 involved in the subdivision decision?

10 MR. PRIOR: There are hearings before the
11 Nassau County Planning Commission. They meet
12 I think -- is it twice a month, Ed?

13 BUILDING INSPECTOR BUTT: It is. But on
14 a double lot, on a two-lot subdivision
15 usually we -- a lot of times they will defer
16 back to the town's Planning Board.

17 MR. PRIOR: They will waive jurisdiction?

18 BUILDING INSPECTOR BUTT: They'll waive
19 jurisdiction. Yeah. They almost always
20 waive jurisdiction.

21 MAYOR RISCICA: Ed tells me that he's
22 doing one right now. And the oversight is
23 limited to the Building Department. And I
24 think there is a cutoff of over four units

1 and four units and under. But, yes. And I
2 think that's the procedure, for four units
3 and under.

4 MR. PRIOR: Four or fewer is called a
5 minor subdivision under the county.

6 BUILDING INSPECTOR BUTT: Right.

7 MAYOR RISCICA: And we couldn't have a
8 major subdivision in our village. There's
9 just no plot of land like that. So for all
10 intents and purposes the Town of North
11 Hempstead has no independent Planning Board
12 for the types of subdivisions that we -- that
13 would exist in our village. Is that a true
14 statement?

15 MR. PRIOR: Yes.

16 BUILDING INSPECTOR BUTT: That's correct.

17 MAYOR RISCICA: All right. If there's
18 nothing else to add there, then I would like
19 to open very briefly to the trustees if they
20 have any comments. And I would like to start
21 with Norman, because Norman took it on his
22 own initiative to identify villages that
23 don't have a Planning Board right in our
24 backyard.

1 Norman, did you want to comment on that?

2 TRUSTEE TAYLOR: Well, the only comment I
3 made was -- by looking up the villages and
4 noting that quite a few of the surrounding
5 villages that are right next to ours do not
6 have Planning Board. But also the fact -- I
7 think it's also important. We don't have any
8 commercial property in our village. And I
9 think that plays into it a little bit. These
10 other villages that don't have Planning
11 Boards, a lot of them do a substantial amount
12 of commercial property.

13 And I think basically the lawyer and the
14 building inspector have basically covered
15 everything very thoughtfully. And I have
16 nothing more to add to that.

17 MAYOR RISCICA: Can you see what's on the
18 screen, Norm? Is this the list of villages?

19 TRUSTEE TAYLOR: Yes.

20 MAYOR RISCICA: Okay. And we have Katie
21 went on to go -- actually go into their
22 village code to see -- to see what they do
23 and how they describe it. And village after
24 village legally has their Board of Trustees

1 serve as the Planning Board. It takes
2 different forms. And you can certainly read
3 this right off of our website. But village
4 after village is -- does exactly what we are
5 suggesting to the residents. So I just
6 wanted to point that out.

7 Any of the other trustees have anything
8 that they want to bring up? Dan.

9 TRUSTEE CATALDO: No further comments at
10 this point. I think everything has been
11 raised.

12 MAYOR RISCICA: Al.

13 TRUSTEE SOLOMON: Nothing.

14 MAYOR RISCICA: Diane.

15 TRUSTEE SHEEHAN: I'm in total agreement
16 with what Ed Butt has said. So at this time
17 right now, no. I have nothing to add.

18 MAYOR RISCICA: Aida.

19 TRUSTEE FERMAN: I'm fine. There's
20 nothing to say.

21 MAYOR RISCICA: Gus.

22 TRUSTEE PANOPOULOS: I'm fine also.

23 MAYOR RISCICA: Did I leave anybody out?

24 TRUSTEE SHEEHAN: No.

1 MAYOR RISCICA: Okay. So I want to
2 quickly, just to introduce them into the
3 record, go through -- you know, one of the
4 duties of the Planning Board process -- I'm
5 sorry. The public hearing process is we hear
6 from you. We hear from you in this setting.
7 And we hear from you because the record is
8 open for your input before and after the
9 meeting. Send us email. Send us hate mail.
10 Send us love mail. Send whatever you want to
11 send us. If you have a point of view, we're
12 anxious to see it. And frankly we learn a
13 lot from it.

14 So we got this from Mayor Merenda over
15 the weekend, which you may have seen on our
16 website. We got this from Judy Taylor last
17 week, which you may have seen on our website.
18 We have been popular in The Manhasset Times.
19 Rose is here with us on this call.

20 And I will point out that the Planning
21 Board president, Chairman of the board, Jim
22 Madison, who I've spoken to extensively over
23 time, he is not here because he's -- as the
24 article says is in full agreement with this.

1 Bart objected to the time of the meeting.
2 And the civic association sent us a fairly
3 detailed and thoughtful expression of their
4 point of view that the board should not be
5 disbanded.

6 And the crux of that point of view is
7 that an independent board has inherent value
8 on its own and should be preserved. And we
9 got another email from Mayor Merenda. And
10 I'm having trouble getting back to my page.
11 Okay. And we had another quote from Jim
12 Madison in The Manhasset Times. Same quote
13 actually. So that's available.

14 John Jeffrey and I had an email exchange.
15 Really I appreciate John's taking the time to
16 do that because he challenged me. And he
17 challenged me hard. And he made me think.
18 And I enjoyed responding to him. And John
19 and Mrs. Endrizzi both encouraged me to put
20 more information out, that there was not
21 sufficient information out. And I appreciate
22 that guidance also because I did try to
23 respond to that. Maybe I haven't succeeded,
24 but I have certainly done my best.

1 So I appreciate John and Mrs. Endrizzi
2 making the suggestions. Here is from Dennis
3 Sears. Arlene, you can log Dennis in. He
4 joined the meeting while counsel was
5 speaking.

6 So we're up to -- I'm going to stop the
7 screen share. And we're up to resident
8 inputs. Again we have 31 participants on the
9 call, so we're going to start out by limiting
10 the time for resident comments to 3 minutes.
11 And I will gladly liberally expand that if
12 there's not 31 people that want to make
13 comments. But if there are, we will be here
14 forever if we don't limit it.

15 So you can raise your hand, and I will
16 call on you in the order that I see them.
17 And I look forward to your comments.

18 CLERK-TREASURER DRUCKER: I see
19 Rosemary's hand.

20 MAYOR RISCICA: I see Camillo raising his
21 hand. So he doesn't -- okay. So I'm going
22 to ask him to unmute. And then I will go to
23 Rosemary because I saw Mr. Camillo first. So
24 folks aren't comfortable with the hand raise

1 feature, but we'll review that again.

2 But Mr. Camillo, we're happy to hear your
3 comments.

4 MR. CAMILLO: Well, thank you very much
5 again. My name is John Camillo. I reside at
6 66 Shore Road in the village.

7 First of all, I would like to thank you
8 and the members of the board for bringing
9 this issue to our attention. I think it is
10 an important issue. I've kind of read all
11 the comments that have been submitted thus
12 far. And I think there are good points that
13 have been raised on both sides of the issue.

14 But I have a simple question, one that
15 might offer a possible solution to the issue.
16 Has any consideration been given to
17 incorporate the functions of the Planning
18 Board into either the Board of Zoning Appeals
19 or the Architectural Review Board which would
20 maintain the independence of the issue and
21 incorporate it into another separate
22 committee or limited Planning Board
23 committee?

24 MAYOR RISCICA: It's John?

1 MR. CAMILLO: John. Yes.

2 MAYOR RISCICA: All right, John. I think
3 that's a good suggestion. I think that's
4 something we can think about. If I were a
5 member of the ARB or the BZA, I probably
6 wouldn't want this burden. As a member of
7 the Board of Trustees I'm not sure I want it.
8 But I'm not sure that they would want this
9 burden. But we will look at that.

10 And what we saw in some of the other
11 villages is they had advisory boards. And
12 they had other ways to deal with this issue
13 that we have never considered. So we have
14 information on thinking about doing other
15 configurations that we have to digest. And
16 we'll include that one as one of them.

17 Thank you.

18 MR. CAMILLO: Thank you very much.
19 Appreciate it.

20 MAYOR RISCICA: Thank you.

21 Rosemary, I promised that you're next.

22 So I have to first find you. Okay.

23 Rosemary, you're right there. Okay. So I'm
24 asking to unmute.

1 And Rosemary, thanks for driving the
2 crowd. We have a lot of interest here.

3 MS. MASCALI: Well, I also want to repeat
4 that I want to thank you for all of the
5 information and the presentations today. I
6 found the presentations by yourself and the
7 lawyer and the building inspector very
8 informative and helpful. So I thank you for
9 that. I also just want to make a comment
10 that we from the civic association -- by the
11 way, Rosemary Mascali. 36 Bournedale Road
12 South. I should have identified myself. I'm
13 sorry.

14 But we at the civic were concerned at the
15 beginning of this because we felt at the
16 beginning we kind of heard about it within
17 plenty of time for this public hearing, but
18 we felt this was an important decision and
19 didn't really understand why it was happening
20 in the middle of the winter in the middle of
21 a pandemic.

22 So I feel that the -- the village is now
23 fully informed that this is going on. You're
24 sharing a lot of information. And discussion

1 of the pros and cons is happening, which is
2 what we really wanted most of all, which is
3 to make sure that this was been being done
4 thoughtfully and not, you know, in a rush. I
5 also realize that there's only a couple of
6 properties in Plandome Heights that will be
7 affected by a Planning Board because we are
8 mostly built out.

9 But what occurred to me is every piece of
10 property in this village since 1929 had the
11 benefit of, you know, being -- having an
12 independent organization. It was mentioned
13 that the Planning Board was put in place in
14 2004, but I think that was just when
15 codification was done. And that was the
16 date. I think the Planning Board, from what
17 I can tell, has been in existence since the
18 beginning of the village. I'm not sure about
19 that. So I said but for those two properties
20 and the neighbors around those properties,
21 you know, maybe they should benefit from
22 having an independent board as well.

