

CHEVY CHASE VILLAGE

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BOARD OF MANAGERS MEETING

Chevy Chase, Maryland
Monday, February 11, 2008

PARTICIPANTS:

Board Members:

DOUGLAS KAMEROW, Chair

SUSIE EIG

GAIL FELDMAN

ROBERT JONES

BETSY STEPHENS

DAVID WINSTEAD

PETER YEO

Staff Members:

GEOFFREY BIDDLE

SHANA DAVIS-COOK

ROY GORDON

DAVID PODOLSKY

MICHAEL YOUNES

Other Participants:

ALAN BERLOW

BOB ELLIOTT

SERENA FOSSI

STEPHANIE GLAKAS

LARRY HEILMAN

HEATHER KASS

LINDA KAUFMAN

GEORGE MYERS

PAUL O'BRIEN

ALISON POWERS

PHIL SHERIDAN

ROXANN STEINBERG

P R O C E E D I N G S

(7:29 p.m.)

DR. KAMEROW: As you can see, we're getting recorded for the first time. This is for posterity because we're meeting so frequently we can't keep up with the minutes. So at least temporarily, we're trying out recording. So speak distinctly. You never can tell where your words might end up. And that's, I assume, why we have this podium here, because people are going to be asked to come up here to speak.

SPEAKER: Coming to the podium to speak.

DR. KAMEROW: So that's a change. At least for this meeting, we'll try it. If you have something to say, you'll need to come to the podium so you can be amplified, or recorded, rather.

I am going to make a change in the agenda before we get started. If you've gotten one from the back, you'll see that we have an additional committee report, but also we're going to move up the new business, which is not entirely new, but anyhow, a vote on the Wohlfarth property just before the old business. So we'll get through as many things as we can quickly so that we can have a fair amount of time to discuss the building regulations review issue.

So without any pausing now we'll go to the minutes. And are there revisions? I don't see any. Oh, of course there are. No? Yes. Do we have any revisions to the minutes from last time?

Could we have a motion then to accept the minutes as submitted?

SPEAKER: (inaudible)

DR. KAMEROW: Second?

SPEAKER: (inaudible)

DR. KAMEROW: All in favor? The minutes are approved as submitted. This is a little loud. I'm getting feedback. Is there a way to make it lower?

SPEAKER: Shana, I have to say, I now appreciate you evermore and what you do with those minutes.

MS. DAVIS-COOK: Thank you.

SPEAKER: Trying to make sense out of those transcripts was an interesting exercise.

SPEAKER: And you do it, which is really remarkable.

MS. DAVIS-COOK: Thank you.

DR. KAMEROW: Now we turn to the treasurer's report. Ms. Feldman, what do we have to say?

MS. FELDMAN: Well, nothing of enormous note. No, I was simply going to note that in terms of the operating budget, this operations budget, we're pretty much on target in terms of the expenditure side. We are running ahead on the revenue side because of increased income tax revenues. But as the full year evolves, we still expect to be ahead of our budget and deficit. But we will not have the surplus we're presently showing as expenses catch up with, to some extent, with revenues.

You'll notice that the Safe Speed program revenues and balance sheet are shown in the treasurer's report. And up to this point, from the beginning of our Safe Speed program operation, we have netted made some \$300,000 after operating expenses. The current net shows just ongoing operating expenses. But as I believe Bob Jones will be discussing with us somewhat later, an effort is underway to identify and evaluate and plan for safety-related public expenditures that will ensue over time with use of the speed camera revenues.

DR. KAMEROW: So for the first time, we have split out here things -- both the expenses and the income related to the Safe Speed program. And the expenses are largely personnel and rentals and stuff like that.

MS. FELDMAN: And the payments --

MR. BIDDLE: The vendor fees --

DR. KAMEROW: And the percentages that the vendor gets. And is that a running total we're seeing at the bottom, or are -- that's year to date?

MS. FELDMAN: Yes, that's --

DR. KAMEROW: That means fiscal year to date?

MR. BIDDLE: It's actually --

DR. KAMEROW: It's really just calendar year? So there are already 312,000 net proceeds?

MR. BIDDLE: Right.

MS. FELDMAN: We have not yet invested any of those monies in the safety-related programs that we're hoping to.

DR. KAMEROW: So where is that money sitting, in a separate account that we created?

MR. BIDDLE: Correct.

DR. KAMEROW: Is it getting interest or --

MR. BIDDLE: Marginal at this point. We made phone calls the tail end of last week to deal with getting an investment program set up for these monies.

DR. KAMEROW: As it accrues, obviously it's going to accrue faster than we're going to spend it, so that would make sense. Okay, any questions for Gail?

All right, the next thing on the agenda are committee reports. And the first one -- is Larry Heilman here?

DR. HEILMAN: Yes.

DR. KAMEROW: Dr. Heilman, hi.

DR. HEILMAN: Hi.

DR. KAMEROW: Do you know that you're on the agenda today to give us a little report from the Environmental Committee?

DR. HEILMAN: Yes.

DR. KAMEROW: Please come on up.

DR. HEILMAN: I really wanted to take this opportunity to tell the village that we are planning on having, on April 22, which I hear is the day before you're actually having one of your meetings, an Environmental Fair Day. And we picked that day because around the world, that is the day that many countries are selecting it.

Since I last talked with you, we have been meeting steadily, making a lot of progress. And there are two items that I wanted to particularly mention to you.

One, at the Village Fair, we're going to be giving out, as incentives to get people to come, light bulbs to the first 100 residents that appear on the scene.

And secondly, one of the first orders of business was to find out if it would be appropriate and how much it would cost to do an analysis of the footprint of this building. And one of your members actually took on that assignment and found out that it would be appropriate to do it. We reviewed it in the committee. We decided it would be a good thing to do. However, there is a cost to it. In the past, quite often these would be free, but no longer are they free. They are costly.

I have made a recommendation in the form of minutes to the village manager that we do it. And Betsy Stephens has all the information because she was the one that actually did the

analysis. And so now what we're hopeful is some way we make the decision to go ahead with that.

DR. KAMEROW: This is what sort of a survey?

DR. HEILMAN: Maybe it would be best if -- maybe Betsy you could describe --

MS. STEPHENS: Yeah, I'm not really prepared actually. I didn't do the analysis.

Mike Younes did the analysis. And it is to do a sort of environmental survey of the village and to find out what we're using.

SPEAKER: The Village Hall.

MS. STEPHENS: What our footprint is -- the Village Hall, what our carbon footprint is, but also the details of all of our energy usage and what the cost benefit would be of making changes. Is that pretty much -- and Mike interviewed three companies that were recommended by the county, and identified one as being the one that he felt was the most -- was actually -- their offer was very good in terms of cost. But also how they planned to implement it seemed to meet our needs, and to provide us with a report that would be useful that we could implement some changes.

DR. KAMEROW: Geoffrey, you're going to bring this forward at some point?

MR. BIDDLE: Yes.

DR. KAMEROW: Great.

DR. HEILMAN: The only thing that relates to that is that when we do the fair on April 22, one thing we will be talking about is carbon footprints for the individual house. We're going to explain how it's done, what it's about. And there will be places, I'm sure, where it would be reasonable for the

individual house owner to do that. But obviously, that's something that they will decide.

One last point is that there's been enormous enthusiasm. I'm really surprised by the amount of people that want to get involved and the amount of letters that I get merely because I say, A, if you've got something you want to bring forth or you've got an issue, please come back at me. And in that regard, I've even got letters from teenagers, sub-teenagers. And I think the idea is to try to get some enthusiasm, and that's all we can hope for.

Thank you very much.

MS. FELDMAN: Could I just ask one question?

DR. HEILMAN: Sure.

MS. FELDMAN: I don't know if Larry or -- is it Mike there? Can you give us just kind of a quick off-the-cuff estimate of what a study of the Village Hall would likely cost, give or take, 10 percent or whatever? I mean, what's the ballpark we're talking?

MR. YOUNES: The closest I have in hand right now for the Village Hall is \$3,500.

MS. STEPHENS: There's no free lunch. We thought it could be done free of charge by one of the utility companies. And they can do some things, but they can't do what we --

DR. KAMEROW: We look forward to hearing about it.

DR. HEILMAN: Thank you very much.

DR. KAMEROW: And now, report of a new task force. We, as you may remember from last time, decided to create a Capital Improvements Project Task Force that would have a limited tenure, and they're remit of trying to come up with some thoughts about, in particular, the revenues that are going to be coming in from

the speed control project and how we should prioritize them.

Bob Jones of the Board was kind enough to chair that, and they had their first meeting today.

MR. JONES: Actually, we had our second meeting today.

DR. KAMEROW: Like I said, you had your second meeting today. I'm right on top of things.

MR. JONES: Okay.

DR. KAMEROW: Do you want to move the mic a little closer to you?

MR. JONES: I don't have a lot to report at this point. We'll have more to report at the March Board meeting. At the next Board meeting, Geoff and/or I will have a presentation on capital improvement projects that are contemplated over the next five or six years.

There's nothing on the list of capital improvement projects that everybody on the Board hasn't heard about before. And Geoff has actually done a brief presentation on them altogether before. But we're going to go through them again, and we're going to be a little bit more precise and then we're going to put approximate costs on the projects. And we're going to outline the percentages that we feel we might be able to get funded with speed camera monies based on the parameters of the uses for those monies.

And the purpose of the presentation is to get some consensus and some clarity over our ability to move forward to get some clarity.

In other words, we want the Board to approve us to move forward to get some clarity over what percentage of these projects we might be able to get funded with speed camera money. Once we have that information and we're looking at how much can

be funded with speed camera money, how much speed camera money we think we're going to have, how much we'd have to be funded by the village, then we can make the budget decisions as to whether the portion of it that would fall outside the speed camera monies are worth it. So we'll be making a more detailed presentation next month.

Once again, no projects you haven't heard of. Brookville Road, putting in new streetlights; the Connecticut Avenue projects, beautification improvements, the new sidewalks. All things you've heard about before are pulled together, and with some numbers with them, with the idea that we'll get a little bit more clarity and the mandate of the Board to move forward in getting approval on using speed camera money for it.

DR. KAMEROW: Thank you, Bob. Any questions for him?

DR. HEILMAN: I have one question.

DR. KAMEROW: Sure.

DR. HEILMAN: I assume that for every major capital project, there will be an environmental assessment. Is that a reasonable assumption?

DR. KAMEROW: Have we ever done that before?

MR. BIDDLE: Never done it before.

DR. KAMEROW: Never done it before, but it's a good suggestion.

MS. STEPHENS: What kinds of issues are you thinking of?

DR. HEILMAN: It's a standard procedure in almost any sort of significant civil works, that you do an environmental assessment. That is called naturally natural. That's why I asked the question.

MS. STEPHENS: I'm just asking what kinds of information that would be.

DR. HEILMAN: What?

MS. STEPHENS: What kinds of information? I mean, are you talking --

DR. HEILMAN: It depends on the civil works -- the nature of the work, and what's the environmental ramifications of the work that's being undertaken.

MS. STEPHENS: Right, I'm just wondering how much there is with installing sidewalks.

DR. HEILMAN: There may be nothing, there may be a lot. It just sort of depends.

DR. KAMEROW: The impact always needs to be considered. It sounds like a good idea.

MR. WINSTEAD: Geoff, what has been the history of us looking at any capital improvements so far getting that asked for?

MR. BIDDLE: Not in my history.

MR. WINSTEAD: And what would be -- I mean, in terms of the revenue from Connecticut, from any state road, I guess we ought to look legally, David, whether it's, therefore, required versus whether it's an option. I think before we're heading off in that direction, we've got to look at whether the state would require it or it could be challenged.

MR. JONES: Would it require an environmental impact?

MR. WINSTEAD: Yes, because the revenues are coming from a state road. I think we ought to look at whether -- otherwise, I think we want to look at it strictly from a procedural standpoint and cost standpoint because these things cost a fortune, you know. I know it might be a good public policy, but I think before we do it, we need to look at whether it's legally required.

MR. PODOLSKY: It also depends on the scope of it. Although we've never had a formal environmental impact statement like you do for a federal project that's that thick, we have looked at things, like, if we put the sidewalk in, will it cause a drainage problem? But it's kind of been more informal. The engineer looks at it and says, no, it's not a problem as opposed to writing some lengthy report.

MR. BIDDLE: When we did a building renovation, we took a look at the asbestos and what not from the building, so --

DR. KAMEROW: Well, it might be a good idea to discuss whether it should be formalized in some way, and what the steps should be. I mean, I think we all agree -- I won't say we all agree. I would think that it wouldn't make sense to have a very expensive, inflexible, cumbersome process. But I think it's a really good idea to discuss what the process should be and if it can be flexible and shaped to the size and scope of the project. I think it's a really smart idea. Thank you, Larry. Good point.

Okay, we're done with the reports then, and it is now time to move to decisions of previous appeals, of which there are none. We've now completed that. It's nice to check things off.

But now we have two appeals for tonight. The first one is an extension from the Kaufmans. And if you could stand and come forward please and tell us what you'd like us to do and why.

MS. KAUFMAN: Good evening. My name is Linda Kaufman. My husband, Ken, was here last month for your meeting, and you granted an extension to remove a garage in consideration of a renovation that we are at last able to do. And I am here this evening to respectfully request an extension for the permit to remove a magnolia tree on the existing property. I don't know if you have information from last time about that.

We are fortunate to have many mature trees on the lot. We have over 10 mature, large canopy trees. Our interest was to preserve this maple. Looking at the house, it's on the rear left side, and in order to save that maple, we are requesting to remove a much smaller magnolia on the right rear of the property. We are happy to reforest the property with hopefully a native magnolia, a sweet bay, or a service berry, and we are happy to do so.

MS. EIG: Neither of those would qualify as a reforestation tree.

MS. KAUFMAN: If it's a maple that's required -- whatever is required, we will do.

DR. KAMEROW: Has anything changed from last time?

MS. KAUFMAN: No.

DR. KAMEROW: And I noticed that you asked for 24 months. How come?

MS. KAUFMAN: We're anticipating starting the project this summer in late June, which corresponds with the children's schedule and so on, and the contractor we know is available at that time. We anticipate the project to be about a year, and tacking on, I don't know, another six months because contractors are always behind schedule, and we just put the outside date there. We don't anticipate it to take that long.

DR. KAMEROW: So the history of this is you first got it granted in 2004, and then it was resubmitted in 2006 asking for an extension, which we granted. And last month, you were here with the corresponding extension for the construction.

MS. KAUFMAN: For the garage.

DR. KAMEROW: For the garage.

MS. KAUFMAN: Right. We would have done both at the

same time, but there was some mix-up with the paperwork.

DR. KAMEROW: I understand. But that one, we didn't grant for two years; is that correct?

SPEAKER: We granted it for one year.

MS. KAUFMAN: You granted it for one.

DR. KAMEROW: Because we just, I guess, wanted you to get on with it. And it's a concern, obviously, that -- not that I attribute this to you, but the concern is that if people keep getting extensions, then they can say someday I want to do this and keep getting extensions until they finally get around to it --

MS. KAUFMAN: I wouldn't be here if that were the case. We would like to start this in June.

DR. KAMEROW: Okay, are there comments from Board members?

MS. FELDMAN: Just out of curiosity, why does removal of the tree depend on the construction project? Why can't the removal of the tree be done up front?

MS. KAUFMAN: The village, as I understand it and appreciate it, is very careful about tree removal.

MR. BIDDLE: The precedent is that if the tree removal is related to a building home improvement project, we make sure that the home improvement project is bona fide, permitted, and ready to go before we allow the tree to come down. Otherwise, if the project doesn't happen, then we whacked a tree.

MS. FELDMAN: Right, this -- I thought the reasoning behind this removal was not specifically related to the project.

MS. KAUFMAN: It is. We --

MS. FELDMAN: You're talking about trying to preserve a maple, a nearby maple and so on.

MS. KAUFMAN: Right, so we're bumping out on the right side of the property.

DR. KAMEROW: Right, so then this part is now going to interfere with the tree that we're talking about. But it will clearly need to be taken down at the beginning of the project, right?

MR. JONES: Right, so if we granted a one year approval for the project, we should grant a one year approval for the tree --

MS. KAUFMAN: I would appreciate that.