23 We also checked with Plandome and
24 Plandome Manor. We feel strongly about an

1 independent Planning Board and --

2 CLERK-TREASURER DRUCKER: You're at 2
3 minutes.

4 MS. MASCALI: Just one more point was
5 that it's not just our properties. But when
6 something adjacent to us which is -- which
7 would be Plandome comes up, that we comment
8 on that as part of the Planning Board as
9 well. And they choose to have an independent
10 board, having an independent -- I guess would
11 be consistent with that.

12 I made a lot of, you know, the other
13 points from the various input we got from our
14 civil members in the loan documents, so I
15 won't go into repeating all of that. But
16 those were my major points.

17 MAYOR RISCICA: Great. And, you know, I
18 want to say a couple of things, Rosemary. I
19 want to say once again thanks for driving
20 people out. And I take responsibility for
21 the fact that I've communicated with the
22 village better than I did on this one. And
23 my intention -- and I told the board this in
24 September and October when we were talking

1 about it. My intention was to put out a
2 winter newsletter introducing the topic over
3 the Christmas holiday. And frankly I got
4 COVID lazy because one day runs into another
5 and I just never wrote it.

6 And when I spoke to Mrs. Endrizzi who is
7 an important voice in the village and then
8 when I spoke to John Jeffrey, they pretty
9 much took me to task, that I usually give the
10 village more information and more knowledge.
11 And I really ought to patch that up. And
12 I've done that. And it was never any
13 intention to do anything otherwise. And
14 frankly we were surprised by there being any
15 opposition or even interest in the issue.
16 But that's fine. I normally communicate a
17 little more proactively than I did this time.
18 And I've tried to catch that up. And I had
19 one other point, but I forgot it.

20 MS. MASCALI: By the way, Mary is not
21 feeling well. That's why she couldn't be on
22 the call today.

23 MAYOR RISCICA: I hope that she feels
24 better.

1 Okay. The next hand that I see is
2 Hillary Haber. So, Hillary, I will ask you
3 to unmute and go right ahead.

4 MS. HABER: First of all, I would like to
5 thank you all for all of your hard work and
6 efforts that I see. You have all put in a
7 lot of time and study into this matter. My
8 concern here or just question is I feel out
9 of the pros that have been discussed of
10 merging or having the trustees take over the
11 job of the Planning Board, what are the cons
12 of that? None of that was mentioned at all,
13 to play devil's advocate.

14 MAYOR RISCICA: And that's fine, Hillary.
15 And we can have a little back and forth.

16 The suggestion was made that an
17 independent board brings a certain
18 independence that is desirable. The ARB and
19 BZA make decisions. They don't discuss it
20 with us. I mean, if I hear about something
21 that the residents are concerned about, I may
22 talk to a member or one of the board members
23 and just find out what's going on. But we
24 really have no say or no input. In the

1 Planning Board the matters are so few and
2 they're so large that we hear about it
3 anyway.

4 I'm not responsible for the court. I'm
5 not a responsible for the building
6 department. I'm not responsible for the ARB
7 or the BZA. But I'm the mayor. And I hear
8 about it. And the buck stops here. So this
9 is an area where, you know, we do hear about
10 it. And the key issue is independence.

11 And the question is, you know, what does
12 that -- you know, what is the critical
13 requirement here for independence? We know
14 what's going to come before the board. Two
15 subdivisions over time are all that's really
16 available unless the Zoning Board gets
17 generous, which is an independent board. And
18 I don't think that they would do that. But
19 that's up to them. So there's only two items
20 ahead of us. We know where they are, what
21 intentions are there.

22 And I do remember my point on Rosemary.
23 She brought up the concurrent jurisdiction.
24 And we have very limited latitude on the

1 concurrent jurisdictions also. We were very
2 successful in the one or two that did come
3 up. The Planning Board was insisting on
4 landscaping that mitigated the issue a little
5 bit. So we did play an important role in
6 that. Is that necessary to be independent,
7 or can that be done by the trustees? And how
8 do you manage a stable of seven volunteers in
9 a village our size?

10 So I'm happy to entertain anyone that
11 wants to list to me the advantages of it.
12 Because quite frankly I'm not looking for
13 more work. But I -- you know, I'm not the
14 right one to ask that. And Roseann is
15 raising her hand. So unless Hillary --

16 MS. HABER: One more comment.

17 MAYOR RISCICA: Go ahead.

18 MS. HABER: Just that I have -- as a
19 27-year member of the village I am happy to
20 volunteer any time that might be needed of
21 me, as it was stated in the bill that there
22 were difficulties perhaps in getting
23 volunteers. I just wanted to say whether it
24 be on the Planning Board or anything else, I

1 am happy to be a volunteer as a long-time
2 member of this village.

3 MAYOR RISCICA: Hillary, I just wrote
4 your name down.

5 MS. HABER: Sounds good.

6 MAYOR RISCICA: Okay. I'm going to go
7 move on to Roxanne. Roxanne is a member of
8 the board -- the Planning Board. So I'm
9 anxious to hear from Roxanne.

10 Roxanne, you have to -- I'm asking you to
11 unmute. You have to agree to that, because
12 otherwise we can't hear you.

13 MS. FITZIG: Okay. Roxanne Fitzig. 70
14 Bournedale Road South.

15 Well, the only member -- as a former
16 member of the Planning Board I was really
17 very disappointed the way you handled this,
18 Ken, and because I was dismissed from the
19 board before we had a hearing. And also I
20 want to say that I think you think very
21 poorly of all the members, that most of them
22 were in the -- were in the board by thinking
23 that we are incapable of following
24 instructions or thinking independently from

1 the rest of the other people. We ask only
2 questions. We were doing our due diligence
3 to find out exactly what was going on.

4 I also feel that getting volunteers has
5 never been a problem. One of the reasons I
6 went to this board is because I knew that I
7 could only do -- be called just a couple of
8 times in a couple of years. I've been on the
9 board for over 20 years. And I was called
10 only four times. So to me and other
11 volunteers, that will be good because I knew
12 what I was getting into it.

13 The other thing that you mentioned that
14 it's going to cost too much to the village,
15 we have to get engineers and the lawyers.
16 The people on the board, the trustees, will
17 also be asking the same question. So I don't
18 see why there would be more money to this.

19 And my third point is I think there could
20 be a conflict of interest by having people on
21 the board, that they are land developers or
22 that they are real estate people.

23 And with that I will say that you have
24 done always a good job. But this time I

1 think you missed the point. I'm also very
2 disappointed -- and I don't think Planning
3 Board members -- former members are not here.
4 And I don't know if it's because they
5 couldn't get in or whatever the problem is.

6 That's all that I wanted to say.

7 MAYOR RISCICA: Roxanne, let me answer
8 you very directly. And I appreciate your
9 forthrightness in saying what you just said.
10 I'm sure that wasn't particularly fun for
11 you.

12 In the first place I want to apologize
13 for the communication that I sent to the
14 members of the Planning Board. I tried to
15 send a message -- send a communication with
16 one message, but a different message was
17 received. And that's my fault. And I accept
18 the blame for that.

19 I've gone back and read it because of the
20 letter that the civic sent. I went back and
21 read my communication to you. What do they
22 mean? What I -- the timeline unfolded here
23 by the board setting the meeting. I hadn't
24 sent out a communication. The clock is

1 running. And I need you to know. Move
2 quickly.

3 So my first call was to Mrs. Endrizzi, a
4 long-serving member of the Planning Board and
5 someone whose opinion I value greatly,
6 because I didn't want her to read the legal
7 notice in the paper. And my second call was
8 to the Planning Board Chairman, Jim Madison,
9 because I didn't want him to read it in the
10 paper. And I just didn't have time to call
11 every member.

12 So I prepared an email that was intended
13 to tell you that we were planning to move
14 forward on an item we had discussed before,
15 which was the merging of the Planning Board
16 into the Board of Trustees. I've gone back
17 and re-read that. And I understand that you
18 read that as we disbanded the board. That is
19 just not true.

20 That can't be done without a public
21 hearing, a local law, an agreement of the
22 trustees. And you are not removed from the
23 board. You are a member of the Planning
24 Board, as are the other members. So -- and

1 that's not your fault in misunderstanding.

2 I went back and read what I wrote. And
3 it was not the message that I meant to send,
4 which is we're putting this idea forward.
5 You heard from me and not read it in the
6 paper. And that came across as, thank you
7 for your service and have a nice day. That
8 was not the message.

9 No. 2. I want to be very clear with you,
10 you know, man to man, if you will. I think
11 very highly of Roxanne Fitzig. I know you as
12 somebody who is a long-term resident and who
13 cares deeply about the village. And I've
14 seen you in action on the Planning Board
15 caring deeply about the community. And I
16 would say there are better venues in the
17 village for you to serve than one that is as
18 frustrating as the Planning Board.

19 That's what I would say. But I have no
20 disappointment in your competence or your
21 caring. In fact, I think very highly of you,
22 Roxanne. And that's what I would say. And
23 perhaps that's not enough at this point. But
24 I feel the way I feel about the Planning

1 Board and I don't apologize.

2 TRUSTEE SHEEHAN: Can I say something?

3 Roxanne, when -- first of all, I've been
4 a trustee for 5, almost 6 years now. And
5 there's been one Planning Board issue since
6 I've been a trustee. And Chris Prior attends
7 99 percent of our monthly meetings. And we
8 meet monthly. And sometimes we talk more
9 than monthly as a -- as a board.

10 We are informed -- I'm not saying
11 anything. I know that you had that Planning
12 Board. But we're informed of everything that
13 the Planning Board in this particular case
14 everything that was going on. I felt like I
15 was on the Planning Board with you at that
16 time. Maybe not agreeing with some of the
17 decisions, but I felt like I was there.

18 So I'm not saying that this is something
19 that I'm gladly accepting. But it's happens
20 so rarely. And we were informed so much of
21 every event, that that's why I'm willing --
22 if it happens this way I'm willing to take it
23 on, even though it's just another pain in the
24 neck.