DR. KAMEROW: Any other comments?

MS. EIG: Yes, do you know whether the project is going to fit the requirements that are being considered for FAR or anything else?

MS. KAUFMAN: I'm not sure what that means.

DR. KAMEROW: The Board is currently investigating candidate new regulations. Some of them have to do with floor area ratio. She's asking if --

MS. KAUFMAN: Yes.

DR. KAMEROW: The new house configuration for you fits -- once the job is completed, fits within the current guidelines.

MS. KAUFMAN: Right, our architect has done some calculations about that. Because we're removing the garage and a lot of hardscape, I believe that it is within the parameters.

MS. EIG: Because the only question is if in fact they have to modify the design in order to conform, my question is to whether the procedure is being -- as it will be set up, since we don't even know how it will be set up at that point -- whether at that point the tree could be preserved if the design is too large.

DR. KAMEROW: But that's not the way it would work. I mean, clearly, if somebody had something approved before, if we extend it based on those rules, that's the rules. I mean, it's a precedent thing.

MS. EIG: It's not going to be ex post facto.

DR. KAMEROW: You can't retroactively --

MS. EIG: Once they get a permit --

DR. KAMEROW: You can't retroactively impose new standards that aren't even here yet.

MS. EIG: They don't even have the building permit yet.

DR. KAMEROW: Correct.

MS. EIG: So --

SPEAKER: They just have a demolition permit to remove the garage. The building permit for the house structure has not been submitted.

DR. KAMEROW: Well, the tree can't come down until that happens anyhow.

MS. EIG: I know, but they could change the plan, receive a building permit, and still be allowed to remove the tree even though had they been required to modify the plan, the tree perhaps might be preservable.

DR. KAMEROW: But if the plan comes in and it's not approvable, then the tree can't be taken down. Even if we approved it, it can't come down until there's a plan, right? Until the plan is approved.

MS. EIG: I understand that. But what I'm saying is they could modify the plan. Because they would come in, they would find out in advance to see whether it's okay. If it didn't fit, then they could change it and come back and get it approved. I mean, do we simply say this is the plan as -- but the plan

hasn't been submitted.

DR. KAMEROW: Correct.

MS. EIG: So we don't even know what we're --

MS. FELDMAN: If the plan hasn't even been submitted, why are we opining on this now? Why aren't we waiting to see if --

MS. KAUFMAN: This is the procedure that we were advised to follow.

SPEAKER: Because it's about to run out. So we would have to renew it before --

MS. FELDMAN: No, the point simply being that if the only permit that's been approved so far --

DR. KAMEROW: No, there clearly was a plan that showed that the tree was in the way. That's why we approved it to begin with. They don't have a permit, but there's a plan. Is that correct, Geoff?

MR. BIDDLE: It was a footprint for the house, yes.

MS. FELDMAN: Well, then can we make this decision based on adherence to the original plan?

MR. JONES: Yes. That's a good idea. Grant a one-year approval basically saying that we approve the removal of the tree if the addition fits within the original footprint. It could be a one-story or two-story plan, but it's treated as it started at the top of the first story.

MR. PODOLSKY: You can see it from here. This is the extension. I'm trying to see what the Board found in the first case, whether it was conditional on a particular construction or whether it was necessitated by the demolition work. It does say that the tree removal is necessary to achieve the construction of the proposed addition. So we can impose the condition that they

build it as original -- at least in the footprint as originally planned.

DR. KAMEROW: Right. Is that okay?

MS. KAUFMAN: Yes.

DR. KAMEROW: Do I have a motion for this sort of language to ask counsel to prepare an extension?

MS. FELDMAN: Aye.

DR. KAMEROW: Second? Any further discussion? All in favor?

MS. FELDMAN: Aye.

MS. STEPHENS: Aye.

DR. KAMEROW: Aye.

MR. WINSTEAD: Aye.

MR. JONES: Aye.

MR. YEO: Aye.

MS. EIG: Aye.

DR. KAMEROW: It's approved unanimously.

MS. KAUFMAN: Thank you.

DR. KAMEROW: Do you need this immediately or can it wait until the next meeting to get approved?

MS. KAUFMAN: To wait until the next meeting is not good.

DR. KAMEROW: Okay.

MS. KAUFMAN: Thank you.

DR. KAMEROW: We'll do it.

MR. PODOLSKY: Can I ask one clarification?

DR. KAMEROW: You may.

MR. PODOLSKY: The original decision required reforestation of a tree that was three inches in caliber at the time of installation, but the first extension said 2-1/2 inches.

MS. EIG: That was when George had it in his head about making the change.

MR. PODOLSKY: Right. The question is which one do you want?

MS. EIG: Two and a half.

MR. PODOLSKY: Okay.

DR. KAMEROW: Is our standard 2-1/2?

MS. EIG: Yes.

DR. KAMEROW: Then that should be what it is, in my opinion.

MR. PODOLSKY: I just wanted to make sure.

DR. KAMEROW: Thank you. Okay, that's our first one. And now if I could ask the O'Briens, Mr. and Mrs. O'Brien and their representative to come up. This is for 114 Grafton Street, and you're looking for a waiver from the moratorium on the issue of constructing an addition in the rear yard of your property. Is that right?

MR. O'BRIEN: Correct. We have permits already. We're asking -- it's the floor area ratio and how that's calculated. George Myers, our architect, has been talking with Geoff and his staff. And we want to talk about how we see that ratio and get your feedback as to how it's calculated. Because we think --

DR. KAMEROW: Mr. Myers?

MR. MYERS: Hi. We are here because we had previously permitted an addition that was under the 500 square foot moratorium. It's about 380 square feet. We haven't started construction on that. It's been permitted by the county and the village. We'd also like, at this time to --

DR. KAMEROW: I'm sorry, you have or have not?

MR. MYERS: It's been permitted. The first part has

been permitted.

DR. KAMEROW: Has not started?

MR. MYERS: Excuse me?

DR. KAMEROW: You haven't started?

MR. MYERS: Nothing has been started. There is a phase 2 of the project which is a 225 square feet approximately sized family room. After speaking with Geoff, we said, well, if we can demonstrate that whatever we're proposing is under the restrictions that are being considered, that maybe we would be able to go forward with this. So that's why we're here. So we have, in our letter, have shown that we're under the total impervious area. I think we can meet all the requirements. What's at issue is the FAR.

MR. BIDDLE: And if I could interject, staff distributed a three line report on FAR calculations for the existing house. Does that replace this, Shana?

MS. DAVIS-COOK: Mm-hmm.

MR. BIDDLE: Does that replace this? There we go. This demonstrates FAR for existing conditions, the currently permitted portion of the property and what they're proposing for waiver clearance. The calculations that they generated and our calculations disconnected because we in error included the wall -- the exterior wall thickness. So the revised figures were for base FAR. The current permitted work is compliant at .42 and the waiver request is .449.

MR. MYERS: Correct, and the difference there is -- there is a space in the attic that's being counted. It's a mechanical room under the eaves, which is an unfinished space. It's approximately 90 square feet. Right now, if you do the .44 times 7,500 square foot lot size, you get a total square footage

allowable of 3,300 square feet. The village calculations are now at 3,370. And so we're 70 square feet over. However, that 3,370 is including a 90 square foot unfinished mechanical area where you can't even stand up in the attic. And when I looked back on the proposed legislation here, it talks about habitable floor area. So I would contend that that is not by any code that I know of ever considered a habitable area. It's an exposed rafter, mechanical under the eave kind of access area, so I would submit that that 90 square feet should not be considered, and therefore, we would be at 3,270 and under the .44 FAR. So therefore, the final product of this house would be under the worst case, what's on the table right now as proposed legislation.

And you know, we'd like to go forward with it because we have a contract ready to go and clearly it will be more expensive to phase this project. So, we'd like to move forward with this whole thing at once, so that's why we're here.

MR. YEO: And if you don't count the mechanical space in the attic, what is your calculation?

MR. MYERS: It's 3,270, so probably .438. Just under by 20 square feet. Something like that.

MS. EIG: Is this the --

MR. MYERS: Correct.

DR. KAMEROW: I didn't hear your question. What did you ask?

MS. EIG: I asked whether this was the (inaudible)

MR. MYERS: Yes, that's the area that's being --

MS. EIG: You get to the attic page. That's A1.3, the thing that has the furnace labeled on it.

MR. YEO: Well, this gets somewhat to the discussion

that we've had generically about the statute, and at least I'm of the view that you shouldn't count anything that you can't stand up in.

MR. JONES: Livable space?

MR. YEO: Uninhabitable space.

MS. EIG: It still says 5 feet in there.

MR. YEO: Right. Well, it still says 5 feet, but I'm firmly of the belief that if you can't stand up in it, then it doesn't meet the county standards, which is, I think, 6 feet 8 inches.

MR. MYERS: Actually, the county --

MR. YEO: If you were to install a bathroom in your attic --

MR. MYERS: It has to be 6 feet 8 inches.

MR. YEO: It has to be 6 feet 8 inches.

MR. MYERS: However, the county does count, when they calculate area on an attic space, they count everything 5 foot and below because a kids' bedroom in an attic, it's usable space and it is used. The county standard -- because what they do is, when they're considering how much square footage you can build on a third floor, it's only 60 percent of the floor below and you have to do a calculation. And what they do is count 5 feet and below. So I think that's where the 5 feet is coming from.

MR. YEO: And so what's the -- I'm sorry, what's the height in this area right now?

MR. MYERS: In our area right here?

MR. YEO: The mechanical room.

MR. MYERS: Oh, the mechanical room, it's about 6 feet sloping down to nothing, and it's got a big mechanical unit and it's unfinished. So it's not a place that you could -- you might

be able to crawl on top of the unit, but there's no any floor space left to stand in.

MS. STEPHENS: But the 5 foot area, and I agree, I think 5 feet is not -- because we're saying 14 feet for a two-story with no floor in between. But even if we say 5 feet, it's only at the apex, right?

MR. MYERS: Well, this 5 foot rule that you're talking about comes from the shape of a room, were it's flat 8 feet across the middle.

MS. STEPHENS: Right, that's what I'm saying.

MR. MYERS: Here, it slopes down to five and then down. Now, one thing, too, the county does have, and the building permits require a minimum amount of ceiling in a habitable space that's above 7 feet. So sometimes the county won't count any of it because if you don't have a minimum space that's above seven, they won't count any part of the room at all. Which is what would qualify in this case. Because I don't believe there's anything above seven. There's probably a little bit where I could walk down the middle of the ridge and maybe climb over to get this mechanical unit. But in any case, it doesn't seem like in this situation it should be counted as habitable space, and therefore, counted as FAR.

MS. FELDMAN: I would just like to -- I mean, I think the measurement issue is a bit complex and we haven't really resolved how we think of it. The fact that it's mechanical space versus any other kind of space I think is irrelevant. We're concerned about the outside envelope of the house and what's done inside as far as I'm aware from all the definitions we've been putting together. Whether it's mechanical space or living space, I don't think we're distinguishing.

MR. JONES: I guess the question is, is it finishable space?

MR. MYERS: No.

MR. JONES: If you were to take the mechanical unit out?

MR. MYERS: I suppose if you could put drywall and put suitcases in it. I mean, but it's under the eave kind of space. I mean, well, I'm not sure that it's finishable, because if we finish it, we have no way to heat and cool the house. It's the only place we have to put the furnace up there.

MS. STEPHENS: But how much of the area is actually over 5 feet? Five feet or over?

MR. MYERS: If I had -- well, we have -- it's probably --

MS. STEPHENS: You have the drawing.

MR. MYERS: Yeah, I probably do. I probably need to look through the section of that -- hold on. You know what? I'm sorry, I have one right here. Hold on a second. But I would guess that the --

DR. KAMEROW: While you're looking at that, let me just go over this for my understanding.

The history of this is that you approved administratively the first expansion, and they're coming back now saying that while they're at it, they'd like to do this additional expansion. Now, are we all in -- are you, the staff, and the owners, and the architect, agreeing now on the measurements that we're talking about on the FAR?

MR. MYERS: Yes.

DR. KAMEROW: And those measurements are the ones that you have here?

MR. MYERS: The corrected measurements.

DR. KAMEROW: The one that you handed out to us?

MR. MYERS: .42 and .49 are corrected numbers.

DR. KAMEROW: Okay, so I'm not looking at the right thing then.

MR. BIDDLE: Just in the past couple of minutes when we got together with Mr. Myers.

DR. KAMEROW: I'm sorry. I wasn't paying attention. So tell me again what we're talking about. I'm looking at this thing here. Where are the numbers that you're saying are changing?

MR. BIDDLE: Under column base FAR.

DR. KAMEROW: Right.

MR. BIDDLE: .26 is what it was.

DR. KAMEROW: .26 is what it was.

MR. BIDDLE: Right .42 is the new number, second row.

DR. KAMEROW: That's the approved plan.

MR. BIDDLE: Right, the administrative product. And .449 is what's on the table tonight.

MS. FELDMAN: But does that include --

MR. BIDDLE: That includes --

MR. MYERS: .439, assuming we don't count this space.

MS. EIG: Let me just bring -- when you say about the equipment, that in fact the equipment is something that we should consider, because we do have an example of what we could end up with were we to be funny about this space. There's a house on Heskus Street as you're going southeast on Magnolia towards the circle. As you go past the Ables' house, if you look up, you will see an air conditioning unit sitting on top of the roof. Okay, totally exposed, and in the winter, totally visible. It's really ugly. It's not what we want. I have no idea how historic

preservation could approve it. But in any case--

MS. STEPHENS: No, my point is simply --

MS. EIG: This is an example of why we want this under a roof, and why if it requires this much space for circulation of air around -- and I don't know whether it does -- around the furnace, but I assume that you have to have some air around it, then we have to consider that.

MS. STEPHENS: But I still don't understand. The whole area is not 5 feet.

MR. MYERS: The actual -- that little thing that I passed out, probably the simplest definition is --

MS. STEPHENS: And that's all you're counting, is that triangle?

MR. MYERS: Your question before would be, if we were to try to finish this out legally, we could not. It would not be by any building permit -- it doesn't have the height requirements to be a habitable space according to the IRC, which is the residential building code. So that's probably the simplest answer. It's not habitable, occupiable. It's about 6 feet where it's going down. And that would not meet the standard for the building code. Your question about the air-conditioning. This is actually interior air handler. There are separate condensers which you're talking about.

MR. YEO: Right, but if we stick -- I think Susie's point is that if somehow we didn't count this -- we need to be careful that we don't create a regulation that would in essence encourage people to put equipment on the roof in the process of doing that.

MR. MYERS: Right.

MR. YEO: So if we were to, for instance, count this

area towards the FAR, that would be very much encouraging people to take huge air handlers and put them on the roof.

DR. KAMEROW: Well, let's talk about the problem that we're having here, and that is where we're playing with a moving target. We don't have new rules yet, and we're being asked on the basis of hardship to approve this, which you can argue whether it's a shade over or a shade under. But it's pretty close to one of the things that we're talking about.

But then there's also other things that we're talking about. For instance, we haven't even gotten to discuss things like wall length, plate height. You know, there's issues here about that as well. And lot coverage, which we haven't really discussed in great deal.

MR. BIDDLE: I think they were okay on the plate height.

MR. O'BRIEN: Two of the three they're okay on.

MR. BIDDLE: We looked at the existing condition on the plane length. That they're already at 41.

SPEAKER: Right.

MR. O'BRIEN: We looked at the three issues, so in essence, I mean, to pull it down, we're looking at 50 square feet.

MR. MYERS: But I understand your point is that 44 doesn't even exist yet anyway.

DR. KAMEROW: Well, it's hard to decide what our criteria are for making an exception to this. You know, I think to go back and think about the impetus behind creating the moratorium was so that lots of people wouldn't rush in with giant projects to try to get in under the wire before we could put in a regulation.

I don't -- I personally don't think that this comes in

as some giant project that the moratorium was put in to stop. So I'm less concerned -- I guess what I'm saying is I'm less concerned about the exact fine points here because it's against an arbitrary and moving target. So it's almost like, I think, very hard. And in some ways, it would be easier if everything were below what we've been talking about. Then we could easily see it.