1 So I just wanted to share that with you.

2 MAYOR RISCICA: I want to give Roxanne
3 back her time and ask her if you have
4 anything else to say. I apologize if I
5 offended you. Believe me. The last person
6 in the world I want to offend is Roxanne
7 Fitzig.

8 MS. FITZIG: What do I -- it's okay. You
9 know you don't have to apologize, Ken.

10 MAYOR RISCICA: Well, I've re-read my
11 email. It sounds like I dismissed you.
12 That's what --

13 MS. FITZIG: But in effect you did. You
14 said the board is dismissed. But, look, I'm
15 not offended. You came to this conclusion.
16 And you decided. You want to do this. It's
17 just that you didn't handle it right. But
18 maybe we should have an advisory committee so
19 that people feel that we as members of the
20 community, we also have a say. The board,
21 the trustees had elected to nominate -- the
22 people on the Planning Board are nominated by
23 the Mayor. So I mean, you change those
24 things. The nomination again.

1 But I think having a second or third
2 committee or board advisory role would give
3 more -- would care more about the community
4 and be able to say something that the
5 trustees are not completely doing all the
6 paperwork, looking at the plans or following
7 the -- what other people in the community are
8 saying that is happening, you know, is going
9 to be happening when a subdivision is done.

10 MAYOR RISCICA: And that's fine. And I
11 will add that to the options that John
12 Camillo suggested as something that we need
13 to consider. I think that's a -- I see other
14 villages doing that. I think Flower Hill is
15 going to do that. I talked to their mayor.
16 And I see that as something that we need to
17 consider. So thanks for bringing that up.

18 MS. FITZIG: Thank you.

19 MAYOR RISCICA: Okay. We have another
20 hand raised. This time it's Laurence Haber.
21 So I will ask you, Laurence, to unmute
22 yourself.

23 MR. HABER: Can you hear me okay?

24 MAYOR RISCICA: Yes.

1 MR. HABER: Laurence, L-A-U-R-E-N-C-E.
2 Haber, H-A-B-E-R. I sent a message to the
3 group. Who determines if a variance is
4 allowed or not if it's not a right?

5 MAYOR RISCICA: The building inspector is
6 actively involved in looking at what the
7 variance is. Is it a nominal variance? Is
8 it an egregious variance? How does it relate
9 to other variances that we've granted? And
10 if it's something that he thinks our Planning
11 Board won't approve, he will frankly counsel
12 the applicants and tell them this isn't going
13 to see the light of day, you might want to
14 change it, or you can have your meeting.

15 MR. HABER: Who has the authority to
16 approve it?

17 MAYOR RISCICA: I'm getting there,
18 Laurence.

19 And then the matter goes to the Zoning
20 Board. And the Zoning Board has the sole
21 authority to do that. They don't ask my
22 permission. They don't even tell me they did
23 it.

24 MR. HABER: That's a totally different

1 board?

2 MAYOR RISCICA: Totally different
3 independent board, yes. And they're very
4 active. They meet at least five times a
5 year. And they're knowledgeable because they
6 have experience in regular activities. So
7 they have a different experience in dealing
8 with matters. And Gene O'Conmor who runs the
9 board has been on the board since the flood.

10 MR. HABER: Who decides on the board's
11 dissolution?

12 MAYOR RISCICA: Which board? The
13 Planning Board?

14 MR. HABER: The Planning Board. Who will
15 decide on that?

16 MAYOR RISCICA: That's a decision for the
17 Board of Trustees.

18 MR. HABER: And the mayor is included in
19 the Board of Trustees?

20 MAYOR RISCICA: Yes.

21 MR. HABER: And how many people are in
22 the Boad of Trustees?

23 MAYOR RISCICA: Seven.

24 MR. HABER: Seven.

1 And it's a majority vote, I guess?

2 MAYOR RISCICA: Yes.

3 MR. HABER: I'm sorry. I'm sorry. Mr.
4 Butt may know this. I apologize for
5 bothering everyone else. But we know there
6 was the two Summit decisions. And at the end
7 of Summit I heard rumors that there might be
8 another division.

9 BUILDING INSPECTOR BUTT: Not without a
10 zoning variance, because the lot width isn't
11 wide enough to be able to be compliant.

12 MR. HABER: So that would require a
13 variance --

14 BUILDING INSPECTOR BUTT: Yes, it would.

15 MR. HABER: -- by the Zoning Board?

16 BUILDING INSPECTOR BUTT: Yes.

17 MR. HABER: And is that up for discussion
18 now or is that --

19 BUILDING INSPECTOR BUTT: I haven't seen
20 anything presented to me regarding that lot.

21 MR. HABER: So there's no one asking for
22 that as far as you know?

23 BUILDING INSPECTOR BUTT: Not even a
24 question.

1 MR. HABER: All right. Thank you.

2 BUILDING INSPECTOR BUTT: No problem.

3 MAYOR RISCICA: Okay. I see George
4 McCarthy has a question.

5 So, George, I will ask you to unmute
6 yourself.

7 MR. MCCARTHY: Yes. Hi, Ken. Thank you
8 for the thorough meeting tonight.

9 I want to just go back to the other
10 subdivision meeting, just understand. There
11 were old members on that Planning Board. At
12 the beginning of that hearing there were old
13 members that were on. And then there was new
14 members that were put on. Can you go through
15 that process of how that occurred, why it
16 occurred?

17 And also I had actually never really seen
18 a mayor be at every single one of those
19 meetings. There's no other meetings that you
20 -- I've never seen you out at except for
21 those Planning Board meetings. So those were
22 my questions to you.

23 And then the general question is that
24 we've brought up all these other villages.

1 How many villages have one zone? And I don't
2 really know of any other villages that just
3 have one zone. We have the one residential
4 zone which obviously does not -- it's -- you
5 know, we have a smorgasbord of property. We
6 have all different kinds of shapes and sizes.
7 For the most part they're standard over at
8 the Bournedales.

9 But how many of those villages that we
10 described have just one zone? And would
11 having just one zone, would that present
12 problems, let's say, for Planning if, let's
13 say, Planning -- if land became so valuable
14 in this village that there would have to be a
15 partitioning? Let's say somebody bought a
16 few of the lesser price homes and wanted to
17 put up and wanted to repartition, which would
18 also be a function of a Planning Board, you
19 know, three or four of the homes and then put
20 up two or three luxury size homes. So that
21 could be something that could happen outside
22 of the realm of what's as of right as well.

23 So those are my sort of three things that
24 I -- I wanted to understand though about the

1 process that happened at the beginning of
2 people being taken off the board and being
3 put on the board at the beginning of this
4 last --

5 CLERK-TREASURER DRUCKER: You're at 2
6 minutes.

7 MR. MCCARTHY: Thank you.

8 MAYOR RISCICA: Arlene, that's very
9 interrupting because he thinks you're saying
10 3 minutes and he's cutting himself off and he
11 still has another minute.

12 Were you finished, George?

13 MR. MCCARTHY: Yeah. I'm okay.

14 MAYOR RISCICA: Let me ask answer your
15 question quite specifically.

16 Mrs. Endrizzi was on the Planning Board
17 and resigned. I don't know if it was 2014,
18 2015, 2016. Somewhere in that range she
19 resigned. And that resignation triggered a
20 discussion at the time because we were having
21 trouble filling other spots in other places.
22 And we have a Planning Board that has no
23 activity before it. So we decided that -- a
24 deliberate decision that we would not fill

1 Maryann Endrizzi's empty seat, okay.

2 So we started out with a vacancy. In
3 addition we had two vacancies in the
4 alternates. So we had three vacancies in a
5 seven-member board. And lastly we had one
6 member whose term was up on April 1st. And
7 her term was not renewed. So that's four
8 openings on a seven-member board.

9 So this board, me as mayor who appoints
10 and the board who ratifies, had to scramble
11 to put four new members in place. But no one
12 was removed. No one was removed. We had a
13 vacancy. We had an expiration of a term. We
14 had two open alternates. That's what
15 happened.

16 And what was your second question?

17 MR. MCCARTHY: Well, I was just wondering
18 why you attended every single meeting.

19 MAYOR RISCICA: Okay. Why I attended
20 every meeting. I attended every meeting
21 because the village attorney told me as mayor
22 that there were issues that -- going on that
23 warranted my attention. And I think it would
24 have been -- I would have been derelict as

1 mayor if I didn't attend. And so I attended.
2 I agree with you it's unusual. I almost
3 never attend board meetings. But I attended
4 because of issues that I was sensitized to by
5 the village's attorney.

6 And on your third question about single
7 zone, you know, if Ed or Chris wants to weigh
8 in on that, I have no knowledge on that.

9 BUILDING INSPECTOR BUTT: I am happy to
10 answer that.

11 Just so you know -- the good thing about
12 it is that the one zone that we have, because
13 it is one zone, it's very restrictive. It
14 actually probably nullifies and creates
15 probably almost 50 percent of the homes as
16 nonconforming the way they currently are.
17 That being said, it really creates in most
18 cases a lot of times people want to put
19 additions on the home, they do have to go
20 before the Zoning Board. And the Zoning
21 Board is relatively active for that reason.

22 So there's not a lot that can be done in
23 this village for the most part with -- in
24 most areas without having to have some Zoning

1 Board involvement or being able to be very
2 restrictive to what they can and cannot do
3 based on that single-zone requirement.

4 MR. MCCARTHY: With regards to people
5 going on and off the board with regard to the
6 vacancies, why was it that in keeping with
7 the beginning of that meeting we had -- we
8 had certain people that were on? Wouldn't it
9 have been a little bit more smoother if you
10 had kept the people that were on the board to
11 continue on for the continuity and the
12 independence point of view than to introduce
13 new people at the beginning of that meeting?

14 MAYOR RISCICA: There was nobody removed
15 from the board. One person's term was up.
16 And it's a 5-year term. It's not -- it's a
17 5-year appointment. It's not an appointment
18 until the end of this matter. It's a 5-year
19 appointment. And that's all that I'm going
20 to say about that. I'm not going to talk
21 about personnel matters. I appoint and
22 people -- and the board has to ratify.
23 And --

24 MR. MCCARTHY: I'm trying to understand

1 the independence of the board in the past
2 and, you know, how things would be
3 independent in the future. I'm concerned
4 about the independence. And --

5 MAYOR RISCICA: I understand that. But
6 you're asking me to get into the specifics
7 that get down to personnel matters. And I'm
8 not going to discuss that. That's not an
9 appropriate thing to discuss in the public.

10 And I would ask Chris to weigh in.

11 MR. PRIOR: Yeah. The topic for this
12 public hearing tonight is whether or not we
13 are going to transition the function of the
14 Planning Board to the Board of Trustees.
15 That's the topic. So getting into specifics
16 on who served when, I don't see that as being
17 relevant to -- I hear Chuck's point as to how
18 it is relevant.

19 But here is what "independence" means.
20 It means that the Mayor, with the consent of
21 the trustees, appoints somebody to the board,
22 one person every 5 years who serves a 5-year
23 term. The person is independently sitting in
24 that board and able to make decisions in that

1 function without worrying about a
2 re-appointment the following year. That's
3 what "independence" is. That's why it
4 exists. But that's about all that I have to
5 say on that.

6 MR. MCCARTHY: My first two questions had
7 to do with, you know, the presence of the
8 Mayor there and the independence of the
9 people that are on that board. And also then
10 the people that were put on the board in --
11 really it's not so much the actual persons
12 and the personnel, it's the timing of it and
13 the way in which it was performed. Maybe you
14 should have put the person on way before
15 prior in the year. I don't know. Maybe a
16 half a year before. I don't know exactly
17 when the dates were.

18 MAYOR RISCICA: I told you we made a
19 conscious decision not to staff the Planning
20 Board. When Mrs. Endrizzi resigned we
21 discussed perhaps just letting the board
22 members drop off with their expirations and
23 not populating the Planning Board. It's hard
24 to get quality volunteers here. That board

1 takes seven members. And they never meet.
2 They never meet. Almost never meet.

3 But the reason that we had to scramble
4 for members is because the board had gotten
5 into a state of inadequacy because its
6 inactivity prompted us not to fill seats. So
7 we had to fill seats. There's nothing
8 mysterious about that.

9 MR. MCCARTHY: So the inactivity had to
10 do with the whole situation? It didn't put
11 people on because of logic?

12 (Whereupon, the court reporter asked for
13 clarification.)

14 MR. MCCARTHY: I was saying that the
15 logic is that the board not being a --
16 filling the functions or filling the function
17 of the positions, do you think that had
18 anything to do with the outcome of the board
19 being successful?

20 MAYOR RISCICA: I don't know what you
21 mean when you say the "board being
22 successful."

23 MR. MCCARTHY: Well, you're not filling
24 the positions because your feeling is that

1 it's very difficult to fill these positions.
2 And I don't know all of a sudden where new
3 positions would come from that everybody
4 would be -- but you would be dealing with the
5 same population of people. By not filling it
6 it's a self-fulfilling thing. Then that
7 board will not -- because it's not filled in
8 its positions in time or whatever method that
9 was done, that it ends up creating a bad
10 situation for that particular board.

11 MR. PRIOR: If I can jump in.

12 The board -- the trustees were looking at
13 a Planning Board function that was not being
14 used hardly ever. When one of the Planning
15 Board members retired -- and the Mayor thinks
16 it was 2014. I suppose that could be right
17 maybe -- with an inactive board there was no
18 urgency to fill that position. And the
19 thought was this: Board never has any
20 business. If these terms just come and
21 expire and we never renew them, what
22 difference does it make?

23 Then came a subdivision which had
24 enormous attention by the village community.

1 It became necessary I think in the board's
2 eyes to make sure that they had a fully
3 complimented board so that a decision could
4 be made by a fully completed board. And the
5 Mayor attended meetings because he understood
6 that there was an extreme public resident
7 attention on the matter and it behooved him
8 to be following what was going on.

9 MAYOR RISCICA: I just want to add to
10 that.

11 In addition -- in addition to not filling
12 the seat because it wasn't there, it was then
13 that we started discussions 2000 and whenever
14 that was, do we really want a Planning Board?
15 Do we really have to have a Planning Board?
16 Should the Board of Trustees take this
17 function on? So that's part of why we didn't
18 fill the seats. So now does that create a
19 self-fulfilling prophecy? If that's what you
20 want to believe, that's okay.

21 I'm telling you that the intention of the
22 board at the time was to do something to
23 resolve this incongruity that multiple people
24 are required to be on that board. Multiple

1 people are required to take training.
2 Multiple people don't take training. And,
3 therefore, we have a board that has very
4 limited experience and very limited training.
5 And that has bothered the board for -- since
6 at least that time. And we're dealing with
7 it now. Why didn't we deal with it then?
8 Because it's not urgent because it doesn't
9 have any business.

10 And you've mentioned on multiple
11 occasions that I attended the Planning Board
12 meetings. I want to make sure it's clear to
13 the residents who are here that the village
14 attorney suggested to me that the village
15 interests needed to be looked after. And
16 because there were things happening and
17 interest involved that warranted my
18 attention, he brought that to the Board of
19 Trustees. And the Board of Trustees asked --
20 concurred with Chris that I should attend the
21 meetings and report back to him, and I did,
22 in the interest of the residents who are on
23 this call.

24 And if that gives someone a concern about

1 the independence of the board, I would
2 counter that you need to consider the board
3 is operating with people that do not have
4 subdivision experience and that do not take
5 training, and that those two factors together
6 add up to a risk to the residents that the
7 Mayor was asked to at least observe. I
8 didn't interfere. I observed. So that's
9 why.

10 MR. MCCARTHY: You spoke at those
11 meetings.

12 MAYOR RISCICA: I'm sorry.

13 MR. MCCARTHY: You spoke at those
14 meetings.

15 MAYOR RISCICA: I'm a resident. I'm
16 allowed to speak at a Planning Board meeting.
17 I said I didn't interfere, meaning I didn't
18 interfere with their deliberations. I spoke.
19 Yes. I am a resident. I had a point of
20 view. Yes.

21 MR. MCCARTHY: Do other villages do the
22 same thing that we did whereby we take
23 members off and don't put them on because we
24 feel as if it's defunc -- is that a practice

1 that other villages do?

2 MAYOR RISCICA: You would have to ask
3 other villages.

4 MR. MCCARTHY: We have a lot of
5 information about the other villages. I'm
6 just wondering if you had any information
7 about that.

8 MAYOR RISCICA: You would have to ask
9 other villages. You can certainly do a study
10 and let me know what you find. We're not
11 going to.

12 Okay. I would ask -- I think, Chuck,
13 you've made your points. And if you have
14 something else you would like to bring up,
15 that's fine. I believe that I've answered
16 them as truthfully and as faithfully as I
17 can. And I think we need to see if anyone
18 else has any questions, unless you have
19 something new that you want to bring up.

20 But I attended the board -- I attended
21 the Planning Board meetings at the request of
22 the village attorney and the trustees. And
23 that's why I was there. And I didn't
24 interfere in the deliberations. I may have

1 spoken once or twice. And I may have spoken
2 to try to clarify things when people were
3 talking. And I populated the board to fill a
4 vacancy, to fill an expiring term and to fill
5 two vacant alternate positions. That's what
6 I did.

7 Anything else, Chuck?

8 MR. MCCARTHY: No. That's it. Thank
9 you.

10 MAYOR RISCICA: I have Hillary and
11 Laurence. And I believe you're unmuted, so
12 go ahead.

13 MR. HABER: I just had a question
14 regarding the Zoning and Architectural Review
15 Board.

16 You mentioned that -- or someone
17 suggested that perhaps they can take over the
18 duties. So, you know, if they're willing --
19 so it's -- they remain independent of the
20 mayor and trustees. So is that something
21 that's going to be considered or just
22 something that's just going to be heard and
23 not done anything about? Can you hear me?

24 MAYOR RISCICA: I'm sorry. There was

1 some chat in here, including some from you.
2 When I saw it was from you I -- can you just
3 restate the question?

4 MR. MCCARTHY: Sure.

5 The Zoning and Architectural Review
6 Boards, someone suggested perhaps they can
7 take over the responsibilities of the
8 Planning Board. Of course that's more work
9 for them. And it's a volunteer group. I
10 realize that. But if they're willing to help
11 maintain the independence of these decisions,
12 we won't know unless they're asked.

13 MAYOR RISCICA: Ed, you worked with both
14 boards. Why don't you weigh in on that with
15 your feeling about Planning going to ARB and
16 BZA.

17 BUILDING INSPECTOR BUTT: Well, it's sort
18 of in essence kind of does that already now.
19 Not that -- that's kind of the whole point of
20 this is that there's really -- it's sort of
21 like an unnecessary overlay that really
22 doesn't do any additional service to the
23 village, you know.

24 I mean, when there is a subdivision or

1 whatever, when it comes to things like
2 zoning, it gets addressed with zoning. When
3 it comes to things like landscaping and
4 things where a Planning Board may have some
5 input, that's clearly addressed in any new
6 home that's ever done in the village that
7 doesn't have to go to the Planning Board.

8 So those items are not uncommon to the
9 Architectural Review Board to review those
10 particular issues if it were to be part of --
11 even if it did come as a subdivision.

12 Because if it came as a subdivision to the
13 Board of Trustees, it would still ultimately
14 have to come back to the Architectural Review
15 Board, at which time they would have a lot to
16 say about the landscaping.

17 So, you know, the checks and balances are
18 still there. It's actually just an
19 additional layer that almost creates a
20 conflict more than anything else with the
21 Architectural Review Board and the Zoning
22 Board in my opinion.

23 MAYOR RISCICA: Chris, did you want to
24 weigh in on that? I really have no opinion

1 on it. And I'm not adverse to asking them.
2 But I think I know their answer. Certainly I
3 wouldn't pick to have this task.