But I don't think that -- I wouldn't feel it's necessary to hold it to some exact arbitrary point because that point doesn't exist yet. So I'd rather get a general feeling for what this entails, and is it a whole lot larger than everything around it.

MS. FELDMAN: I wouldn't have a problem approving it on the basis of hardship. There's already an existing firm that they want it would probably cost a great deal more money to do this in two stages than one and so on. And it's not a huge amount larger than the allowable 500 square feet. And so the one concern I have is approving it on the basis of defining some things in our yet to be passed regulations by saying we're going to allow it because we're not going to count this space.

DR. KAMEROW: Well, that's exactly my point. And that's why I wouldn't want that to be a part of the decision.

MR. YEO: That's fine. I mean, we were just discussing it because --

DR. KAMEROW: Right.

MR. YEO: This is exactly the issue.

MR. JONES: I agree with everything you said, Doug, which is that I think you can make your case that this is in line with roughly what we're considering. It certainly is a hardship case in terms of having to build in two stages. And I think this

is sort of what we were anticipating when we were thinking about the waiver process for the moratorium.

SPEAKER: You can make an exception to the moratorium and not regs.

DR. KAMEROW: Right, but my instruction to counsel would be that I don't want this based on the fact that we decided this upper area didn't count, because that's not what we're saying here. We haven't said what we're going to say. I think the criteria should go back on much more. If we're going to pass this, I would think that it should be on much more general grounds, that this is something that hardship is demonstrated, that it's not out of line with -- it's close to or around the area of the kinds of things we're considering now. It doesn't seem to be grossly out of step with the neighborhood and so forth and so on.

MS. EIG: Do you know if -- can you hazard a guess as to whether your addition is going to extend -- because these are all pretty much in a line.

MR. O'BRIEN: It's the same as everyone in the back yard.

MS. EIG: The same amount. If you look at the aerial photograph, you'll see where everybody else's goes out to. So this is what we're going out to.

DR. KAMEROW: By everyone, you mean the two houses on either side?

MS. EIG: No, the whole road. If you take a piece of paper and put it across, lining it up with those additions, then you can see.

MR. MYERS: Just one other point I would -- while we're doing these FAR numbers, I did a quick study this afternoon.

It's just interesting. I want to point this out to show that this is a reasonably sized proposal that's before you. If you took what's currently allowed, considering the moratorium didn't exist on this lot, it's a 7,500 square foot lot. They have 35 percent lot coverage, which is about 2,600 square feet, times 2-1/2 stories, which if somebody wanted to knock this house down, you're talking about 6,600 square feet of space above grade. And this is exactly half of that. So, it just sort of goes to show you that when Paul and I thought, well, this can't be what they're targeting because I think this is a reasonable and good project. It would be awful to see the alternative.

SPEAKER: Good point.

MR. MYERS: It just shows you what the FAR does. Think if the FAR doesn't exist, but if you just turn that into a FAR number, that's a .87 FAR number that sort of exists.

DR. KAMEROW: Okay. Are there neighbors around who have comments?

MR. BIDDLE: They have provided letters from the rear yard and both on either side in support.

DR. KAMEROW: Are they separate handouts here?

MR. BIDDLE: Yes.

DR. KAMEROW: And they all support it?

MR. BIDDLE: All support it.

DR. KAMEROW: Okay, any more comments? David?

MR. WINSTEAD: What would -- David Podolsky, do you think there's any concern about ways to word this so that it is confined to the moratorium and can't be used as a precedent on any of the measurements? Can we really bifurcate?

MR. PODOLSKY: Absolutely. There was one prior decision where you allowed something slightly over the 500 square feet. I

think we can use that as a model. As always, we will circulate it to the Board to make sure you're comfortable with the wording.

DR. KAMEROW: Okay, any more comments before we have a motion?

MS. POWERS: Yes, I was going to say --

DR. KAMEROW: Hello, someone behind us is here.

MS. POWERS: I hate to be --

DR. KAMEROW: Come forward please and identify yourself.

MS. POWERS: Alison Powers, 3929 Oliver Street. I hate to be a curmudgeon, but I do just want to speak for the anti-mansionization forces to say that I really do feel that this is a moving target. The proposal does sound fairly reasonable, but it is really a fairly large addition that I can see from the street. And the points that we are looking at in terms of the FAR and the plate height, et cetera, are just some of the points I'm hoping that will be considered. And there are other points, such as the width on the street and the percentage of garage. I know they don't have a garage. They're going to take it all up to the very top. But I do feel that we should -- we have a moratorium for a reason, and it's to prevent unscrutinized construction. And I feel in this case it would be better to wait until the regulations are put into effect.

DR. KAMEROW: Thank you. Other comments from citizens? All right, could we have a motion if there is one?

MS. EIG: I have a comment.

DR. KAMEROW: I'm sorry, Susan.

MS. EIG: Yes. It conforms with what we looked at in the examples from Nore Winter in terms of being across the back, as opposed to imposing upon either of the neighbors. It's (inaudible) building. And they're restructuring the inside

interior so that they don't have to maximize the additional space. So I think it's a very thoughtful addition.

DR. KAMEROW: Okay, is there a motion?

MR. YEO: I move that counsel prepare for exempting -- provide for a waiver in this case for 114 Grafton.

DR. KAMEROW: Following all the things we discussed.

SPEAKER: Second.

DR. KAMEROW: Any more discussion? All in favor?

Opposed?

MS. FELDMAN: Aye.

MS. STEPHENS: Aye.

DR. KAMEROW: Aye.

MR. WINSTEAD: Aye.

MR. JONES: Aye.

MR. YEO: Aye.

MS. EIG: Aye.

MR. BIDDLE: Abstained.

MR. PODOLSKY: Abstained.

DR. KAMEROW: It's unanimous.

MR. MYERS: Thank you.

DR. KAMEROW: Do you need that decision immediately, or can you wait until next month to get it? It's possible to do it sooner if you need it sooner.

MR. MYERS: Can we go forward with the County portion of the permit?

DR. KAMEROW: (inaudible)

MR. MYERS: Then, no.

DR. KAMEROW: Great, thank you very much for coming.

MR. MYERS: Thank you.

DR. KAMEROW: Okay, that concludes our appeals. We're

going to skip old business for a minute and move on to new business, which is a resolution that we're going to take up. I think you have -- I hope you have in the back there a copy of the resolution. This is around the Wohlfarth property.

Very quickly, everyone remembers that we went through a protracted process to acquire in partnership, excuse me, with the county, the Wohlfarth -- former Wohlfarth property, which has now, with the death of the surviving residents, passed to the county's ownership with our stewardship. And it's within the village because we've annexed it.

And one of the issues that is outstanding is the issue of a house. The Wohlfarths had a house on that property, and there's a question about what is to be done with the house. So we have asked people what they think, and we have a report. Alice is not here, is that right? This has been under the jurisdiction of the Park Committee. Alice Kenter -- oh, there it is. Alice Kenter is the chair of that. She couldn't be here tonight because of an unavoidable conflict. She gave her recommendation. I don't know if she convened the park group. No.

MS. EIG: It's not really required.

DR. KAMEROW: I'm sorry?

MS. EIG: It's not underneath the parks committee.

DR. KAMEROW: Oh, okay. Then I'll just say that we had a comment from her, which suggests that the building be demolished. So what do people think? We have a resolution in front of us that has been drafted that suggests that we go on the record, which we have in the past verbally, but this would be actually in writing, to request that the house on the property be demolished as soon as possible or sooner. And why do we think

this? Does anybody want to talk about why this is important?

MR. WINSTEAD: Who was the gentleman, Geoff, who came from the County, when we debated this?

MR. BIDDLE: John Lynch?

MR. WINSTEAD: Didn't we express to him verbally that we

--

MR. BIDDLE: Correct.

MR. WINSTEAD: So this is essentially a (inaudible) commitment following the committee's recommendation. The only thing -- Doug, the only thing I would add is on the back page where you have "be it resolved" I would put in there very specifically in the second line of paragraph one, the Wohlfarth property would, instead of just a common phrase of being in the public interest, I would say to fulfill the objectives in the latest urban space master plan, by promoting the public safety. I've got a few edits here. As well as the urban park objectives. I think the more you can reinforce that it's consistent with the legacy open space master plan --

MS. EIG: If you're going to do that -- the other reason that it got approved for the legacy open space is because of the aspect of connectivity, which we always love to create. And so the fact that it's close to going across the district line to the 41st Street park and then to the buffer, and then going across the street, was one of the reasons why.

MR. WINSTEAD: Well, maybe you can add that to number 2.

MS. EIG: Yes, well, anyway.

DR. KAMEROW: So you've got some language suggestions? I mean, if we're going to vote on something, there has to be a language we're voting on.

MR. WINSTEAD: Again, on the second line --

DR. KAMEROW: We're on the second page now, on the wherefores.

MR. WINSTEAD: The second line of the Wohlfarth property would, and then instead of be in the public interest, fulfill the objectives of the legacy open space master plan, by promoting the public health safety welfare, as well as, instead of the purpose, the urban park objectives for which the village contributed funds for the acquisition of the Wohlfarth property.

So that way it's right up front. You know, that it is open space we're after. That it was a public urban park that we spent our money to obtain with the County.

DR. KAMEROW: The suggestion is that if you have notes there, you can hand them off to say Mike or Shana, and we could get it keyed up, so a little bit later we can --

MR. WINSTEAD: Right, Susie, I don't know whether you want to put on there --

MS. EIG: Right, the only other thing I would just say is after the urban park objectives, because the connectivity is something that is a more general principle that we list in the objectives of legacy open space. So I'd have to go look at the original documentation. Do you have that, too?

DR. KAMEROW: I'm not sure that I'd use the word "connectivity."

MR. JONES: I don't know that we need to restate the objectives of legacy open space.

MS. EIG: No, no, no. The point is that it's something that isn't necessarily under the urban park objectives. It's something that was being considered when we voted to approve it as legacy open space. So, because it conformed not must to this aspect, but to another aspect that we looked for in the space

that we accrued.

DR. KAMEROW: But how does the house -- how is the house related to how it's connected?

MS. EIG: Because it blocks the connection.

DR. KAMEROW: Okay, well, I think we have --

MS. STEPHENS: That's a bit of a stretch.

MR. BIDDLE: Would you like me to retrieve that and have it typed up?

MR. WINSTEAD: Sure.

DR. KAMEROW: Do you want to wait until we can all see it then?

MR. WINSTEAD: We'll type it up and bring it around to you in about 15 minutes.

DR. KAMEROW: All right. Then we'll defer this for a moment, but we will continue.

MS. EIG: If we can approve it tonight, then we've got the connectivity. And just do it with David's thing so we can get the vote done.

MR. YEO: Maybe we should complete the discussion now.

DR. KAMEROW: Okay, assuming that we get language that we like, is everybody happy with this idea of submitting a written -- I mean, as I said, we've taken an oral vote on this before, so I don't know if anything has changed. It seems that we all agree that the idea of acquiring this was based on acquiring park land.

MR. WINSTEAD: Yes.

DR. KAMEROW: And the house is on park land.

MS. STEPHENS: We did actually get a message in from somebody who had a different idea, but I think --

DR. KAMEROW: We have had a number of people who have

come before us with their own ideas.

MS. STEPHENS: Yes, but I just wanted to make sure that everybody saw that. I mean, I'm in complete agreement that we should go forward.

DR. KAMEROW: This is from Ms. Fossi (??)?

MS. STEPHENS: Yes.

MR. YEO: I thought that the comment was very measured and had a lot of interesting ideas.

MS. STEPHENS: Yes.

MR. YEO: I think we need to remember why we purchased the land. Because it's open space, and it's green, and it's a park. And the house is not part of that objective, and I think it should go.

MS. EIG: I think there's a misunderstanding about the fact that it's not a village park.

MR. YEO: Anything we do has to be negotiated. If we were to keep the house, of course, and use it for a purpose, A, the purpose would have to be negotiated with the legacy open space, and second of all, it would have to be, of course, open to all county residents, because it's not a village property. So I just think it's consistent with what we want and we should move forward.

DR. KAMEROW: Okay, so when we get this language back we'll stop what we're doing for a minute or two. Yes?

Could you come forward here and talk into this microphone and identify yourself?

MR. BERLOWICK: My name is Paul Broderick. My wife and I live in the 5500 block of Grove Street. In fact, I am the block captain. And greetings to the board of executives and chief.

I concur -- we concur 100 percent with what you want to do. It's a question. You refer to the house. There are actually two structures. When you say the house, do you mean the garage as well?

DR. KAMEROW: Yes.

MR. BERLOWICK: Let's make that very clear. If I could make just one other comment since I have your time, the 41st Street Park is completely closed off egress wise to Western Avenue. I would suggest that this property be done as well. And I couldn't say more.

The only other comment I could make, someone talked about how quick it is to take down a house. My wife and I have done that. It's very quick. It's very easy. And the relative cost of taking that property down versus keeping it, it will be quickly recovered.

Thank you.

DR. KAMEROW: Thank you. Okay, so we'll move on then and come back to this. Now, on the agenda, we'll go back to Old Business, which is the discussion of the building regulations that we've been looking at. We have a lot that we haven't discussed on this. And we have several new items that have been distributed both to the Board and they're also out front and they've been on the website for at least part of the day.

The first is the beginning of draft regulations, especially the whereases that Counsel prepared for us. The second is a very interesting look at what people felt were the heartburn houses -- at least were nominated to be the heartburn houses. No offense if one of them is yours. No offense intended. And very nicely done by Mike and Geoff or Mike?

MR. BIDDLE: Mike.

DR. KAMEROW: Congratulations, Mike. Thank you very much. Michael Younes. And with a table at the beginning of it where he goes through calculations of FAR, as well as other potential requirements that we've looked at, and highlights in red where these houses do or do not deviate from possible regulations.

And I think it's very interesting for several reasons. Number one, the overhead views are great to look at because they really do give a good chance to look at the house on its property. Betsy has pointed out that it's also nice to look at the front of the house as you walk by, and we don't have that here for some reasons. Although you can certainly tell from some of them. Depending on how low the views are.

The new houses, people may wonder why we don't have overheads for all these, because these photographs were taken in January of 2006, which was the last sweep, so they're due for another sweep. But houses that have been done since then, we couldn't get. I don't know where Google Earth is in terms of that or not, whether they're more up to date, but --

MR. BIDDLE: I wonder whether it's every two years that they --

MR. YOUNES: Every two years the County flies, and it takes one year to actually become public record.

DR. KAMEROW: So they're going to start sometime now, or maybe they're doing it, but we won't see it until 2009.

Okay. The other thing that we have is a nice article from a journal that I don't regularly receive called the Journal of the American Planning Association talking about mansionization and its discontents, a very clever title, that I thought was real interesting. And if the people in the village would like to see

that, we can certainly make a copy available to you. Is that out there as well?

SPEAKER: (inaudible).

DR. KAMEROW: It is? Great. Talking about what three particular communities -- one in Chicago, outside of Chicago, and two in Silicon Valley in California -- did in reaction to the similar problems that they had. They were larger communities than ours in every case and their adventures in trying to come up with regulations, pointing out how difficult it is. And although their situations are not exactly the same, I think we have a lot to be learned by reading all about it.

MS. STEPHENS: May I just read a paragraph from this, which I think is --

DR. KAMEROW: Betsy, why don't you read paragraph from it?

MS. STEPHENS: Readers will note that even though each of the three communities reviewed in this article embraced a comprehensive approach to regulating mansionization, initial interventions were soon followed by a variety of refinements and amendments. This is the primary similarity among the cases, that these types of regulations are works in progress.

DR. KAMEROW: Right, so it's tough to get it right the first time is sort of what it says, isn't it?

MS. EIG: Of course, it could also say that building codes had already been changed, too.

MS. FELDMAN: I think that the sentiment simply is -- I mean, we will try to get it as right as we can. We don't have to it may not be complete. We may not deal with every issue, and conceivably we will discover after a couple years that whatever we've enacted is not the optimum way to look at things. But

let's start out trying to get it as right as we can and recognizing that it's not cast in concrete.

DR. KAMEROW: I think that -- what I take away from the examples that Mike did for us, it seemed like many of them, the heartburn, so-called heartburn houses, did violate potential regulations in some way or another. Not all of them in all the ways, but almost all of them in some way. Is that correct?

MR. BIDDLE: Correct. The heartburn houses.

DR. KAMEROW: I think it might be worth bringing up the statistical term that is commonly used in medicine and other things, the concept of sensitivity and specificity, which if you give me a minute, I'll walk through. It might be useful. The point is that the current regs that we're thinking about, at least in this area, seem to be able to pick up these houses that many people think are outliers. That is, the sensitivity of our possible regulations is pretty good, so that the ones that you want to pick up, the analogous is in medical stuff, is the cancers that you want to screen for, you find.

The problem, of course, is the opposite, which is specificity. And that is easy to remember because it's how specific it is to these. And here, we don't really know for sure, but we suspect that it's probably going to be a bit of a problem, because you're going to also, in addition to getting these places and saying that these are a problem, you're probably going to find some other ones that, when you look at them, may not be perceived as problems.

And it's hard to tell exactly without doing the whole village what the specificity of this set of straw man, if you will, these rules that we've started looking at, with a FAR 44 or somewhere around there.

So that's, I think, the problem we have in a nutshell is inherently specificity and sensitivity vary. That is, the higher you make the criteria, the harder it is, you know -- to pass through the criteria, the more people you're going to include who you didn't mean to include.

So there's no such thing as perfect probably, although it would be nice to try to work towards that so that the only people, houses in this case, that fail the test are people, houses in this case, that are a problem. But every time you make the criteria more inclusive to include the heartburn houses, you're going to include some not heartburn houses, too.

And so it just -- you know, my point in saying this, other than trying to impress you with my erudition, is that this is inherently a tough business, and we're not likely, I don't think, to get something that's going to be perfect. And we may have to content ourselves with either a situation where there are some houses that pass through by criteria, therefore, got issued permits without anybody ever hearing about them that are going to give some people some heartburn, or we're going to make some people whose houses aren't a big problem come in to do an appeal. There may be a lot of those people.

So I mean, that's just the nature of the beast here. I don't think it's going to be possible to do something that's perfect. And that was just the thought that I had.

MS. STEPHENS: May I also point out just in terms of FAR alone, if you put it up to .45, more than half of them are actually within the FAR that's being discussed, so --

DR. KAMEROW: But they seem to fail in other ways, like they have big garages or the plate height is too high. If you look at the red numbers there, there are lots of them that have

lower FARs that fail in other criteria.

MS. EIG: I think it's interesting that the only one here that I think doesn't fail on anything is at 5700 Cedar Avenue, which was brought up at the last meeting by a neighboring resident to the south. In other words, the garage to which she objected -- the attached garage to which she objected was cutting off her south light. The imposition of cut off light that is so often mentioned.

DR. KAMEROW: Well, that's not something we've ever tried to figure out do something about.

MR. YEO: I think the other -- one of the takeaways that I have from this is if you look at a number of these houses that are quite large, a number of them are located on large lots. And you know, getting back to the discussion at the last meeting, which is, yes, there are some problems and there are neighbor issues, sometimes people build large houses on large lots. If you look at what we were originally trying to do was large houses, small lots.

And I think if you look at some of the FAR issues, some of them are on large lots, for sure. But a bunch of them are that seemed to be problems houses, actually are on large lots, and therefore, you have to work on other areas, such as ensuring that sidewalks aren't running 70 foot down the property and not giving a break in terms of a visual break.

DR. KAMEROW: Are there other comments on this collection of houses, the heartburn houses? I wanted to talk about this a little bit before we get to other issues.

MR. YEO: This is very useful, very useful when you have pictures -- lot sizes, it's very useful to sort of think about these issues.

MS. FELDMAN: And given that they almost all fail something, it suggests that the things we're looking at seem to be likely to catch a lot of the issues.

MR. YEO: In one way or another, correct.

MS. FELDMAN: In one way or another.

MR. WINSTEAD: I would note though that the cluster under .44 and goes down, the actual lot coverage, except for one case, is not that big. That 35, 36, 31, they're not huge violations of (inaudible), whereas, if you look up to the higher FAR above .45, they start getting into or at least .47, 60, 50, 60, 60.

DR. KAMEROW: Now, the current county regulation is 35 percent, but not including anything but structures.

MR. BIDDLE: Structures, right.

DR. KAMEROW: And so we use 35 percent here --

MR. BIDDLE: For all impervious surfaces.

DR. KAMEROW: So we actually changed it to impervious for this exercise. Is that right, Mike?

So that's sidewalks, driveways, patios.

MR. YOUNES: Anything non-green.

DR. KAMEROW: Anything that's not green.

MS. EIG: How did we come up with this .02 for the walkout basement that they have?

MR. BIDDLE: Nore Winter's suggestion.

DR. KAMEROW: So tell me what that is again. What does that mean, .02?

MR. BIDDLE: It provides a bump up for allowable FAR for that portion of the basement.

DR. KAMEROW: So that would take you from .44 to .46.

MR. BIDDLE: Right.

DR. KAMEROW: Saying it's similar within that structure, that would give you another .02.

MR. BIDDLE: Right. Other comments from the Board before we turn to comments from residents?

MR. YEO: Well, just again on this subject of impervious lot coverage, I'm concerned -- I'm not convinced that that's the right area to regulate. And if we do regulate it, it has to be done in a way that the people, a lot of residents with basements and garages in the back, that there has to be some compensation, because this is -- people were encouraged to put their garages in the back. So you have these massive driveways running all the way up through the side of the yard because that's the only way to get to the garage.

DR. KAMEROW: If we're silent on lot coverage, that means that the county's definition obtains; is that right?

MR. PODOLSKY: If you don't regulate lot coverage and the county does, then their regulations are the only ones that apply.

MR. BIDDLE: Point of clarification. The village interprets lot coverage currently on the books as structures and raised non-structures. Anything that's above grade gets classified as a lot coverage item for the village. The county is just roof structures.

MS. FELDMAN: You mean, so we would include decks or something?

DR. KAMEROW: Based on what?

MR. BIDDLE: Raised terraces. The definition is in --

DR. KAMEROW: So when we calculate 35 percent, we already had the ability to do that?

MR. BIDDLE: We count raised structures. Not so much

driveways, tennis courts, and the rest.

DR. KAMEROW: I understand what you said. I'm just trying to understand. I didn't realize that we had the capability, we were allowed to regulate.

MR. PODOLSKY: We have the lot coverage provision in our code from before 1992. Before, we revoked it and couldn't do it. We never deleted it, and so it's still there.

DR. KAMEROW: And now it's legal.

MR. PODOLSKY: Now it's legal.

DR. KAMEROW: So right now, to answer my question --

MR. PODOLSKY: If you wait long enough --

DR. KAMEROW: So the answer to my question is not what I said. The answer to my question is if we say nothing now, the prior village rule --

MR. PODOLSKY: Right.

DR. KAMEROW: Which is 35 percent, including all structures plus anything that's raised that's not a structure.

MR. YEO: Right, but 35 percent does not -- when you start including impervious lot coverage --

DR. KAMEROW: Right, right.

MR. YEO: It does not include --

DR. KAMEROW: We have no regulation --

MR. YEO: We don't do driveways right now, and if we did impervious lot coverage at 35 percent, we will be covering driveways.

DR. KAMEROW: Right, I'm just trying to clarify what if we do nothing. What happens?

MS. STEPHENS: I think impervious lot coverage -- the issue of impervious lot coverage is an important one. And it's important in terms of stormwater drainage and runoff and all of

those things. And I'm not sure that the things that we're discussing are the best ways of dealing with stormwater runoff and so on. And I think that we need -- I think we should leave -- my own view is I agree with Peter. We should leave this alone for the moment. But I do think we should study that issue, because it is a big issue in the village and throughout the village. And I think we need a different kind of evaluation of how we deal with runoff and drainage.

DR. KAMEROW: But now it is required when you do construction to have a water management plan.

Is that correct?

MR. BIDDLE: I make it a requirement. I want to know what's happening in the post project with water pits. David showed me that I have language to allow that.

MS. STEPHENS: There are things that I think we could add to our village rules and regulations that would -- or at least recommendations to people that might help with this issue that we haven't really dealt with before. And I think we should have some sort of engineering analysis of what recommendations we might consider.

DR. KAMEROW: But you're not suggesting that now? You're saying you'd prefer that?

MS. STEPHENS: I think this is something that we should defer.

MS. FELDMAN: I think that's -- I mean, I totally agree with Betsy, but I think that's a good reason for we're moving the impervious issue from consideration in this context and considering --

DR. KAMEROW: Being silent on it at this point. All right.

MS. EIG: I'm generally in favor of that except for swimming pools. Well, for below grade construction, whether it's exterior staircases or swimming pools.

DR. KAMEROW: And so what do you want to do with those?

MS. EIG: I want those included in our total for the 35 percent, because I -- water runoff is one thing. I don't want to get caught because I think we could say that we're going to do like they have here 75 percent or something but then it turns out later that scientifically this doesn't work and so if you're improving the wrong thing or something. I don't want to get stuck in that kind of thing.

On the other hand, we know perfectly well that anyplace where they've dug down and they've concreted the foundation for something, as in a below grade staircase or a swimming pool, that it's going to not just affect the flow of water through there like the underground springs, but also it's going to affect the tree roots and anything else. And especially for underground -- for below grade staircases in the side right-of-way -- side lot right-of-way -- that is, in fact, very much affecting any of the neighbors' plantings because it's right there. So the tree roots have no place to go.

MR. JONES: So, Susie, a way of incorporating that to say that we would include in our 35 percent any below grade structures that are outside the footprint of the house?

MS. EIG: Mm-hmm.

DR. KAMEROW: Okay, that's a thought.

MS. EIG: Or attached to the footprint of the house.

DR. KAMEROW: Okay, let's hear what some people who have come here tonight have to say. I saw a bunch of hands before -- about this issue.

MR. WINSTEAD: One --

DR. KAMEROW: I'm sorry, David?

MR. WINSTEAD: Yeah, Susie, on page 11, it is included. It states that swimming pools shall not be considered.

MS. EIG: Yeah, not considered. And I want it the opposite. Right.

MR. WINSTEAD: To be considered --

DR. KAMEROW: Comments from the people of the village?

MS. KARTALIA: Hi, I'm Diane Kartalia. I live at 5412 Grove Street, and I completely support that you do not include driveways and walkways in the 35 percent lot coverage. From somewhere in this stack of papers, the data show that there were -- 50 percent of the households would fail on that alone. So I completely support dropping that.

The county has a stormwater runoff bill 2605 implemented this March. March '07. So any new residential project addition and huge developments have to present a plan for stormwater.

Thank you.

DR. KAMEROW: Thank you. Other comments? Yes, sir. Come on up.

DR. SHERIDAN: Phil Sheridan, 5416 Center Street. I would support the concern that sub-grade structures, particularly in the side setbacks should have some regulation to them. I note that there is reference in the preamble part of the document about safe passageway between buildings. And certainly if you would have sub-grade stairwells in two houses facing each other intruding into the setbacks on each side, that would be a major problem for trying to get emergency vehicles through.

And I would agree that there also is a potential problem for plantings, tree roots, stormwater management. And to simply

say that anything sub-grade somehow magically can be exempt from all these considerations just is -- to me it's not practical. And as you know, there was a plan next to our house that had a rather large subgrade structure that would have posed very significant stormwater management concerns since it was actually above the elevation of our house. So I must confess to being personally sensitive to this issue. But I think it's generally applicable.

DR. KAMEROW: Thank you. Other comments? Sure, come on up. Hi, Bob.

MR. ELLIOTT: Good evening. Bob Elliott, Irving Street. I guess my comments are somewhat broader than water drain. I've been watching this all along, and not really come to any conclusion as to what I thought about it, because I, too, dislike these mansions that are being built. Not so much because of the size, though that can be a mess, but because they're ugly and absurd.

And I think that when you look at this list, it suggests to me that the objections we're getting are to a large part based on how someone looks at it and whether they like the way it looks.

I probably agree with their views. But when I look at some of these blocks in here, I can see almost everything in the block looks to me as though it's bigger than the one that has been selected. And that really is what concerns me. I think that these flatfooted rules sound fine for the ones we don't like. But if we haven't checked the result on everybody in the village, we are kidding ourselves about what we are doing to the people.

And of course, things are not always the way we want and

things are bigger than we wish they were often. And there are bigger houses here in the village that we love and we wouldn't by these rules let most of them be built today. I just think they're just too mechanical to go at it this way, and I'm not sure there's any way that goes right. To a large extent, I've always believed and I continue to believe -- this is my arbitrarial view that Susie has --

MS. EIG: Actually, probably libertarian --

MR. ELLIOTT: Libertarian, if you insist. I really question whether the fact that we all feel one way about something makes that the word of God.

And I would prefer that most of it be done by talking to the people, by having such suggestions as we can, to have as few restrictions and arbitrary hand-fisting kind of rules that people cannot get around, cannot really foresee until the moment comes when we need to have something done and then find you can't.

So I'm uneasy about it, and I would think that most of the people you're hearing from are those who have the problem in some way or strong views on it and will come tell you. But the vast majority of people will come to hate it down the road somewhere when things are no longer so easy to change. Those are my views.

MS. STEINBERG: Hi, I'm Roxann Steinberg, and I live at 5 West Lenox Street. And actually, Bob touched on exactly what I wanted to say. Having followed the process along, I really do understand the Board of Managers' desire to uphold the character of the village, but I decided I had to get involved when I saw this list and looked at some of the homes on the list and realized that first a preponderance of them are in the historic area. And a preponderance of them have had no construction done

on them in the last 6 to 10 years.

So what people are objecting to is existing construction.

One of these homes is two homes away from me and has existed in its present form probably since the 1940s. And so I actually found the characterization of the houses on this list as heartburn houses rather appalling. Many of them -- many of us would walk through the neighborhood and consider them treasures of the neighborhood as they exist in their current form.

It also appeared, since I was looking at a list where only one of the homes on the list actually met the new proposed standard, the proposed standards to me then don't really reflect the character of the current neighborhood you want to preserve. So there would certainly have to be a lot more analysis and tweaking done to revise those standards if in fact it was the current character you chose to preserve.

The other thing I found in looking at the aerial photographs was that if you looked at the neighboring homes for many of the homes chosen for this list, in some cases, easily two-thirds of the additional homes pictured were larger. And so I wondered what made those individual homes, in many cases, the home to evaluate in terms of determining meeting the new standard, when many of the adjacent homes were of equal or larger size.

So getting to Bob's point, I think you'd actually have to do this analysis on every home in the village before you determine a numerical standard that could apply.

And I also found, and this is probably something Bob is alluding to, too, is the siting of the home on the lot, the topography of each lot and landscaping all clearly mitigate the

effects of the perception of architecture in our community. And none of those things are considered when you lay out five numbers. So if the whole point of this exercise is to look at the character and view of our community, the fact that some number of people chose to have you look at these individual houses as a point of reference for evaluating your standards really isn't getting to that character.

I also found, kind of in looking at all the information on this process to date, that both in the survey that was done last summer and in subsequent analyses presented, you have yet to answer the question raised by many residents, including me, of performing an independent economic analysis of the imposition of these kinds of standards on home values in the village.

If there is not going to be a provision in the regulation to grandfather current homeowners, or at least a one year or longer period of time to allow homeowners who bought their homes in anticipation of changing the size an opportunity to sell those homes, I think the village really needs to have done an economic analysis of the impact of restricting FAR sizes to these sizes, given that there are other homes in the village that clearly don't meet and exceed these requirements. I think that's an unfair imposition.

And given that, I also wanted to know why there hasn't been more discussion of exempting the historic area, which is already subject to intense scrutiny with every project proposed. I have to say in the five years I've lived here, every approved project has been thoughtful, well-considered, and I can't understand why we think that that process would change.

I have many other questions that are procedural and I'll save those for another time. But my response to this document is

that it's a great starting point for you to realize you just don't have the data you need to make a decision on the existing proposal.

Thank you.

DR. KAMEROW: Thank you.