4 MR. PRIOR: Yeah. I described it earlier
5 as a thankless task. Whether the Zoning
6 Board would want to take on a subdivision --
7 first of all, I would have to figure out if
8 the laws would permit them to take it on.
9 Zoning Boards are given specific powers under
10 the New York State Village Law. It might be
11 able to be expanded, but I'm not so sure that
12 it is.

13 The ARB is a busy board to take on this
14 task. Nothing is different in terms of their
15 unfamiliarity with the special rules that
16 apply to a subdivision. So any board that's
17 doing this would be taking on the thankless
18 task of invariably upsetting neighbors who
19 don't want a subdivision. And would they
20 want to take it on? I don't know. Is that a
21 solution to be contemplated? Look, we're
22 having a public hearing to hear what people
23 are proposing, what their thinking is. And
24 some thought can go to that.

1 MAYOR RISCICA: No. I think the answer
2 to your question is that we will take this
3 suggestion. We'll stir it into the mix and
4 see if it gets any traction. Maybe Ed will
5 talk to the heads of both of those boards
6 because he regularly interfaces with them,
7 see if they have an interest in doing that.
8 And so that's the purpose of the public
9 hearing, is to hear from you as to what your
10 interest is.

11 MR. HABER: When will this be decided?
12 And is there any urgency, or can it wait?

13 MAYOR RISCICA: I think, you know,
14 there's an old saying: How long do a man's
15 legs need to be? And they need to be long
16 enough to reach the ground. So my answer to
17 you is, long enough to reach the ground. We
18 have been talking about this as a board for
19 years.

20 MR. HABER: This is only a recent
21 public --

22 MAYOR RISCICA: I understand. So you
23 will let me finish.

24 We have been talking about this as a

1 board for years. There is a real legitimate
2 issue here if you listen as a resident that
3 we are entrusting -- I appoint them. I am
4 entrusting residents who are -- who don't
5 have experience with subdivisions and aren't
6 taking training to make decisions on the
7 board, that if they get them wrong, I as the
8 mayor have to go to you and say, I have to
9 raise your taxes to pay for the litigation to
10 get us out of this. Okay. That's the
11 responsibility that I have.

12 So I have a weight on my shoulders. And
13 the board has a weight on their shoulders.
14 And they said, you know, there's so little
15 business there coming forward, why don't we
16 just do it ourselves. We don't want to do it
17 ourselves. We're not trying to take away
18 your independence. It's independence over
19 two potential subdivisions. We know where
20 they are. We know they're as of right. And
21 so it would be very difficult to oppose. So
22 there's -- you know, to my way of thinking
23 there's a lot that's already, you know, gone
24 through here.

1 Now, your specific question is: When is
2 this going to be handled? We've got a lot of
3 information in this public hearing. I hear
4 there's still a desire among the community to
5 have some independence to the board. I hear
6 that loud and clear.

7 And I think our board has to, you know,
8 digest that and figure out how it wants to
9 be. And I think the board has given us some
10 suggestions on how to configure this
11 situation. And I think the board has to
12 discuss this and discuss, you know, what's
13 going to be. And as I've looked at the other
14 villages large and small, I've seen some very
15 creative approaches to the issues here,
16 including having an advisory board -- this,
17 that and the other thing -- something that
18 deals with the independence desire and the
19 efficiency desire.

20 So the answer is we have a lot to digest.
21 We're going to digest it as we can. We're
22 going to digest it as individuals. We're
23 going to digest it in meetings. Our next
24 meeting is in March. In March we have to

1 approve a budget which is a big item for our
2 agenda. So this item may or may not even be
3 on the agenda for March. But it could be.

4 We could maybe have a meeting 2 weeks
5 from now, discuss it and come up with a point
6 of view and decide what we want to do in
7 March. Or it may go until April. April is
8 the annual meeting. Very busy meeting. Not
9 a lot of room for something new like this.
10 So it might be May. Might be. I don't know.
11 Might be March too.

12 What I can promise you is that whatever
13 we do on this will include communication from
14 me about what our thinking is and what our
15 plans are. That will be more in advance than
16 the communication I gave you on this one
17 which I believe is -- has been adequate
18 certainly legally, but the community wants
19 more. And I accept that. I fully accept
20 that. It's my normal style.

21 So we could act. This needs to be acted
22 on. We've been talking about it a long time.
23 We can't just push the can down the field.
24 So it needs to be acted on. And it will be

1 as soon as is practical. And it will be
2 shared. What we're going to do will be
3 shared with the community so that if they
4 want to weigh in another time, we'll have the
5 ability to have you weigh in another time
6 either in writing or attending a meeting or
7 whenever you would like.

8 We're not, you know -- we're holding this
9 meeting to hear from you. We're hearing some
10 things from you that we need to digest. And
11 we're motivated to act. And we have
12 obstacles in acting. So sometime in the next
13 month to 3 months I would think we would
14 have. Is that clear or was I too wordy?

15 MS. HABER: Too wordy.

16 MR. HABER: Well, I understand that
17 you're not acting on this in the next week or
18 so. But my concern -- one of my concerns is
19 that a neighboring property of mine got
20 approved shortly after I moved here 30 years
21 ago. And that got approved to be split up.
22 And it wasn't as of right. It was the
23 property line was too close to the --
24 whatever.

1 The point is it got approved. And it was
2 turned down three times prior to my coming
3 here. And the division had been turned down
4 three times. And then it was approved
5 apparently like a pocket veto where they
6 didn't act on it in a timely manner. And
7 then it got approved automatically. So that
8 seemed very questionable to me in terms of
9 its responsibility. So I don't want that to
10 happen again to someone where something gets
11 approved because something wasn't acted on
12 properly. So is that still here?

13 MAYOR RISCICA: And you're comfortable
14 with me telling you that I have -- that our
15 Planning Board is populated with people who
16 have very little experience with subdivisions
17 and training? Given what you just said,
18 you're comfortable with that? Because I'm
19 uncomfortable with that. I need to see
20 something change.

21 MR. HABER: I'm only exploring issues. I
22 didn't say that I'm comfortable with the
23 decision. I'm exploring issues.

24 MAYOR RISCICA: And I respect that. I

1 completely respect that. I do. I can't --
2 -- obviously I can't comment on what happened
3 30 years ago. But I'm trying to make sure
4 that we have a process in the village that is
5 the correct process.

6 MR. PRIOR: I will just throw in. What
7 you're referring to still exists in the law.
8 Planning Board in the context of
9 subdivisions, unlike Zoning Boards with
10 variances, can find themselves in a default
11 approval situation by not acting on a timely
12 basis under the law. So, yeah, that remains
13 a risk that requires diligence on the part of
14 the Planning Board and its counsel.

15 MAYOR RISCICA: And I'm well aware of
16 that, which is why I populated the board.

17 I see Mrs. Mascali has another question.
18 I'm happy to take that question.

19 MS. MASCALI: Just -- my question in and
20 around training. There's been a lot of
21 discussion back and forth. Let me just get
22 my video back on. There's been a lot of
23 discussion back and forth about the level of
24 training of the board members.

1 Whose responsibility is it to abide by
2 the law which says 4 hours -- as I understand
3 it to be 4 hours a year? Is that something
4 that the village clerk tracks and let's the
5 members know and they refuse to do that, or
6 -- because I would think this is something to
7 consider for all the Board of Trustees
8 included, that if there's some training
9 that's required by law to do, you know, the
10 functions that people have signed up for.

11 And there's, you know, a -- take the
12 Planning Board or the BZA or the ARB or the
13 -- I believe the required training is the BZA
14 and the Planning Board. At least that's what
15 I looked up. Then who's following up to make
16 sure that that training is happening, and
17 who's responsibility is it to make sure that
18 that's happened? Is that you as the mayor?
19 Is that them individually as board members?

20 MR. PRIOR: It's Chris.

21 Under the law the responsibility is that
22 of the board members. The repercussions are
23 you can be removed from the board for not
24 taking care of the training obligation.

1 That's where the obligation lies.

2 MS. MASCALI: From a management
3 standpoint it would be then the mayor or the
4 trustees to refuse them if they're refusing
5 to take the training? This is a management
6 issue, isn't it?

7 MR. PRIOR: It's --

8 MS. MASCALI: If the people aren't
9 training it's ---

10 MR. PRIOR: It's a discretionary move to
11 remove a Planning Board member or a Zoning
12 Board member who doesn't take the --

13 MS. MASCALI: Right. But have they ever
14 been notified that if you don't take the
15 training -- I mean, I was a manager at my
16 job. Whatever. And you have a performance
17 plan. And you measure people on it. And if
18 they don't do it, you give them a warning.
19 And if they don't do it, you fire them. So
20 ultimately it becomes a management issue,
21 right?

22 MR. PRIOR: Well, in this village what's
23 happened is the land use boards have
24 essentially been using the input from counsel

1 to provide the training. It's just that in
2 the context of the Planning Board, since it
3 meets so infrequently, that the information
4 gets stale and it gets kind of force fed when
5 an application comes up every 5 years or so.
6 You know, the board hasn't been moved -- the
7 Board of Trustees has not been moved to
8 remove any land use board members for not
9 taking formal training elsewhere.

10 MS. MASCALI: Well, I found, you know,
11 the presentation that you gave leading up to
12 here pretty informative. And you did that in
13 about 15 minutes. So is it not efficient
14 then maybe every 4 years or so for you to
15 give a couple of hours training so everybody
16 is brushed up and it's fresh in their mind?
17 Is that a viable approach?

18 MR. PRIOR: I gave you a really bite size
19 summary of the issues. There are many, many,
20 many issues. I provided the board with a --
21 I think it was an 8- or 10-page memo in terms
22 of what was relevant here: SEQRA issue,
23 timing issues, the default approval issue
24 that was mentioned a short while ago. There

1 is a lot to it. And that lengthy memo was
2 followed by 2 hours of an executive session
3 meeting with the board to communicate that to
4 them. It's complex stuff. It's very
5 detailed and complex stuff.

6 MS. MASCALI: And if it got transferred
7 to the trustees, you would do it for the
8 trustees too, wouldn't you?

9 MR. PRIOR: Sure.

10 MAYOR RISCICA: You know, I just want to
11 weigh in a little here to enhance what Chris
12 said.

13 We included it on the index of documents.
14 And we didn't discuss Chris's memo in 2018 to
15 the Planning Board end of February. That
16 would be -- that would be a little over 30
17 days before one of the member's terms was
18 expiring and did expire. And Chris put this
19 11-page document together explaining the
20 legalities and the laws and the situation
21 related to the issues that a Planning Board
22 has to consider.

23 And included in his -- and this became
24 the training document. Included in his

1 document is legally relevant criteria for
2 subdivision review which contains the items
3 that we talked about before. And it goes on
4 about SEQRA and this, that and the other
5 thing.

6 So this document -- 11 pages -- became
7 the method by which the village attorney
8 satisfied me as the mayor that he was
9 remediate -- this memo was part of a 2-hour
10 meeting that satisfied me that he was
11 remediating the lack of training by training
12 the people now in connection with this filing
13 and with this documentation supplemented with
14 other documentation.

15 So that's how it's been managed. It's
16 been allowed to occur. And it's been managed
17 with, you know, on-the-spot training when it
18 happens.

19 MS. MASCALI: Just in time training?

20 MAYOR RISCICA: Is that right? Is that
21 right? It's not the way that I would like it
22 to be.

23 MS. MASCALI: Well, he just said that he
24 would provide the same training to the

1 trustees. Because as he said, it's a -- it's
2 unusual, kind of technical, you know,
3 specific kind of stuff.

4 MAYOR RISCICA: There's no doubt that the
5 trustees would need similar training, yes,
6 and that we would have to either take the
7 training that's legally available or we would
8 have to take --

9 MS. MASCALI: Remedial? That was my --

10 MAYOR RISCICA: We're doing remedial.
11 That's not the best answer. But if he's, you
12 know, giving them the information, they need
13 to know the parameters, basically the frame
14 work that they have to make the decision.
15 And they can't have their own little biases.
16 And this is the framework. Then if you could
17 -- it would seem to me if you can get
18 residents who -- we have a lot of smart
19 people in our village who are critical
20 thinkers that can get the just-in-time
21 training around that and you have people
22 willing to serve, then that would give us the
23 independent board.

24 From what I've heard -- and I don't mean

1 to, you know, put any appearance or threat of
2 -- not threat or accusation of impropriety,
3 but the reasons that I've heard talking to
4 people of why having an independent board and
5 why the law says that no trustee can serve on
6 that independent board is to avoid the
7 appearance of impropriety. And trustees are
8 elected officials. There's people that could
9 perceive they were elected for a different --
10 and the appointment's for a 5-year term.
11 It's a longer term. Provides continuity.

12 So, you know, it balances against the two
13 properties. But you said it yourself. The
14 two properties are coming up. And they --
15 you know, there's not much that's going to
16 stop them. So you kind of created a sense of
17 like, okay. We know where he's laying.

18 But those are the facts. When you look
19 at the legally permissible objections, for
20 example, in Chris's memo -- I'm not sure that
21 Ed or Chris are aware of any of them which --
22 any of them going in. We're not studying it.
23 It's not coming up. So that's it.

24 I'm not sure how much independence -- I'm

1 not sure how much independence protects the
2 village. And I hear the issue. And I want
3 to be responsive to the issue. And I'm also
4 a little concerned that this board apparently
5 doesn't have that level of trust from the
6 community.

7 MS. MASCALI: Well, you know --

8 MAYOR RISCICA: I'm just saying you're --
9 you're speaking candidly and I'm speaking
10 candidly.

11 MS. MASCALI: True. But when you put
12 something like this in place, it's not just
13 the current board that's affected. It's the
14 future board because it's in place then. So,
15 you know, I don't think it's a question of
16 the trust in the current board. But, you
17 know, your legal -- putting a new law in
18 place that is saying every future board is
19 going to be that as well.

20 MR. PRIOR: If I may.

21 Any board that acts on a subdivision
22 application needs to comply with the law that
23 applies to reviewing subdivision
24 applications. And if they don't they are

1 exposed to Article 78 lawsuits challenging
2 them on acting improperly in a decision.

3 MS. MASCALI: Right. And we as the
4 residents pay those lawsuits.

5 MR. PRIOR: Yes. Yes.

6 MS. MASCALI: That's the point. Exactly.
7 That's the point.

8 MR. PRIOR: We're in violent agreement.

9 MAYOR RISCICA: Yes. We're in violent
10 agreement on that.

11 MS. MASCALI: Right, on both sides. On
12 both sides, right? On the side of a Planning
13 Board that does something that's whatever,
14 there could be some lawsuit. But on the
15 other side the trustees -- and there's
16 lawsuits that say there was some favoritism
17 or something like that, that could also be.
18 And that's more what I heard is the argument
19 of an independent board is to avoid lawsuits
20 to the village. Interesting you're looking
21 at it from the other side. The Planning
22 Board does their thing too. But you would
23 hope that our attorney would protect the
24 Planning Board from doing stupid things.

1 MR. PRIOR: I do the best I can.

2 MAYOR RISCICA: And he did. And he did.
3 And he did. We appreciate him very much.
4 Chris is just the right tool for that job
5 because he has the patience and the wisdom to
6 communicate effectively. He did his job,
7 including advising the mayor.

8 John, are you -- John Jeffrey, are you
9 trying to ask a question? Yes? Okay. So
10 you don't know how to raise your hand. I
11 have somebody named "Phoebe" who just entered
12 the meeting, but she doesn't -- she is muted
13 and she doesn't -- she's not coming up to
14 unmute. And John, I think he's been trying
15 to ask a question for a while. So I ask you
16 to unmute. If you agree to that you can have
17 the floor. Once again I want to thank you
18 for what you did in encouraging me to be more
19 forthcoming and more transparent. I thank
20 you very much.

21 MR. JEFFREY: Well, I appreciate your
22 responding so timely.

23 Ed, I just have -- when you say there's
24 duplicate duties between the Zoning Board and

1 Planning Board -- so I went to the Summit
2 Avenue Planning Board meetings. And a lot of
3 meetings were the engineer reports about --
4 you know, there was this cliff side thing.
5 You know, X number of feet from the potential
6 houses.

7 So is that a Zoning Board? That isn't
8 what they also consider? Those engineering
9 reports and everything that I heard that
10 night, that wouldn't be part of the normal
11 zoning variance deliberations?

12 MR. PRIOR: Typically not. A Zoning
13 Board is being asked whether an applicant can
14 have a 10-foot side yard setback when the law
15 requires 30. And so there are other factors
16 that are relevant there. I suppose it's
17 possible that engineering might come into
18 play, but it's not typically something that
19 would come up in the context of a variance
20 from the zoning law application to a Zoning
21 Board.

22 MR. JEFFREY: So if you need a variance
23 for this particular case -- I don't know, the
24 size of the backyard. Maybe you didn't need

1 a variance after all.

2 BUILDING INSPECTOR BUTT: There were no
3 variances.

4 MR. JEFFREY: No variances?

5 BUILDING INSPECTOR BUTT: There were no
6 variances needed.

7 MR. JEFFREY: So in that case a Planning
8 Board came in with the additional oversight,
9 including the engineering reports, on how the
10 drainage and everything else would work?

11 MR. PRIOR: They had the primary
12 oversight over the subdivision.

13 MR. JEFFREY: On the training issue. Ed,
14 kind of like you, I'm a CPA, so maybe I'm
15 kind of nuts and bolts a little bit. But
16 seems to me if the training is required it
17 should be accomplished. And if the Planning
18 Board member doesn't do it -- or he should
19 understand that's one of the requirements to
20 stay on the board every year -- then they
21 should be kicked off.

22 But if it moves to the trustees it's
23 sounded to me like we still wouldn't be
24 sending any of the trustees to this 4-hour

1 training. We will get the good input from
2 counsel. So would you envision somebody from
3 the trustees attending this 4-hour session or
4 not?

5 MAYOR RISCICA: Are you asking Ed or me?

6 MR. JEFFREY: I'm asking you, Ken. I'm
7 sorry.

8 MAYOR RISCICA: Okay. So let me comment
9 on the first part of that, the first part of
10 that.

11 I have a board that rarely meets. And I
12 suggest to you that if I go to my Planning
13 Board members and say, I need to see a
14 certificate that you attended this 4 hours of
15 training, I would find more, not less,
16 resignations and people unwilling to serve.
17 So it would be very difficult to populate a
18 board and enforce the training requirement,
19 which is the reason, as Rosemary tagged in,
20 we utilized this remediation approach.

21 I learned about the training requirement
22 -- I'm not on the Planning Board. I never
23 was. I was never on the ARB. I learned
24 about this training requirement during the

1 whole Summit process. And I learned about it
2 from the village counsel. And I learned
3 about the remediation process from village
4 counsel.

5 I didn't know any of that beforehand
6 because I'm not responsible for that board.
7 I don't interfere with that board. And I --
8 you know, I have enough and a lot to do. So
9 I learned that recently. And would the Board
10 of Trustees be required to do the 4 hours a
11 year of training? Yes. Would they do it?
12 They would probably elect to have remedial
13 training with Chris.

14 But I would say unlike a Planning Board
15 member who might not hear from the village
16 for 3 or 5 years, the Board of Trustees meets
17 every month. And we have things going on in
18 and around the village every month that we
19 discuss. And some of those are zoning and
20 planning matters in our village or in other
21 villages.

22 And so we have a more current working
23 knowledge. We're not properly trained.
24 Don't mistake me. We're not properly trained

1 either. But we think that the remediation in
2 our case is building on a base of knowledge
3 that somebody who isn't called on to consider
4 a matter for 5 years doesn't have. And
5 that's how I would answer that question. And
6 your question is totally appropriate and
7 thoughtful.

8 MR. JEFFREY: So the Planning Board --
9 forget about landscaping or maybe that's the
10 -- I don't think this should go to the
11 Architectural Board at all. I think that's
12 totally wrong.