MS. KASS: Hi, my name is Heather Kass. I live at 7 Magnolia Parkway. I had two comments. First of all, actually, I was going to ask about -- if we could in the audience get a clarification of whether going through this list of houses there was a -- these were just every house that someone suggested, or there was a consensus? Because I felt like I was taking the SAT and I'm trying to do analogies. A couple of things I looked at and I said, oh, yeah, this is it. This is a mansion. And then I found further down some of my favorite houses in the village, as has been said already by the previous two speakers, are also on this list. And so it's been fun sort of wandering around. And I commend you on this document, which I agree is an excellent way for us to look at it.

One of the things that made me worry about was the whole issue of coverage, because it suggested that, as has already been said this evening, a lot of us maybe, do we know what percentage of the village is over 35 percent impervious?

MS. FELDMAN: I think it's fair to say -- I mean, I can't speak for the Board, but I think it's fair to say I don't think that we were really contemplating going forward with that number.

MS. KASS: Okay. Because --

MS. FELDMAN: With that definition.

MS. KASS: Then I won't have to remind you that I have a garage in the back of my property that I am not allowed to tear

down and that I can only get to by a very long, impervious driveway.

And then the other thing I thought Mr. Elliott would bring up, but since he did not, I just, when I walked in today picked up this letter from Mrs. Elliott. And the last line, "your job is not one to be envied. Good luck." I feel like I should say every time I stand up here.

But I also just would commend to you and everyone else this letter, because I think it's very simple but it sort of characterizes the way I have felt through this process, which is that I applaud your efforts and I think it's very -- the anti-mansionization that we all feel is very important.

But I also find people like the people who came up here, O'Brien before, not only very sympathetic, but as someone who has lived in the village over 25 years, the kind of people who I assume will continue to come into the village and want to do things to their houses. And I really fear that we're putting too many restrictions on people's ability to do those things -- that it's going to become very expensive and onerous. And you have to spend a lot of money on architects to get these, you know -- if everyone has to come for a variance, for example, it's going to become too expensive and onerous.

And we may not be still getting, as this article that we got this evening suggests, we may not be getting all of the mansionization problems solved that we hope for. So.

DR. KAMEROW: Mike, do you want to clarify how this list of houses was put together?

MR. YOUNES: It was compiled based on resident nominations. Resident nominated, completely anonymously, were included in the list as well as houses that we knew -- that were

on radar that we had heard about through various conversations, through phone, e-mail transmissions back and forth with residents throughout the last --

DR. KAMEROW: So admittedly, an arbitrary list that people had nominated as being of concern.

MR. YEO: How much staff time did it take to do this presentation for these houses, roughly?

MR. YOUNES: About 3-1/2 days.

MR. YEO: The question I have, of course, is it would be great, of course, to have this for every house in the village.

But how long would that take? What kind of resources would it take? I mean, it's a fine line between trying to -- this is very useful information to have. It's very helpful in terms of trying to figure out how these regulations would potentially affect a lot of different properties, and yet it's obviously not a large enough number to be representative.

DR. KAMEROW: Well, right, it's the point I made. You have no idea what the other part of the specificity of this activity is because you don't know how many houses that no one takes a second glance at would also fail. Or how many houses are right on the border, which would mean that they could not be expanded by anything unless they took something away.

MS. FELDMAN: I think that last point was one that I think we kind of not spent a lot of time thinking about, which is if we say we want to have standards that 90 percent of the houses would fulfill or 85 percent or whatever, we have to bear in mind that there's a whole cluster of houses that are very close to that cutoff point -- which may have if we're talking about a FAR of .44, they might have a FAR of .43. And still not be able to really do anything meaningful to their houses. So we have to at

least -- I mean, I'm not suggesting a number, but I'm saying that we have to bear in mind that when we establish a cutoff point, it's not just the houses that are above that that can't do anything. It's a whole cluster of houses that are approaching.

DR. KAMEROW: Just below it, right. Yes, sir. In the back.

MR. LESLIE: My name is Jim Leslie. I live at 47 West Lenox Street. I was quite astounded to learn that I'm the number one noncompliant house in the village.

DR. KAMEROW: Congratulations.

MR. LESLIE: And I just think that the cookie-cutter approach is going to be rather difficult to make work. My house has not been changed externally since 1980. The FAR number that this measure numbers is hugely different than the FAR number that the county uses because we are on a steeply sloping lot facing the golf course in the cul-de-sac down at the end of the street. And I would just be very uncomfortable when I -- I have no plans to build on the house at this point at all. I want to stay there for a long time, but I would hate to be restrained by a rather arbitrary number when I sold the house and have that have a significant economic impact on me.

And I would urge you to look at that there are enough regulations governing the construction of homes in the area, particularly in the historic district, that we ought to be able to deal with this on a case by case basis, rather than doing it on a cookie-cutter basis.

DR. KAMEROW: Thank you.

MS. EIG: Mr. Leslie brings up a point which we might also want to consider, and that is the question of parameters to be looked at that would work in conjunction with the regulations,

because his house, for example, backs up not to a neighbor -- a human neighbor -- but it's the club. So if we want to consider -- if it's a question of impact on neighbors, there's a side to side issue, but there's not the back issue, and so if we need to consider that, we also need to consider tree preservation. Because there may be times when people have to modify their plans, which may result in a lack of conformance due to necessity or a preference for tree preservation.

DR. KAMEROW: Yes.

MS. INGRAM: I'm Lee Ingram, Elizabeth Ingram, at 28 West Irving Street. And as you can probably well imagine, I've talked to my husband, Greg, who has read your latest ordinance and everything, looked at the house thing. And I just want to pass on to you a couple of his thoughts, because he thinks this is a very important process you're following, and it really concerns him if your process isn't accurate, because you're making very, very important decisions about all the households in the village.

I will say here, if he were here, he would have said to you, no, of course you don't do every house. You do a random sample. And you actually had a random sample before any mention January 28. That was an excellent approach, and it was only when you start selecting houses and drawing conclusions from them that you get into trouble.

Okay. He had three points after looking at the ordinance and looking at the house things. He thinks there's still inconsistencies between your definitions and your data analyses, that the draft ordinances continue to use different definitions of FAR, and these different definitions continue not to correspond with the data comparisons presented.

For example, the third draft ordinance uses a FAR definition different from that in the second draft ordinance, and the comparison of selected properties is based on the FAR definition in the second ordinance. So again, I think it's the same point he tried to make on January 28. You have got to get your definitions and your analyses together as you go about this very important analysis. Because otherwise, it's going to be very fundamentally misleading for those of us who live here in the village and are really trying to understand what you're trying to do, since you're going to impact us a great deal with whatever your decisions.

Secondly, a second point is that the third draft ordinance makes it crystal-clear that having an existing building that is in noncompliance in any of the new standards will not be granted a building permit. Now, I know you talk about variances and everything, but the ordinance is quite clear that if somebody doesn't follow make the FAR or the impervious surface measurements correctly, they can't get a building permit without the variance and everything else.

So he feels very strongly that residents need to know what share of the village properties is noncompliant. On January 28, you were talking about the possibility of up front using some of your definitions and analysis of two-thirds of the houses in the village being noncompliant. That's clearly inappropriate, and it's not going to work.

In any case, in addition, residents should be able to have a determination made by the village if their own property, their individual property, is noncompliant with the proposed definitions. So we're hoping that you will -- that households will be able to get in touch with the village and ask for

statistics regarding its own house. Yes, this is very laborious, but then so are the potential regulations that you're thinking of passing. Many citizens, we feel, would be shocked, as Judy Elliott said in her letter, and others are saying to you tonight, when they realize that they can make no changes or very few changes. So we want people to know up front what it's going to mean as they look at their individual house, at the same time they look at the village as a whole, which we all care about.

I also want to make two other points which are not -- those are the ones that Greg mentioned. He actually -- I will say he also noted, looked down the housing and said, oh, look at this. The walkout is .02. None of the houses pass that measurement; therefore, don't you need to reconsider whether or not that is an appropriate measurement? So, again, he's just looking at this academically in a way because he cares very much that the village do this right for all of our citizens.

Okay. Two other general points. Having really looked over the survey, and particularly question 6, we really don't agree. The survey results indicate a mandate for such drastic restrictive changes that you are proposing. Question 6 of the survey asked us to indicate the government's role in establishing regulations regarding land use. There was more support for refining standards than for adding new ones. For refining the percent was 55 percent versus adding new ones, it was 48 percent. For adding voluntary guidelines, it was 28 percent. For doing nothing, it was 8 percent. Yet you're going down the path of a very restrictive additional regulations.

And finally, I'd like to say that I really hope that you will build in a reality check here after you have finalized your proposed regulations.

Again, repeating, encouraging citizens to find out their own FAR, their own plate height, impervious lot coverage if that continues to be in the process.

Because we really believe that people have no idea what these regulations are going to mean to their individual homes. I'm sorry, I have a cold here and I'm losing my voice.

Secondly, under that point, you might consider having a referendum after you've come up with your regulations. I know on January 28, Peter and others were building in a 10-day period where people would know what was happening and understand the rationale. I think that's a very, very good piece to put in this to let people know what's coming down the path. But I think also the survey was abstract. It was looking at pictures of homes that weren't even relevant to this village. They had much larger FARs than anything we have in the village, except for the one that people came down on that they liked.

So after they've had a chance to look at their own statistics for their house and to consider the village as a whole and how we all care about maintaining its wonderful qualities, ask them to tell you again, is this what they want, so that your final decision truly reflects what the citizens want. I'm hearing a lot more people tonight saying to you, hey, I'm looking at the housing list. I'm really getting concerned about this. I really agree with those who have said once people realize what these regulations mean to the ordinary house in the village that's not just capturing those complete mansions, I think you may have a different picture.

On the other hand, if they're educated and they know their own house and they say go for it, you will have a true policy that I think is really going to be worth something. But

please build in a reality check so that we don't have a situation, where to be trite -- I have to use a medical term, the cure -- so the cure is not worse than the disease.

MS. EIG: Thank you, Lee. I think that actually these comments really bring us back to Peter's comment, which is that we're going to be really victimized if people try to determine their own numbers, because they're not going to do it the same way Michael does. So we're going to have far more people who are going to think either they can do everything in the world or they can do nothing at all than is actually going to be reflected by the numbers that would be determined by the same procedures that Michael follows. Because very educated people can make errors on this. Even people who work with numbers all the time.

MS. STEPHENS: I thought what Lee was suggesting was what the town has done, which is to offer the town services to residents to do the analyses.

MR. JONES: I believe, Betsy, what they did was allow people to come forward with projects that they were -- with which they were considering doing to their homes.

MS. STEPHENS: No, I think they were allowed to -- I think they were allowed to go in and get --

MR. JONES: Oh, really?

MS. STEPHENS: Yeah, and get the analysis done in the same way that it was done.

MR. JONES: The town is doing -- they hired someone?

MS. FELDMAN: They hired -- they specifically hired a consultant.

MS. EIG: On the other hand, of course, if you go over there, it's -- if you think people here are complaining, you ain't seen nothing.

DR. KAMEROW: Other comments from residents?

MS. FOSSI: I actually came --

DR. KAMEROW: Introduce yourself, please.

MS. FOSSI: I'm Serena Fossi, and I had submitted the e-mail that you pointed out earlier about the Wohlfarth property.

DR. KAMEROW: And you live at?

MS. FOSSI: I was going to hold off until the end of the meeting and just see if I could leave a comment about that. So I'm just going to very briefly say -- because obviously this meeting isn't about that. I must have missed some of the things that came this year. I've lived here since 2003, and I've always been real interested in that property. I live just one block up on Western, and was told over the years that it was eventually going to become village property. So I didn't understand the county thing, but in any case, just to leave it brief today, if when you do the follow-up public hearing that it sounds like you're stating you're going to do, if you could present mine and perhaps if other residents have submitted other alternatives at that meeting, I would appreciate that. And I would love to see the master plan. I didn't realize it was as far along, not being here that long.

But regarding the things that you're talking about in this meeting, I was wondering whether, without duplicating county regulations, if rather than thinking of these regulations as aesthetic specifications, if you restricted yourself to that it met stormwater runoff types of things, you might catch the really egregious overbuilding and not have to get into the kinds of things that the couple who came in here earlier would have to discuss with you. I mean, I don't know how much interest you have in having that continually at your meetings, but just a

thought.

Putting together a couple -- I don't mean one of those environmental impact statements necessarily, but there's probably some sort of simplified system for assessing what happens to stormwater when we build this way versus this. And I really do think that just that simple measure might it would catch the swimming pool thing. It would catch the driveway thing and the huge roof thing. And it just might simplify your lives. So, just a thought.

If you do proceed with it, I was also thinking you should have built in that a percentage of meeting the regulations would be better than a 100 percent meeting of the regulations. Just recognizing some of the things that have come out just in this meeting tonight. And again, to always acknowledge the true cost to running this office and to the individuals when you put any of these types of regulations.

I again moved here to a house that was in real disrepair and we didn't have to face this because we didn't do any additions, but we did do a lot of renovations. And you know, by the time you get the county permits and the village permits and the tree permits that already exist, the thought of adding this whole additional layer for people who again, they probably moved in without knowing what they're moving into, so just to consider.

DR. KAMEROW: Thank you.

MR. YEO: Brief comment on the Wohlfarth property, which is in terms of a master plan for the property, it's not far along at all. I mean, I think we made the determination about the house, but in terms of -- and that's something that has to be negotiated, obviously, because it's a new space. But in terms of the actual how we're going to use the property, I think that the

next step is actually to have a sort of design process sponsored in conjunction with legacy over space, to actually bring in all village residents and draft proposals.

MS. EIG: With Friendship Heights --

MR. YEO: Right, exactly.

MS. EIG: Because it's not a village park. Now that we've annexed the land, the park is within the village.

MR. YEO: Right.

MS. EIG: But it is not a village park.

MR. YEO: So the goal is -- the answer is going to be an opportunity not only for village residents -- thank you, Susie -- but everybody in the county who is interested in the property to come off with their views about how it should be utilized.

MS. FOSSI: Well, I guess as far as at least the demolition, again, not having been on the property before the open house about a month ago, I would have probably totally said, oh, yeah, why keep the house there. I mean, more space is better. But when I went to that open house, I actually didn't go into the house, but I have to say I was surprised at how pleasant the property is, even as is, and you could picture doing somewhat a minimal amount of work there versus making a humungous project out of it. And I thought it could have just a really unique feel to it. And part of it was probably the appeal of that little garage, which I just thought you could picture -- I could picture many, many uses and neat ways to bring the community together in some -- you know, so that was not expected from me.

I'm a big green park, you know -- the thought that came to me, and again, I walk by frequently as many people probably do, and I've actually written notes to the village about how dark that stretch of sidewalk is. And if you walk from the

shopping -- or from the Metro, from whatever in there, and you walk into that dark, to me that's a little bit unappealing. But then I figured out again, asked questions of what is the property or whatever. And a thought occurred to me as far as there's always that quandary when you have an open space so closely adjoining a very busy, urban space of both providing what citizens would like as open space, but also you attract some people that you might not want to be hanging out there, at least overnight.

So I was thinking that the house could provide the feeling that if there were some lights on the property, probably 99.5 percent of people who went by would just think it was a house property and you might simplify some of the questions, like, I absolutely would not say put a fence up on Western.

I think it should be very open without -- like, maybe as open as it is now, but -- in other words, by taking down the house and the garage, you do open it up to that other little space, which I think would be nice, but that's a very enclosed feeling outdoor space. And as nice as it is, I think it's not ideal as far as a public space. You'd really like it to feel a lot more open, but if the house were there and if there were a way to bring in people that would be there more continually, I think it could just be a really nicely appealing space that people would go to.

DR. KAMEROW: Thank you. This brings us back. We actually have some new language here, and I'll read it. That's the resolution part of this that we're going to vote on.

One, the Board finds that demolition and removal of the existing structures on the Wohlfarth property would fulfill the objectives of the legacy open space master plan by promoting the

public health, safety, and welfare, as well as the urban park objectives for which the village contributed funds for the acquisition of the Wohlfarth property.

Two, the Board hereby expresses its intent and desire that the structures on the Wohlfarth property be demolished and removed from the site as soon as practical.