13 But to the extent as we look into the
14 issue of whether some of the Planning Board
15 matters can move into the Zoning Board which
16 is independent, if we can isolate those
17 things like if it's -- what the Planning
18 Board does other than landscaping. So if
19 it's the engineering or whatever the higher
20 level of expertise is needed, to me logically
21 it would be in the Zoning Board. So I would
22 be interested if that's legally possible and
23 what the view would be.

24 MAYOR RISCICA: It's certainly closer to

1 zoning than it is ARB.

2 MR. JEFFREY: Yeah.

3 MAYOR RISCICA: We agree with that 100
4 percent. We don't want to talk about how
5 nice it would be if it really shouldn't be
6 built. Zoning is more focused.

7 MR. JEFFREY: Planning Board has five
8 members, two backups? What if it went to
9 three with two backups?

10 MAYOR RISCICA: I think it's legally
11 required to be five.

12 MR. JEFFREY: Okay. That's fine. Okay.
13 So I think basically it does come down to a
14 trust factor. My interactions with Ken have
15 been very positive. I don't know every
16 member of the board. But ultimately it is.

17 Now, again, you know, the old "trust but
18 verify." So I think it is good to have an
19 independent body. Maybe advisory would get
20 us there. But ultimately it's whether we
21 trust the board or not. And I'm fine with
22 that. But I wouldn't mind some division of
23 responsibility or oversight.

24 MAYOR RISCICA: I hear you loud and

1 clear, John.

2 MR. JEFFREY: Thank you.

3 MAYOR RISCICA: And you pressed me pretty
4 hard. And I appreciate that because, you
5 know, this is a community. And, you know,
6 we're here to serve everybody. So thank you.

7 MR. JEFFREY: Okay.

8 MAYOR RISCICA: Elaine, I see you trying
9 to get into the meeting, but I cannot unmute
10 you for some reason. Maybe you want to sign
11 back in and we'll try better to call on you.
12 But I have no ability to unmute you right
13 now. And I would appreciate hearing from
14 you.

15 Chuck McCarthy, are you trying to raise
16 your hand?

17 TRUSTEE CATALDO: This is Dan.

18 There is a question out there from one of
19 the residents. And it says, will the
20 residents be able to vote on this issue?
21 Maybe again the --

22 MR. PRIOR: I can respond to that one.

23 The answer is no. Under New York State
24 law there are only specific items that can be

1 put to the vote of the residents. This is
2 not one of them. Adopting local laws is
3 strictly something the Board of Trustees has
4 to do. The public hearing is mandated by law
5 as the way to permit public involvement,
6 expressing their views. But they do not have
7 a right to vote. And the board -- this board
8 doesn't have the authority to let them vote
9 on that.

10 TRUSTEE CATALDO: Thanks, Chris.

11 MR. PRIOR: Sure.

12 MAYOR RISCICA: Elaine, if you can hear
13 me, you need to sign out and sign back in
14 again because I can't unmute you, so I can't
15 allow you. I simply have no ability to allow
16 you to ask your question. And if you can't
17 get in video, then maybe try -- maybe try
18 audio. Right now I have no option to unmute
19 you.

20 Chuck McCarthy has another question,
21 so --

22 MR. MCCARTHY: I just wanted to make one
23 comment without getting into the details.

24 I used to live in the Village of Baxter

1 Estates. And they did -- for things that
2 happened there they -- the Board of Trustees
3 was a little bit -- they got into their
4 positions because of political reasons, not
5 -- I'm not saying this is our board, but I
6 did come from that village.

7 And I know that our -- Chris was the
8 attorney over there, whatever. So things --
9 although we might have a great amount of
10 trustees right now and yourself, Ken, you
11 know, we're making a decision for all time.
12 And that I've seen it firsthand and the
13 people that are on the trustees, things get
14 rammed through, and there's not a lot of
15 analytical process.

16 It's a completely different type of
17 people that are here in Manhasset versus
18 whereas Baxter Estates -- but they were --
19 they did not have a Planning Board. And
20 there were some issues that didn't quite have
21 to do with the normal processes of -- you
22 know, a lot of it was very political. People
23 were on their board for reasons that maybe
24 weren't for the best interest of the general

1 public. I just wanted to state that. That's
2 all.

3 MR. PRIOR: Chuck, I'm still the village
4 attorney at Baxter Estates. I'm not sure
5 what you're referring to, and I don't want
6 you to explain it either. But what you're
7 saying is not something that I recognize.

8 MR. MCCARTHY: Well, okay. Then as a
9 resident -- maybe as an attorney you didn't
10 recognize it. But as a resident I had
11 experienced a number of things that had to do
12 not so much with maybe people that were on --
13 they were in both capacities. They did
14 things and, you know -- maybe they should or
15 shouldn't have done. Maybe it was viewed
16 from your point of view as something okay to
17 do. But from a resident's point of view I
18 wish we did have a Planning Board.

19 And does Baxter Estates now have a
20 Planning Board?

21 MR. PRIOR: They do now.

22 MAYOR RISCICA: Chris has the dubious
23 distinction of being the lawyer for Baxter
24 Estates in adopting a Planning Board and the

1 lawyer for Plandome Heights in considering
2 merging the Planning Board. So Chris is on
3 both sides of this issue.

4 MR. MCCARTHY: Chris, why do they have a
5 Planning Board now?

6 MR. PRIOR: I'm not the -- the thankless
7 nature of the job.

8 MR. MCCARTHY: Okay.

9 MAYOR RISCICA: Something for this Board
10 of Trustees to consider along with the
11 independence issue. This is a thankless job
12 that no one would want. And I'm open.
13 Believe me I'm open. So I take the -- I take
14 the input in the spirit that it's given.

15 It would be a lot easier, a lot easier
16 not to be a Planning Board member. A lot
17 easier. But only if things -- if something
18 else changes. Because I think any of the
19 board members could speak to the fact that
20 the last subdivision, the only one in 20
21 years, was difficult for the village. And
22 the board asked me -- the board and counsel
23 asked that I help Chris bring
24 appropriateness, bring it to the most

1 appropriate that it could be. And it was.

2 So I'm happy to go back to the trustees
3 and talk about how we don't do this. And in
4 that process I will be looking forward to
5 hand raisers who want to do this service and
6 are qualified to do this service. That I
7 welcome as input to this public hearing. And
8 that would help me go to the board and say,
9 you know, we can preserve the independence
10 and staff the board in this manner and move
11 forward.

12 MR. JEFFREY: John Jeffrey.

13 So I'll volunteer.

14 MAYOR RISCICA: That's okay too.

15 MR. JEFFREY: I volunteer to be on the
16 Planning Board.

17 MAYOR RISCICA: All right. That's --
18 we'll take that.

19 MR. JEFFREY: But only if I take the
20 educational requirement.

21 MAYOR RISCICA: What.

22 MR. JEFFREY: Only if I'm required to
23 take the 4 hours of training.

24 MAYOR RISCICA: All right.

1 MR. PRIOR: It's fascinating stuff.

2 MR. JEFFREY: It's 4 hours. Only the
3 Planning Board, Ken.

4 MAYOR RISCICA: John, you will be hearing
5 from us.

6 MR. JEFFREY: All right.

7 MAYOR RISCICA: Elaine. Again, I really
8 can't -- I can't let you in. I have no
9 option to let you in. So if you're still
10 there I would strongly suggest that you exit
11 and come back in either -- maybe on a phone
12 line or some other way.

13 I see someone has joined us by phone, so
14 I'm going to unmute them and ask them to
15 identify themselves. Maybe this is Elaine.

16 MS. CANTON: Hi. Success.

17 MAYOR RISCICA: Is that Elaine?

18 MS. CANTON: Yes.

19 MAYOR RISCICA: We saw that number
20 before. And I didn't call on you because I
21 thought, hey, we can let one slip by. I'm
22 sorry for making you wait so long

23 MS. CANTON: No. That's all right. My
24 bad. I didn't think it would be a problem if

1 I just called in. But let me tell you, I'm
2 so hungry that I sat here for all of this
3 time without speaking my peace.

4 I'm Elaine Canton. It's C-A-N-T-O-N.
5 132 Bay Driveway.

6 Having sat here through a lot of
7 interesting comments, a lot of the things
8 that were on my mind have already been said,
9 one which was -- that really struck me was
10 the list of villages without Planning Boards,
11 because they were all so different from us.

12 You know, the villages that are like us
13 are Plandome and Plandome Manor. Floral Park
14 has 60,000 residents. And, you know, if
15 we're going to make a decision, we have to
16 look at villages that are more like us. And
17 Baxter Estates, Sands Point, Lake Success,
18 Laurel Hollow, Port Washington North, they
19 all do have Planning Boards.

20 I also wanted to say that I keep hearing
21 nobody wants to do this job. It's a
22 thankless job. It's a horrible job. We
23 can't get anyone to do this job. Well, I
24 would have re-upped. Nobody -- you know, I

1 know it's all in a state of flux. But I
2 would have re-upped. Nobody asked me. I
3 can't speak for others on the Planning Board,
4 but, you know, same thing.

5 I think that maybe one of the things that
6 the village can do is -- and maybe you do it
7 and I just missed it -- send an email out if
8 you're looking to fill a spot on one of the
9 boards. I think that are a lot of people who
10 are really interested in getting involved,
11 particularly the people who are moving into
12 the village now because they've got many
13 years ahead of them and they're investing in
14 their homes. So just a thought.

15 And then one of the other things that I
16 was thinking about is if a decision is made
17 to disband the board, then I think it would
18 be helpful and valuable if the trustees had a
19 sit down with the most recent board to just
20 discuss concerns to sort of ensure a peaceful
21 turnover of responsibilities. Having served
22 on the board, there are just things that I
23 could think of and probably some of the other
24 members can think of that it would be good

1 for the trustees to consider.

2 And then my final thought -- because I
3 know everybody is anxious to probably go eat
4 like I am. One thing that has occurred to me
5 was that nobody ever asked me if I knew the
6 developer, if I had a relationship with the
7 developer, with the developer's family or
8 anything like that.

9 And I think that whether there's a
10 separate Planning Board or it's the trustees,
11 I think anyone who has a personal
12 relationship with a developer should recuse
13 him or herself from determining whether or
14 not a property is subdivided or what
15 happened, because it's hard to be impartial.
16 Just a thought.

17 MAYOR RISCICA: Chris, did you want to
18 comment on the last point?

19 MR. PRIOR: Well, if you have a
20 relationship with an applicant that prevents
21 you from reaching a dispassionate objective
22 decision on the application, then you should
23 recuse yourself.

24 MS. CANTON: You should, but not

1 everybody would. I think --

2 MR. PRIOR: The law requires that. And
3 if somebody -- if somebody is like that,
4 refuses to recuse themselves and then votes for
5 it and it's approved, that decision now is
6 subject to attack in an Article 78 for the
7 failure of that person to recuse themselves.
8 So the law is exactly where you are on that.

9 MAYOR RISCICA: So it's in my interest
10 that they do recuse, because I don't want the
11 hint of a reason for an Article 78. That's
12 just tax money that residents have to make
13 up.

14 MS. CANTON: I agree 100 percent. But
15 what I'm saying is -- make it very clear. I
16 read our code of ethics. And I'm saying make
17 it very clear. I think our code of ethics
18 addresses more if money changes hands. I
19 just think that each member of whether it's a
20 Planning Board or the trustees, if there is a
21 personal relationship, that person should
22 have no objection to signing something and
23 saying I know this person and I'm going to
24 recuse myself or that the -- there should be

1 language in there so that the board can say,
2 we know you know this person, so you should
3 recuse yourself.

4 MR. PRIOR: All right. Let me clarify
5 what I said a minute ago.

6 Knowing a person is not a reason to
7 recuse yourself. In a small village like
8 yours I suspect that in many zoning variance
9 applications -- and they're more frequent and
10 so are ARB applications -- it is probably
11 quite common for board members to know their
12 neighbor. So that -- I don't think that's
13 workable. And the law doesn't support that
14 viewpoint: just knowing somebody.

15 MS. CANTON: Right.

16 MR. PRIOR: Is the relationship one that
17 prohibits me from making an objective
18 decision based upon the applicable law?
19 That's what the rule is. So if your best
20 friends lives next door and you want to make
21 them happy, then you recuse yourself. If the
22 guy across the street you see when you take
23 out the garbage has an application, that's
24 probably nothing to worry about and no need

1 to recuse yourself.

2 MS. CANTON: Right.

3 BUILDING INSPECTOR BUTT: What about if
4 somebody is advocating on behalf?

5 MR. PRIOR: You can't do that. You can't
6 advocate for or against. If you're a
7 Planning Board member or a Zoning Board
8 member or an ARB member you can't advocate
9 for or against the applicant. Your job is to
10 listen to the advocate for and against make
11 their case, and then make your decision based
12 on the legal framework under which you have
13 to operate.

14 MS. CANTON: Just out of curiosity. What
15 if you're advocating for someone who is
16 working with another board? You're on a
17 board, but you're advocating for someone
18 who's trying to get a variance or approval of
19 a subdivision or something like that.

20 MR. PRIOR: A Planning Board -- you're
21 suggesting a Planning Board member attending
22 a Zoning Board application to stand up and
23 say, I think you should grant the variance to
24 this guy? Is that --

1 MS. CANTON: Yeah.

2 MR. PRIOR: That's not a problem.

3 MS. CANTON: Okay.

4 MR. PRIOR: That's not a problem. And
5 that goes back to the fact that you folks who
6 are volunteering on land use boards in your
7 community don't lose your role as a resident
8 in the community. You're able to, you know,
9 make decisions on things that are not before
10 your board -- to have your opinion considered
11 on matters that are not before your board.

12 MAYOR RISCICA: What about a trustee who
13 attends a Planning Board meeting and
14 advocates for a subdivision because as a
15 resident he believes it's in the community's
16 interest and his interest?

17 MR. PRIOR: The law permits that if your
18 -- if you say, I am here as a resident, I am
19 not here on behalf of the Board of Trustees
20 and I think this is a good application --

21 MAYOR RISCICA: So --

22 MS. CANTON: And no money changes hands.

23 MR. PRIOR: If money changes hands, if
24 you're getting paid to say that, that's a

1 whole different animal.

2 MS. CANTON: Right.

3 MAYOR RISCICA: So, Elaine, I want to
4 thank you for those points. And I want to
5 assure you that you're going to be contacted
6 by the clerk before the week is out to set up
7 a meeting in February on Zoom between the
8 members of the Planning Board who would care
9 to do that and the members of the -- at least
10 the quorum of the Board of Trustees so that
11 you can share the thoughts that you just
12 mentioned that you feel need sharing. That
13 will happen.

14 MS. CANTON: Okay. Thank you.

15 MAYOR RISCICA: Thank you.

16 And, Roxanne, I don't mean to put you on
17 the spot, but you reacted viscerally when --
18 you had a very obvious reaction when Elaine
19 was speaking about those last points. Is
20 there anything you wanted to add? I need to
21 unmute you.

22 MS. FITZIG: Roxanne Fitzig.

23 No. I think Elaine said it all. There's
24 nothing else. I second that.

1 MAYOR RISCICA: Thank you.

2 I would be remiss if I didn't acknowledge
3 your visceral reaction, which is fine.

4 Okay. John Jeffrey unmute.

5 MR. JEFFREY: Just a quick question.

6 You said it's a 5-year term. Is there a
7 term limit?

8 MAYOR RISCICA: Not that I'm aware of.

9 MR. JEFFREY: So you could re-up?

10 MR. PRIOR: Yes.

11 MR. JEFFREY: Thank you.

12 MAYOR RISCICA: I don't see any more
13 questions at the moment.

14 Having heard this input, which I think
15 has been great, appreciate all of it, all of
16 it, whether I agree or don't agree is not the
17 point. The point is we're here to do the
18 business of the village. That's what we're
19 here to do. And I would like to ask the
20 trustees if they have anything -- having
21 heard this input and testimony if they have
22 anything that they would like to add in
23 comments.

24 TRUSTEE SHEEHAN: No thank you, Ken.

1 MAYOR RISCICA: Okay.

2 TRUSTEE CATALDO: Ken, this is Dan.

3 No further comments.

4 MAYOR RISCICA: Al, nothing? Okay.

5 Aida.

6 TRUSTEE FERMAN: Yes. No comments.

7 Everything is fine.

8 TRUSTEE SOLOMON: Nothing from me, Ken.

9 TRUSTEE TAYLOR: Same.

10 MAYOR RISCICA: Norman and Gus.

11 TRUSTEE PANOPOULOS: No.

12 TRUSTEE TAYLOR: No.

13 MAYOR RISCICA: So if there's nothing
14 else -- and I'm happy to stay as long as
15 people want to talk about this. I want to
16 just summarize to say I think this was good.
17 I think it was good for the board. I think
18 this was good for the community.

19 I apologize if I didn't put it out there
20 soon enough to get you thinking about it
21 ahead of time. But it's all out there now.
22 It's all out there now. And I would suggest
23 to you that I don't think anyone is fixed in
24 their position here.

1 You've given us a lot to think about. I
2 think the dialogue has been candid and
3 respectful. I know that I've been candid
4 with you. Sometimes perhaps not what you
5 wanted to hear. But certainly I've been
6 candid with you. I have a large
7 responsibility here. And that includes
8 protecting the village and serving you the
9 way you want to be served. That's what I
10 always try to do.

11 So we're going to collect this
12 information. We're going to talk to Elaine
13 and her group. We're going to do a little
14 vetting with John on his desire to be a -- be
15 a Planning Board member. And there may be a
16 medical exam involved in that.

17 MR. JEFFREY: That's funny.

18 MAYOR RISCICA: And we're going to take
19 the information on what we saw the other
20 villages -- how they configure themselves,
21 and the information that the residents have
22 suggested and how we configure ourselves and
23 the thoughts about independence, which I've
24 heard loud and clear. And we're going to

1 stir it into the mix and have thoughtful
2 discussion about what we think we should do
3 next.

4 I can assure you in some fashion I will
5 communicate with you. I was thinking before
6 this meeting that perhaps I would put
7 together like takeaways. Here's 5 or 10
8 takeaways that we got from the public hearing
9 and put it out on the website for all to see.
10 But whatever. We will do something to
11 communicate so you know how our thinking is
12 evolving. You won't read in the paper that
13 we just did it and didn't tell you. And
14 we'll go from there.

15 But in a final analysis we're going to
16 make the decision that we think is best for
17 the village. And you've given us a lot to
18 think about. So I appreciate that. And
19 you've done it in a respectful way. And I
20 appreciate that. And I hope we've been
21 respectful back.

22 Do we have anything else?

23 (No response.)

24 MAYOR RISCICA: So I would -- I need a

1 motion to close the public hearing?

2 MR. PRIOR: Yes. I would like a motion.

3 Yes.

4 MAYOR RISCICA: So I would ask for a

5 motion to close the public hearing.

6 TRUSTEE CATALDO: This is Dan.

7 I will make that motion to close the

8 public hearing.

9 TRUSTEE SHEEHAN: I'll second the motion.

10 It's Diane.

11 MAYOR RISCICA: Okay. All in favor.

12 TRUSTEE SOLOMON: Aye.

13 TRUSTEE CATALDO: Aye.

14 TRUSTEE FERMAN: Aye.

15 TRUSTEE PANOPOULOS: Aye.

16 TRUSTEE TAYLOR: Aye.

17 TRUSTEE SHEEHAN: Aye.

18 MAYOR RISCICA: Aye.

19 All opposed.

20 (No one.)

21 MAYOR RISCICA: Okay. That concludes

22 Jennifer Devlin's portion of this, so you can

23 stop.

24 (Time noted: 8:56 p.m.)