Three, the village manager is authorized and directed to provide a copy of this resolution and the Commission take any further action it may deem necessary to effectuate the purposes and intent of this resolution.

MR. JONES: Just one quick question. I was contacted by a village resident about buying the garage that's on the property, and I know he contacted you, too.

MR. BIDDLE: Buying the garage?

MR. JONES: Buying the garage and removing it.

MR. BIDDLE: Okay, this is news to me.

MR. JONES: You don't recall it?

MR. BIDDLE: To tell you the truth, it's not our property, so I can't sell it to him.

MS. FELDMAN: You can do a side deal.

MS. EIG: I have one question. I have a question on this, which is in point 3, we refer to the Commission -- oh, there it is. Never mind. Found it.

DR. KAMEROW: What commission? The planning commission. Okay, any comments on this before we vote on it? Motion?

SPEAKER: I move that we adopt this resolution.

DR. KAMEROW: Second?

SPEAKER: Second.

DR. KAMEROW: All in favor? It's approved. Thank you.

MS. FELDMAN: Aye.

MS. STEPHENS: Aye.

DR. KAMEROW: Aye.

MR. WINSTEAD: Aye.

MR. YEO: Aye.

MS. EIG: Aye.

MR. JONES: Abstained.

MS. STEPHENS: Serena, just to let you know, a lot of discussion preceded this decision tonight, so we can sort of fill you in on some of it.

Can I ask a question going back to our billing codes issue? It seems to me that a lot of the concern is about new construction. And I did read in the article that Greg provided to us, that I guess, at least initially, I think it was the Winneka area, just applied these regulations to new construction. Now, I don't know if that would -- if that's something that you want to consider and/or if it would be make any sense from your point of view, David.

DR. KAMEROW: What do you mean by new construction?

MS. STEPHENS: Well, either a teardown and a new building, or a new building on an empty lot.

MR. JONES: The County's definition of remodeling versus new construction is pretty liberal. If you leave at least two walls standing, that's considered remodeling. Is that correct? So if you left two walls standing and they call that remodeling --

MS. STEPHENS: And those people in section actually won their case, didn't they, when --

MR. BIDDLE: I think they actually modified that rule to be a percentage of exterior walls remaining intact, because people would circumvent that rule.

MR. PODOLSKY: Well, they're still doing it. It came up today in another jurisdiction where somebody had saved two walls that were -- that was all. I mean, there was nothing else but two walls.

The windstorm solved the problem because the two walls fell down. A little justice every now and then. But under the county definition, that was a remodification.

MS. STEPHENS: But could we make our own definition?

MR. PODOLSKY: You can define new versus addition any way you want.

DR. KAMEROW: Why would you want to do this?

MS. STEPHENS: It's just -- well, because it seems to me that the major objections have been to -- primarily to new construction, and I just -- it just occurred to me that maybe it might be something that we might want to consider.

MS. EIG: See, I think when you look at that list of heartburn houses, whether or not it's selective, but I think you see that the majority of them are in fact additions. Not all, but by far the majority.

DR. KAMEROW: I had another question which was following up on a suggestion from tonight as well as from other nights, and that is, what do people think of the idea that we already have quite an arduous process in the historic part of the village. I understand that there is an interest in trying to make everybody in the village cue to the same rules, but it's already been decided that that's not the case for historic preservation.

Do we think that historic preservation doesn't -- isn't able, even though it's not prescribed to do this, but do we think really that it doesn't consider whether these houses that they look at are appropriate for size and scale and so forth?

MR. JONES: I think they do. Remember, as you know, their concerns are more aesthetic --

DR. KAMEROW: Yes, I know.

MR. JONES: Than they are size, but they are --

DR. KAMEROW: And in story.

MR. JONES: And in story. But they do -- they certainly do pay attention to size. Am I correct, Geoff? I mean, that -- all I can speak from is my experience, and they -- I go with a FAR of .22 and that took a year to get approval from the historic preservation with a FAR of .22 and a lot coverage of about .24.

DR. KAMEROW: What do other people think about that?

MS. EIG: I think that the HPC is far too irregular, and that in fact they respond very strongly to what the community says. And that the case that has everybody on East Melrose up in arms would -- if you read the transcript of what HPC had to say, that had those residents and the documentation that they were able to present stating that the village was going through this process because they had this concern, that in fact it might very well have been proved.

And I think it behooves us to in fact protect our residents who face this problem by stating this. And you're not adding another layer, as David explained before. We're not adding another layer to anybody in the historic district because they already have to conform with those regulations, as well as county regulations.

So nothing has changed. It's just that our regulations will have been changed, and so everybody will still be confronting exactly the same number of reviews as they have previously.

MR. YEO: I guess I'm also of the view that there are significant implementation issues clearly that we need to figure out. You know, one of the things that I'm struck by, for instance, is the discussion tonight of 114 Grafton. If you look at the two houses right next to them, they are already built out and yet, in moving forward with this particular construction, they're going to be right at the maximum. And it raises the question as to exactly what is the right number, and are we going to try to make sure that people can at least build to what other people have been building at for 20 years.

And my point is that these are implication issues that affect both the historic area and the non-historic area. I think we should figure out -- if there are implementation issues, let's figure them out and do them right. And I'm not sure whether exempting out the historic zone necessarily solves any problems that we have. I think we should try to figure out how to do this correctly, and maybe that's the way to take care of it.

DR. KAMEROW: Gail, what do you think?

MS. FELDMAN: I think as a practical matter you're probably right, that the historic preservation review process would catch 93 percent of the cases, or 97 percent of the cases that anybody would have a problem with. But there may be some, like 11 East Melrose or whatever that would not be caught. And given that if we're attaching any significance to the survey, people did seem to feel that the entire village should be subject to the same rules, even though I think we really are kind of imposing, by and large, unnecessary burdens on the people in the historic district. I'm not sure that we can come up with a rationale for not doing it.

DR. KAMEROW: What do you think, David?

MR. WINSTEAD: I think we went over this issue about two meetings ago, and I think very strongly that if the village gets in the position of exempting homes in the historic, we're just up for trouble. Everybody should be subjected to the same requirements procedurally, and it should be applied throughout the village. I don't think any section should have any special scrutiny, particularly --

MS. FELDMAN: That does ignore the fact that the people in the historic district have a whole slew of requirements and processes that they have to go through, which would in the vast majority of cases catch everything that we worry about. But I agree as a matter of principle, it doesn't sound right to exempt one area.

MS. EIG: But how can you say that without mentioning the LAP? How can you have discussed -- how can you and Betsy have gone through all of these discussions without discussing the rule on the LAP, the Local Advisory Panel, the village review of houses in the historic district, without stating what it is that you, as tenured members of that committee, discuss, and what you consider in those discussions, and what goes into the statement that becomes a part of the legal documentation of the HPC review? And what does that say about the openness of the process if you haven't discussed that here?

MS. FELDMAN: I'm not absolutely sure that that's germane to what we're looking at right now. I was discussing the HPC overall process. I'm not sure that this is particularly relevant to whether or not we adopt our own building regulations.

DR. KAMEROW: Well, let's move on to some other things that we haven't discussed yet.

MS. GLAKAS: Before you do that, can I just ask for a

clarification on something?

DR. KAMEROW: Sure, come up front here.

MS. GLAKAS: I live on the 5400 block of Grove Street. My name is Stephanie Glakas, and I have been here in the village now for two years. A very grateful resident of this village. I've never met kinder, more wonderful people who care about this community. And I'm just very delighted to be part of it.

What I am struggling with right now is I purchased my home not knowing that it was not in compliance. And for the first time I'm looking at this list, and for those of us who had no clue how do we go about rectifying a problem that existed prior to our purchase, prior to our moving in? And I think I'm a little bit -- I need to be educated. That's what it is. I need to be educated, because I'm thinking, how was a house built, and how could it not have met all of the compliance requirements, and how could it be sold to those of us in the neighborhood who are also in this situation where we don't realize that we're not in compliance? So could you address that? Because I've always considered myself a very compliant person. Tonight's the first night that I'm not in compliance, and it breaks my heart. And truly, I would have been as angry as everyone else had I known ahead of time that my house wasn't in compliance.

MS. FELDMAN: Well, I think the issue is not -- I mean, any house that exists, regardless of how far out of compliance it is, is grandfathered as it stands. There's no question that you have to rip down your family room because your house is too big.

MS. GLAKAS: I'll do it, by God, I'll do it. I want to make everyone happy in this neighborhood.

MS. FELDMAN: No, the issue that arises is what happens if you wanted to build out.

MS. GLAKAS: I don't. I don't want to build out. I just want to make my neighbors happy.

And I'm sorry. But it's just I'm sitting here and I'm really trying to understand the dynamics of the history here. And I understand it's very complicated, and you're doing your best to be fair here. But for those of us who moved into the neighborhood, just so grateful to be here -- to find that we have not been in compliance, I apologize.

DR. KAMEROW: Thank you.

MS. STEPHENS: I think I'd like to make a comment here. You know, we've had a lot of discussion about the fact that we did the survey and 40 this percent and 60 this percent, and that there was a lot of support from a very vocal part of our community to introduce these new regulations. And at the beginning of the process, there were a lot of people who came in, a lot of voices that came in and said we need to do something about mansionization. As the community is finding, is becoming more aware of what we're beginning to talk about specifically, tonight, for example, the majority of the comments have said, wait a minute. And I think if we look over the last, whatever it is, six meetings, that we may find that the majority of the comments may have been actually questioning the way we're moving forward. I think the survey was okay for what it did, but as has been pointed out, it wasn't -- it wasn't my house and your house, it was drawings as Lee said, that really didn't bear any resemblance to -- except for the smallest house to the village. And I'm a little fearful about where we're going.

DR. KAMEROW: Thank you, Betsy. One of the concerns I think that's been expressed still by a lot of folks is the problem of understanding the scope of the entire village and how

it fits into potential regulations, both in terms of those whose houses already exceed, or as pointed out before, those that come close to exceeding any of the levels that we're at now.

And I think it's pretty hard to put down a regulation if we don't know, not just whether it covers the people that some think -- the houses that some think are a problem, but we don't really have a good idea of how many houses also in the entire village -- the problem, of course, is that would take a long time to do the other -- how many did you do here, Mike? Is this 20? Approximately? 25?

SPEAKER: Twenty-five.

DR. KAMEROW: So that leaves only 700 and --

MR. BIDDLE: 795.

DR. KAMEROW: Right, so we only have 695 to go. So it's not practical, obviously, to do that. It's been pointed out that a random sample would be a nice thing to do. But it's going to take a while even to do a significant sample of them.

MS. FELDMAN: Well, Doug, I mean, a random sample was done of certain of these measurements. Not with the extra details about the walkout basements and such.

DR. KAMEROW: No, but one of the questions that's appropriate to ask is what does the village look like with regard to these possible requirements that we're going to come up with. And that can't be answered with the data that we have on some of those random houses. There has to be more data than on those in order to fill out this chart, for instance, if these are some of the things we're thinking of regulating.

MR. YEO: Doug, I'm sorry for being --

DR. KAMEROW: Let me just finish.

MR. YEO: Go ahead.

DR. KAMEROW: And the other concern, of course, as was pointed out earlier, is you have to draw a line. And so what is the intent currently for us? I mean, in one way you could -- you know, one way to do it is to look at the bad actors and try to figure out what rules would most efficiently stop them, or you know, slow them down. Another way is to say -- you also have to be cognizant of the fact that there's a range of houses in the village and a range of FARs and other things. And where would you like the current proposed regulations to be cut off? We've talked about this. And that's -- even though it's an abstract figure, it is an arguable figure. Do you want it to be 90? 85? Certainly, no one wants it to be 50. But somewhere up high there. And so you could then, if you had a random sample of houses and you also had a list like this of what many people think are problem houses, you could have some idea of what you would be doing. Because you could say, well, here's a regulation that does this. But it cuts through -- of the random sample, it cuts 75 percent.

That's too many.

MS. FELDMAN: Could I just clarify? I mean, don't we have this?

MR. BIDDLE: I would like to be able to (inaudible) yes, but I don't think we're going to come to an answer here. I know that you've got some tables from previous reports. I know that Mike generated a nine-column format. Basically, I think we need to, in the office, have an opportunity to go back and see what was our random sample and does the sampling of the calculations marry up with what we are now referring to as draft 3.

DR. KAMEROW: And we also -- the final comment that I want to make is that we do need to answer the concerns that we

are being inconsistent about how we do things. That some things are from draft 2 and some are from draft 3. So we need -- before we come back with something else -- and it's not so much for us, because we have kept track, but it is unfair and unnecessarily willing to send things out on the web that people could then pick up and pick up here and not know the history and not know that there's this listing here that says that 50 percent of the village is going to be -- has already got too much impervious lot coverage when it seems like, by more or less common consent -- the Board thinks this is not something we're really going to mess with this time, but it's making everybody -- or making some people crazy. So that's not very fair and not very nice to do.

So I think what -- at least what I'm arguing or proposing is that perhaps we should, one, just do what Geoff said, which is try to regroup a little bit here. Look at the numbers that we have from the original random sample when compared and then see whether they need to be made larger or we also need more data on those to do that. So we have a representative -- and I'm not talking about half of the 700 houses. How many were in the random sample before?

SPEAKER: One hundred.

MR. YOUNES: One hundred.

DR. KAMEROW: Was it 100?

MR. YOUNES: One hundred seventeen.

DR. KAMEROW: One hundred seventeen. And that was drawn because it was --

MR. BIDDLE: Ninety percent confidence, 7 percent variance.

MR. YEO: Of these new houses, how many of these were in the 117?

MR. YOUNES: Roughly five or six, maybe.

DR. KAMEROW: What, five or six?

MR. YOUNES: Five or six, maybe.

MS. STEPHENS: But you said 90 percent confidence and 7 percent margin of error. I mean, that's pretty high.

MS. FELDMAN: No. Well, I mean, it's a fairly good random sample, though.

MR. BIDDLE: Good statistical --

MS. STEPHENS: Right.

DR. KAMEROW: So just seems to me that we should do that. Then we should look at those numbers with respect to what -- well, even a larger one, sample, to try to refine it, you're not going to have a 100 percent sample, obviously. But if we can beef it up a little bit and then try to ask the question, if we were going to try to make some regulations, and I would leave off the impervious lot coverage. But I think -- because that's not something that we really have discussed enough or have enough strong feelings about that it's likely to be in this round of regulations -- and see where that line would be put.

I'm perfectly willing -- and I'm not saying that I advocate this -- I'm perfectly willing to have this whole thing end and say we didn't find a good answer. Although, I don't think that's particularly satisfactory, but you know, if that's what we, in fact, come to after a diligent effort, then we do. But I think there still is a very strong concern that we try to figure out what a good way to do all this is. And we need to continue to work on it. I know that slows us down, and we have only a couple more meetings in order to make a regulation that's going to have time to get through.

And then finally, the question that has been raised a

couple times that we need to address and discuss is, when we're done with this, do we want to have the citizens, A, have a chance to come in to ask about their own house and where it would fall under these proposed regulations, and, B, do we actually want to put this to a referendum for the whole village.

Now, I'm not saying that I think we should or shouldn't, but I think we should discuss whether we think that's something that needs to be done. Understanding that that's going to delay things even further.

MS. STEPHENS: I certainly believe if we are going to recommend some new regulations, that we should have a referendum.

DR. KAMEROW: Why?

MS. STEPHENS: Why? Because as people learn more about what the issue is, and as they recognize what it's going to mean to them personally, they have -- they become more concerned, and if, in fact, it actually passes, if we have a referendum and a majority approve, then I think we have -- we can say, well, look, we've done absolutely everything we can to make this something that the village is happy about. And if they reject it, then we say, okay.

MR. JONES: So would we allow village residents -- I mean, first of all, I'm interested in the cost in terms of our dollars and staff time of having people come in and say, here's my house. I'm at 1 Newland Street. How does this affect me? And I'm going to go out and do a survey of their home and determine what their FAR is and plate height.

And basically, what we're talking about is, what I think is a fairly expensive process. I don't know if 10 people come in -- we don't have any idea. If 10 people come in, it's not expensive. If 500 people come in we could be doing this for two

years and blow half the budget on it. So, I'd be interested -- I don't know what the experience of the town was. Maybe we could find out.

MR. PODOLSKY: They've just started the process. They just authorized it about a week ago.

Geoff could find out from the town --

MS. STEPHENS: Does it have to be staff time? Could we actually hire somebody to be available on call?

MR. JONES: Not for free.

MS. STEPHENS: Not for free. Well, nothing is for free. This is a big, big thing that we're doing.

SPEAKER: I don't think --

MS. STEPHENS: And I think that we owe it to the residents to -- you know, look at the, I mean, there are number of people here tonight, but over the time that we've been going -- the six meetings or something, we've probably only attracted altogether 50 different individuals, I think, would be my guess. No, different ones.

DR. KAMEROW: I don't think that's true.

MS. STEPHENS: I'm not saying --

DR. KAMEROW: It doesn't matter. Anyhow --

MS. STEPHENS: But whatever --

DR. KAMEROW: Your point is lots of people don't know, and lots of people have not been involved in the meetings and don't know haven't been involved in the discussion. And I just feel that this is a very, very, very big thing. When we had the referendum on the historic preservation, I don't know what the turnout was, but it was extremely high. Extremely high. And they voted 86 percent against it.

MS. EIG: And we got it and we're doing just fine, and

we have people come in all the time and talk about how it's preserved things and how good it is.

MS. STEPHENS: I know, but we have a lot of people who aren't as happy with it. But that's a different issue. But, anyway, I've said enough.

DR. KAMEROW: Mike, what does it take when someone -- if I walked in and said I live at 5403 Center Street. What's my FAR? How long would it take for you to do that?

MR. YOUNES: If I had building plans it would take around -- if they had building plans, I'd be able to walk through the building plans in probably an hour or so.

DR. KAMEROW: Building plans for their house as currently.

MR. YOUNES: Correct. Otherwise I'd have to go through -- off the aerial photos and go through trays of apps. Now, when I physically trace the house, that includes eve to eve, there's a margin of error because I don't know how thick are the walls or how far over the eaves hang. There's a margin of error in there with these aerial photos. Building plans are the best, but not everyone has building plans.

MS. FELDMAN: If we're thinking about doing this process, giving people the opportunity to get their measurements done and so on, I mean, I suppose maybe we could give it a few days and maybe nobody would come in. But if it seems like a large number of people, I'm thinking it's definitely worth the money rather than sucking up all of the village staff time to do this, that it would be -- given all the money we've invested in this process, that it would be worth a little bit more money to just hire a consultant and have it done.

SPEAKER: (inaudible).

MS. FELDMAN: Pardon?

SPEAKER: I was just asking David a question.

MR. PODOLSKY: Geoff was suggesting hiring a guy who's doing it for the town. I have a feeling -- I don't know, but I have a feeling he's pretty busy. It's not just bringing in your plans. He'll go out there with a tape measure and measure your house, and that takes a lot of time.

MS. STEPHENS: Well, we've spent an awful lot of money on this so far.

MR. YEO: I'm sorry for being so ignorant, but why does it take so much time? I could run through my house with a tape measure for a rough estimate, and run through my house with a tape measure in about an hour and I think I'd be done. I mean, you just do the rooms on the first and second floor, and don't count the basement. If there's a finished attic, you do it based upon whatever determinant you set.

MR. JONES: Here's our staff. It's on my to do list to figure out at my own house because I'm planning my additions.

MR. PODOLSKY: I will say from what I have heard, I mean, the actual measurement may only take an hour, but then you have to schedule it and you've got to go out there. I mean, there's a certain amount of effort than just scheduling and coming back and doing the calculations. It depends on how complicated the floor plan is. But even if it's a couple of hours, if you have 600 people doing it, it's 1,200 hours.

SPEAKER: We're not going to get 600.

SPEAKER: Don't count on that.

MS. STEPHENS: Well, if we do, that may tell us something, too. I mean, you know --

MR. WINSTEAD: I think if there's a consensus that you

should offer that up.

DR. KAMEROW: I think we should.

MR. WINSTEAD: And I think that obviously how concerned people are we may have to hire some outside help to do it. But I think it's the right way to go.

My general comment is that I think we've got one of the best consultants in the country that has advised us on this. We've gone through -- how many hearings now, three? We have done samplings. We have looked visually at the building, or the houses in the village that perceptively have been more skew to mansionization than the average home in the village. That's what this exercise was. We've listened to a lot of concerns about individual houses that have unique features, that we've given contentment that they could be considered under an exception of anything we were to adopt. So I'm a little concerned that we don't lose momentum in something that clearly concerns, I think, a bulk of the village. And that is some additional protection.

We're authorized now to have now from the State of Maryland, with the kind of studying that we've done and the documentation we can show to anybody who walks in here, in terms of how we arrived at these comparable communities that have these, what they've adopted. We have most of that information, so I think in fairness we ought to offer up services so that people understand the impact of these proposed regulations on their individual house. I just think it would be wrong to --

MS. FELDMAN: But then the next step after that, once people have understood that, the next step would have to be a referendum or some opportunity for them to then voice their opinion about what's being proposed.

DR. KAMEROW: Well, it doesn't have to be. It has to be

just because you said it does. I mean, we make regulations all the time. It's perfectly plausible to say we redo the random sample so that -- and before we leave here tonight we say what the criteria are that are going to be used for that random sample. We then consider that and say, based on the random sample and some of these outliers that we have here, before anybody finds out what the wrong thing is, or while they're starting to do that, we say, here are the numbers.

We're not going to say the numbers right now, but we're going to see a random sample. We're going to see where the cutoff is. We're going to come up with a number -- 43, 28, whatever it is, and the other criteria that it meets. You see where that goes in the random sample. Then people have a chance to look at where that is in their village and give us comments back and forth.

MS. FELDMAN: Well, that's my point. What kind of feedback are they going to give us, or how are they going to be able to express their reactions to it?

DR. KAMEROW: Well, I'm saying it could be in a referendum, but it also could be in the same way we've had lots of public hearings.

MS. STEPHENS: Or another mailing.

MS. EIG: We're doing this because of what we've heard them say.

MS. STEPHENS: Yes, but did you hear -- have you heard what people said tonight?

MS. EIG: I did. And I also know that statistically, everybody is going to skew things whichever way and that people will go into a panic over numbers that aren't necessarily accurate, also.

MS. STEPHENS: If we don't have another -- if we don't have a referendum, I think at least we need to have a 100 percent mailing that goes out.

SPEAKER: Oh, absolutely. Wouldn't we do that?

MS. STEPHENS: Well --

DR. KAMEROW: We can do anything we want. We don't have to do that.

SPEAKER: I mean, that's at a minimum.

MS. STEPHENS: Yes, a mailing that says these precisely are the things that we are considering. This is what these are the statistics that we've gathered to develop et cetera.

MS. FELDMAN: But people have to have some -- first of all, if they're able -- given the opportunity to determine how their own houses fit in, A, they have to know what we're proposing.

DR. KAMEROW: Right, it has to be sequenced.

MS. FELDMAN: And B, if we're offering this, presumably we're doing it so that people can react and see how it's going to affect them. And then how are they going to react? How are we going to collect their reactions?

MR. JONES: There are plenty of people in the village who are less concerned with how it affects them. There are plenty of people who are concerned with how it affects them. But there are plenty of people who also have no intention of expanding their home, who have no intention of selling their home anytime soon, that are more concerned with how this impacts their environment. You know, how big a house could somebody build next to me with a big wall.

MS. FELDMAN: Absolutely, so the reaction may be 70 percent of the people favor the regulation.

DR. KAMEROW: My point is just that if you have a random sample and you draw your lines based on the random sample, and it's a good random sample, you pretty much know that 10 percent, or whatever percent you pick, are going to be over it or close to it, or something like that. So if people want to find out where they are, they can do that. If that means that everybody who is within 15 percent, or at least some part of them who do want to expand their house or preserve the option to do that, are going to come in, storming in screaming, that's probably expected. You know, we're not going to have -- for obvious reasons, we're not going to have a regulation that everybody fits under, because then it wouldn't be a regulation. It wouldn't be useful.

So, I think it's fine to have if we want to have a vote when we finally do it, after there's been time for people to find out their own situation, read it, and talk to their neighbors, attend yet another public meeting, or six that's swell. I'm just asking you to tell me why we have to have it. Is it just to further ratify, to make us feel really good that we're so we can say, well, look, we had a referendum and 70, 60 percent said yes. And that way--

MS. STEPHENS: What if we have a referendum and 60 percent say no?

MS. EIG: That's what we had with historic preservation, isn't it?

MS. STEPHENS: Yes, but we didn't have the choice.

SPEAKER: Right, we didn't have --

SPEAKER: Right, but it worked.

DR. KAMEROW: The referenda -- let me ask counsel. Referenda, are they binding? I mean, what are they --

MR. PODOLSKY: We can have a nonbinding referendum.

SPEAKER: Oh, no, I don't think it has to be binding,
but --

MR. PODOLSKY: It would be a supplement to your public hearings. Public hearings, people come in and comment, you'd want to have a referendum saying, we know there are people who can't make it to our meetings and we want to have feedback from you.

DR. KAMEROW: So what's a ref --

MR. PODOLSKY: Referendum.

DR. KAMEROW: So you're concerned about the silent majority, so called, to coin a phrase.

MR. PODOLSKY: I guess that's why you would have a referendum as opposed to just public hearings. Of course, people can write to you and send you e-mails, too.

DR. KAMEROW: Right, but where is the referendum? Do they have to come here? Do we have any precedent for mailing out ballots, stuffing the ballot --

MR. PODOLSKY: You can do it any way you want.

MS. FELDMAN: Well, that was done with the historic preservation. They were mailed out or delivered or whatever.

MS. STEPHENS: People could come in and vote. I can't remember.

MS. FELDMAN: No.

MS. STEPHENS: No?

MS. FELDMAN: I think it was mailed.

MR. YEO: So, I think the process would be basically adding a month into our deliberation. I'm not actively saying yay or nay from my perspective, but you're adding in a month so that what you're doing is you're basically -- we've come to a conclusion about what we think is the right number.

I think you need to build in three weeks for people to come in and get an assessment based from a consultant, or Mike, or however we decide to do this as to whether how they would be affected personally by this. And then you have a referendum, and then the Board, after receiving the results of that referendum, makes a decision as to yay or nay on the regulation. And then, of course, it sits with the county for 30 days before, you know --

DR. KAMEROW: It finally gets ratified. I think that sounds like a plan. What I'd like to do tonight, if people agree, is ask staff to redo the random sample and try to specify exactly, before we leave tonight, what we want them to look at in terms of criteria, and then give us advice on the timing in terms of how long it would take to redo the sample. And then at our next meeting, if it's done by then -- that's pretty soon. It's just two weeks is the problem. At our special meeting on the 25th, we'd look at those data and would also look at everything else we have and pick a number. And then at that point we would presumably open a period of time when people could consult.

And that's the other thing we'd ask you to think about -- not give us an answer today. Try to figure out what the staffing would be. We'd have to pass a certain amount of budget to hire somebody if we did, if that was the case. And then think about if we did want to have a referendum, when that would in fact -- how long -- Peter just said three weeks, but you know, some period of time for people to consult, to think about, to have comments come in and so forth, and then I guess after that we would have -- if we had a referendum, we'd have to then have time to count the results and announce them in a final meeting where we would discuss what we heard and then pass something that

would go to the county. Does that sound like a plausible plan?

SPEAKER: Yes.

DR. KAMEROW: So let's talk then about what we want the new random sample, or the redone random sample criteria to be so that the draft regs can be modified to say that so everybody is consistent. Let's just start with FAR.

MR. YOUNES: How many houses --

MR. BIDDLE: Basically we're looking for at least 90 percent confidence, right?

DR. KAMEROW: Yes, we want enough of a sample, like you had last time, or maybe a little more so that we have a very strong confidence that it's a good random sample. We can chat about that off line, I think.

But let's just move for this criteria. So, we have different ways of calculating FAR. What way have you been using here, Mike? In this list of --

SPEAKER: Do you mean the base FAR?

DR. KAMEROW: Yes.

MR. YOUNES: The base FAR is --

DR. KAMEROW: Is there any argument about how we calculate that? My memory is only the question of whether you do the thickness of walls or something.

MR. YOUNES: That, and the base FAR is your tax record as it is right now.

DR. KAMEROW: Which doesn't take into account how thick the wall is.

MR. YOUNES: Correct.

DR. KAMEROW: It's just between the outsides of the house.

MR. YOUNES: And the attached garage. Attached garage.

That is the only thing in that base FAR.

MS. STEPHENS: That doesn't include the five foot habitable space and -- it's just a rough --

MS. FELDMAN: Is that how you calculated the FAR for your own village calculations for the random sample that you did?

MR. YOUNES: Yes.

MS. FELDMAN: You didn't use just the village -- the county?

MR. YOUNES: No, for the random sample that I redid, the Board specified that I was to look at the tax records.

DR. KAMEROW: How did you do these? The ones that are the heartburn houses?

MR. YOUNES: The base FAR includes the attached garage, the tax records included area, and any attic space that is -- that I gathered off the aerial that was above and habitable.

DR. KAMEROW: Above and inhabitable?

MR. YOUNES: Habitable.

DR. KAMEROW: Above and habitable.

MR. YOUNES: And habitable, correct.

DR. KAMEROW: Whereas the county records don't have that. So this FAR is a little bigger.

MR. YOUNES: Right. Correct.

DR. KAMEROW: And if you do a random sample you won't be able to do that because you're really just going to go from county records.

MR. BIDDLE: Point of clarification. The item C, H1C, no, H1D, the exterior walls. Were those -- that was our error factor in 114 Grafton. The county FAR -- just a point of clarification. The county FAR -- the county enclosed area is outside wall to outside wall?

MR. YOUNES: Inside wall.

MR. BIDDLE: Okay, that's what I thought. It's inside wall.

DR. KAMEROW: So it does -- it doesn't do interior walls. It doesn't account for them, but it does account for the exterior walls.

MR. BIDDLE: Right, it deletes the skin and just looks at the habitable volume.

DR. KAMEROW: Right, but not the inside walls.

MR. BIDDLE: Right, which are smaller.

MR. YEO: I thought at one time you had done calculations that the county records were 6 percent --

MR. YOUNES: That was the original 100 selected sample that I took off the aerials. That was eve to eve.

MR. BIDDLE: He used the county records and his own calculations to see what the delta was between what county was showing for that property on the tax record and what his calculations were demonstrating. And what he found was plus or minus 10 percent. So generally a 6 percent variance. Somewhere or another you could add 6 percent to the enclosed area and you would routinely come up with the area that Mike calculated. We found a linkage between the two on the targeted set. Repeating that on the random set is difficult because we don't have plans on enough of the random set.

MS. STEPHENS: But let me just ask -- based on the county records is not precisely what Nore is recommending to us. So, how do we make -- how do we -- how do we judge how close that is?

MR. BIDDLE: Is this the list for --

SPEAKER: Sorry?

MS. FELDMAN: Basically this list on page 9. How much of these -- I mean, these are supposed to be the criteria that we're including.

MS. EIG: Gail, what page are you looking at?

MS. FELDMAN: Oh, I'm sorry. David's draft --

SPEAKER: Section 7 of the --

MS. FELDMAN: David's draft of the ordinance on page 9.

DR. KAMEROW: So how close -- the question is, how close is what you have for the random sample to what is specified in this draft reg, which were basically Nore's criteria they used --

MR. PODOLSKY: Nore Winter's we plugged in. We didn't edit them.

DR. KAMEROW: Right.

MS. EIG: But there is a difference between draft 2 and what's here. For example --

DR. KAMEROW: I'm sorry, you need to say -- what do you mean by what's here?

MS. EIG: It's just that there is a difference between what's before you tonight versus what was in draft 2 of the last --

MR. PODOLSKY: It's conceivable when my secretary plugged it in she pulled something from draft 1. I don't know.

MS. EIG: Okay, because draft 2 has five foot --

MS. STEPHENS: Habitable spaces.

MS. EIG: No, we're talking about basements more than 5 feet -- this is 5 feet above ground, and the version you're looking at tonight is 3 feet.

MS. STEPHENS: But I think we agreed last time to do 3 feet.

MS. EIG: Okay, I was here and I guess I just didn't --

MR. PODOLSKY: Tell us which version. We can certainly substitute a different version. There's a placeholder -- when we drafted this, we said it's just a placeholder. There's nothing magic about this. We can put anything you want.

MR. BIDDLE: I don't have minutes from that meeting, but it was from over there that 3 feet was the agreement on the last one.

MS. EIG: Okay, my apologies then.

MS. STEPHENS: No, that's good. But now how close to this -- shall we change the five foot minimum height to seven?

DR. KAMEROW: Let Mike answer the question first.

MR. YOUNES: The only thing that is not included in the base FAR is the virtual floor space.

And I have no way of knowing if that is 14 feet (inaudible) being added.

DR. KAMEROW: Which letter is that you're talking about?

MR. YOUNES: Okay, any space greater than feet from the floor to ceiling shall be counted as two stories. I have no way of knowing that unless I'm physically at the residence.

DR. KAMEROW: So you just count two stories when you see two stories because there's two layers of windows.

MR. YOUNES: Correct.

MR. BIDDLE: To tell you the truth, that's the way the calculation is supposed to make it happen anyway. If there is that much volume, you count it as two, whether or not it's a floor -- that space or not.

SPEAKER: I'm not following.

SPEAKER: I mean, I think this --

MR. JONES: (inaudible) high space, you count it as two floors.

SPEAKER: Right.

MR. JONES: Whether there's a floor in the middle or not.

MS. EIG: If you have two layers of windows -- you wouldn't have two layers of windows is the general point -- two standard size layers of windows unless it met the qualification of being sub dividable into two floors.

MS. FELDMAN: But this raises something of a question as to what we want the final regulations to be. It may not be possible for Mike to absolutely duplicate the regulations that we want. But, I mean, I for one am not sure that I think any space greater than 14 feet high should be counted as two feet -- as two stories. Maybe it should be counted as 1.4 stories.

You know, but I think -- and when it comes to basements or attics or whatever, I think some of it should be proportional. Some people are going to have basements that are -- some part of which is 6 feet above the ground and some part of which is below ground. I think we're going to have to -- when we set regulations, I think we're going to have to consider some proportional measurements. I mean, unless Michael is going to go into every single house, he can't really get that precise.

So, I mean, I think there may have to be some variance between what he measures from the overall sample and the specific criteria that we include in our standards.

MS. STEPHENS: I mean, it's the point that Greg made, that we don't really have --

MS. FELDMAN: But what I'm saying, we're not going to have a perfect sample. But I think we can get as close as possible, but that shouldn't -- it just seems to me that what -- what's the expression? We're letting the perfect do the

enemy of the good or something. We can't get a perfect measurement. I think Michael can do the best that he can, and we can still tweak these regulations to make them more reasonable, even if they don't totally reflect the numbers that he's collected.

DR. KAMEROW: Yes?

SPEAKER: I think what you're doing here is the most important part. You're getting your criteria set. You've got the definition set. And you really have to get it right, otherwise, your random sample is not going to be (inaudible) come to use it to set regulations. So I think what you're realizing, and this is again part of your challenge, that this is so difficult because you aren't clear which definition you're going to use. Again, I'm speaking the way Greg would. You know, I think this is a very important part of the process and we really need to get it right because otherwise --

MS. FELDMAN: I really do believe that the issues where there's a problem are kind of at the margins. I think we're getting most of it right.

DR. KAMEROW: Thank you.

MS. GLAKAS: I just want to say, I think the point that you're making is an extremely important one in terms of the issue of whether there should be a percentage. And maybe this is something (inaudible) can help us with. Because if you think about it, in terms of the impact on the neighborhood of a flat roofed third story where everything is pulled back and everything is 8 feet tall, versus a sloping roof where it's eight in the center and goes down, that's what you want to encourage. And on a second floor -- the second floor where you can have like an attic bedroom on the second floor, you'll find that the ridge

line is going to be 5 feet lower than if it were a full second floor with a ridge above. Those are the kinds of things that a subtle -- they're subtle, but they're important. They are noble and they are known by people who write these codes.

And if you can get those right, if you are going down that road, I think it will -- it's like the issues or set back and plate height, all by way of saying, I pray that even if I'm not that enthusiastic about this whole process, but if this is where we're going, there's a whole light layer of subtleties that will enhance and improve the product. Perhaps Mr. Winter --

DR. KAMEROW: Yes?

MR. BERLOW: I'm only in favor of full disclosure and accuracy. I'd love to see everyone in the village be able to get accurate figures on their own FAR. But I also think that there are two issues here. One is -- the concern that has been raised tonight is what can I do with my property? How big can I build?

The other one is the concern that Mr. Jones alluded to earlier, which is what is your neighbor going to do? What sort of building is he going to build on his property? So the two issues are what can I do, and what can be done to me? And if you want to be completely fair in the disclosure to the citizens of the village, maybe what you need to do is to say, okay, here is the FAR for your property, and here is what a FAR will look like to your immediate left and your immediate right at .44.

Let people in the village know what it will look like when we extend to .44 FAR village wide. That's the standard you're talking about. That's where people are going to be able to go. I don't know how many of those you're going to end up with in the next 10 or 20 years, but you're going to end up with a certain number of them, and people should know where we're

going with this.

DR. KAMEROW: Could you identify yourself, sir?

MR. BERLOW: Yes, Alan Berlow, 90 Smallwood Street.

DR. KAMEROW: Thank you.

MS. EIG: I think that's an excellent point and I think we should keep in mind that each house that is not in conformance or that would have difficulty expanding, that there are at least three and as many as, say, eight houses that are going to be impacted by that expansion. So we can't consider this just X number of houses. It's X-times, say, a minimum of three.

DR. KAMEROW: What are you saying, that you want --

MS. EIG: Because the impact --

DR. KAMEROW: I understand that. My question is, what is the operational consequence of that? Are you saying that everybody -- all FARs are public?

MS. EIG: No, I'm saying that, in fact, it's sort of the phenomenon where everybody wants to be able to do it themselves, but they don't want their neighbor to be able to.

DR. KAMEROW: Right, so what do we need to do about that?

MS. EIG: We have to be objective and try to find what works without being too preoccupied with the numbers and the questions of how many houses are currently in compliance and how many houses aren't, because we already know that there are lots of houses that aren't in compliance in terms of building regulations, because the building regulations over the years have changed. So we've got lots of things that aren't in compliance because of that. And I think this adds to it.

DR. KAMEROW: I'd like to return to this task of trying to figure out what it is we're going to ask you to try to do,

Mike. I look on page 9 and there are all these requirements. And you're saying that you can create FARs that take into account everything but the last one?

MR. YOUNES: Correct. I would ask for a clarification on the mechanical rooms, whether they are finished, unfinished, above the basement.

DR. KAMEROW: Well, it says that they'll be included, so -- right? All these are things that would be included.

MR. YOUNES: Whether they're below grade.

MS. STEPHENS: No, below grade is a different issue.

MS. EIG: Right, but the mechanical rooms and the issue that we have that we had tonight is the same thing that somebody brought up before, which is the 5 feet versus 7 feet or 6 feet 8, if that's what's in the county regs or whatever. I mean, what is the definition for habitable space? They have a minimum height, don't they?

SPEAKER: Yes.

DR. KAMEROW: Five feet? County spec is 5 feet.

MS. EIG: No, but you can't have a room that's 5 feet all the way across it that has a ceiling that's 5 feet high. You can't live in that.

MR. BIDDLE: Mr. Myers identified two criteria. Five feet minimum, but it's got to have a certain square footage that is at least 7 feet. But I will learn from him what the ratio is.

MR. YEO: I think maybe for the purposes of sort of flushing out this -- going back to the random sample -- that there's no way that we can be so -- that we're going to be able to meet every aspect of this definition. And I think, inevitably, what we're going to have to do is chose a FAR that is above whatever number we choose. We're just going to have to add

to it, simply because you're going to have to calculate in the fact that we didn't catch mechanical rooms and other types of things. So the whole goal of this random sample part 2 is going to be to try to update the information, have us take a fresh look at all this together with what we had already measured, and knowing full well that it is not a precise number based upon this definition. And whatever number we choose, it's probably going to have to be a little bit more liberal in light of reality.

DR. KAMEROW: Liberal meaning lower or higher?

MR. YEO: Well, probably higher in terms of --

DR. KAMEROW: I just don't want to get liberal and conservative -- all right, let's continue here.

MS. FELDMAN: Could I just ask a question here?

DR. KAMEROW: Yes.

MS. FELDMAN: This is very basic and maybe I should have understood this six months ago, but I don't understand why it matters whether it's a mechanical room, a laundry room, an artist studio, a bedroom. It's interior space. It's enclosed space. Who cares what's in it? Why do we care if it's a mechanical room, or a staircase, or an elevator, or what? We care about the bulk of the building.

DR. KAMEROW: Okay, right. Let's continue. Walkout basement. Nore said add.2 if you have -- and the definition of walkout basement is what?

MS. FELDMAN: Three feet of --

DR. KAMEROW: How do you determine walkout basement on these, Mike? These you actually went to. Do you have a way of doing that from 100 random samples?

MR. YOUNES: In order to physically enter someone's private property, I would have to obtain verbal or written

approval to determine if it's a walkout basement.

MR. PODOLSKY: You have to get approval to go onto their property. You might be able to observe it from off their property.

DR. KAMEROW: How did you do it for these?

MR. YOUNES: Just based on the aerial photos, and an estimate on the aerial photo.

DR. KAMEROW: And can you do it based on that for 100 random samples?

MR. YOUNES: For some you can. There's a big (inaudible) along West Lime (?) Street.

Some common knowledge. Some that are mid-block, it's a little bit more difficult.

DR. KAMEROW: And you also get .02 if you have a detached structure.

MR. YOUNES: Correct.

DR. KAMEROW: But you don't get it if you don't have one, so you know -- the problem, I think, and maybe I'm not understanding this right. When you made the list that we're looking at from the potentially offending houses, you put them in red if they were over .02. But, in fact, my understanding is that's not the way Nore really intended to be, that the detached could only be .02. It was really that you got it added to your overall thing. So you could actually have an overall bigger garage than that if the house were smaller. It just meant that the whole -- am I correct in remembering?

MR. BIDDLE: I think you're right.

SPEAKER: We ran them together.

MR. BIDDLE: Yeah, that makes more sense.

DR. KAMEROW: So in a way you can't really use these

columns the way -- it should really just be added to the base FAR. And as to the new FAR, say, the adjuster FAR, whatever you want to call it, that that house would be susceptible to, if it has a detached garage or structure, it gets .02 more. If it has a walkout basement, you're allowed to give it .02. And it's really just one measurement, the FAR.

So there's base FAR and then there's other stuff you might be able to add to it, but it's not that you judge the garage as being too big, although I would love to judge the garage in my backyard as being too big. But that's not the issue particularly here. So I think maybe we need to reconstruct that. And there should just be FAR base plus or not.

MS. EIG: So what you're saying is that, for example, 11 West Melrose, which is four from the bottom where we've got .36 and .06 and we call that .42, right?

DR. KAMEROW: Correct.

MR. PODOLSKY: Okay.

DR. KAMEROW: Right?

MR. PODOLSKY: And the standard for that house would be .46 because you add to the .44 at the top.

MR. BIDDLE: Right.

DR. KAMEROW: Right, so if .44 were the number -- we're not saying that it is, but if .42 were the number, then it would be two more than that. So it would be .44. Whatever it would be, you just get two extra -- .02 extra.

All right, so that's the FAR then. So we'd like to look for the FAR -- so all you're going to give us is a number on the FAR, which will either be the base or the base plus two or the base plus four if they have either or of those two features, right? Is that correct?

SPEAKER: Right.

DR. KAMEROW: All right, then we have three other things. Plate height, side wall, and impervious lot coverage. Have we -- I think we've decided that we're not going to do impervious wall coverage. That we're going to leave it the way it is for the village. So that's out. That leaves two things. Plate height, which Nore suggested it be 20. Plate height meaning -- give me a definition real quickly. The amount you go up before you go in.

MR. BIDDLE: Twenty feet at 7 feet. Twenty feet tall at 7 feet for the uppermost horizontal part of the room.

DR. KAMEROW: At the --

MR. BIDDLE: Add more at the 7 foot setback.

DR. KAMEROW: At the setback I meant to say. I'm sorry, at the setback.

MR. BIDDLE: Right. That's just the horizontal number. If you have a gable -- most of the houses on the Westside have gables running parallel to the street. Those gables would exceed the 20 feet. It would be the horizontal number of the bottom of the roof trusses that the 20 feet is measured at --

DR. KAMEROW: Say it again. You're saying if it has a gable it doesn't go over because we only count it from the bottom of the gable?

MR. BIDDLE: Right. That 20 feet is measured at this horizontal number at the base of the gable.

DR. KAMEROW: So even if that number is at the 7 foot line, that's okay?

MR. BIDDLE: This gable could be much taller.

DR. KAMEROW: That's okay.

MR. BIDDLE: Right, that's okay.

DR. KAMEROW: So the question is the highest horizontal number. So if they have a giant steeple --

MR. BIDDLE: But the county height measurement -- height maximum kicks in, supposedly.

MS. STEPHENS: So did you do both sidewalls? I mean, there's only one number here. You just did the greater?

MR. YOUNES: The longer and the greater.

DR. KAMEROW: The highest. It's height we're talking about here.

MR. YOUNES: Correct.

DR. KAMEROW: You do this from the --

MR. YOUNES: I can do these --

DR. KAMEROW: And so you could do these on the random. All right, so what do people think about plate height? Are we happy with that as a 20 foot -- and we got that recommendation.

MS. FELDMAN: Now, he's just measuring. We're not setting a standard. He's just measuring.

DR. KAMEROW: Right. I'm sorry. That was the wrong question. Thank you, Gail. Okay, so we're happy with measuring plate height as one of the criteria. Okay, then there's the sidewall. Again, that 20 feet came from -- I don't know where.

I mean, he just said --

MS. FELDMAN: I mean, it doesn't come from Geoff's numbers.

DR. KAMEROW: But we have numbers. You're just going to give us a number. You're not going to say it exceeded whatever. We don't want any red letters on this. We just want numbers. Okay? Red numbers. Just numbers. And the last thing is sidewall. Again, an arbitrary pick, but everyone agrees that sidewall is an important feature. And so you measure

uninterrupted without any jags, the longest side.

MR. YOUNES: Correct.

DR. KAMEROW: The longest side -- the longest continuous measurement of the side on the two sides of the house.

MR. YOUNES: Correct.

DR. KAMEROW: Okay, and that you can get from this, too. So you're going to come back to us with really just three -- four numbers. The lot size, which you already have. Now, we don't really have, although you've obviously used it to calculate the FAR, we don't really have the square footage of the house in this chart, right? But you have it.

MR. YOUNES: It's hidden on the chart, but yes, I have it.

DR. KAMEROW: So why don't we have a chart that has a lot size column, square footage, FAR as adjusted. So it could be either adjusted for two things that we've mentioned, either the walkout basement or detached structures, the plate height in feet, and the sidewall length in feet. Is that --

MS. STEPHENS: And are we going to do both sides if they're -- both sides as he has here -- if both sides are in excess of 40?

DR. KAMEROW: We're not talking 40. We're not talking any criteria.

MS. FELDMAN: We're just looking for the longest wall.

MS. STEPHENS: The longest wall, but if there are two very -- no?

DR. KAMEROW: Let's think about that. Why, I mean, if you have the longest wall and one is 40 and one is 38 and you set the thing at 27, then, whatever, they've still got to come down.

MS. STEPHENS: So it's just the longest wall.

DR. KAMEROW: The question is the longest wall. If they're both long, then they're both long.

MS. EIG: But it's helpful to have that second one when you have the great variation, because that reflects the diagram that Nore had of the addition that just goes down on one side, which impacts one neighbor but not the other neighbor.

MS. STEPHENS: Yeah, but we're just looking at wall length.

DR. KAMEROW: Yeah, but if you're looking at setting a number, does it matter? I mean, you still want the 60 shorter, wouldn't you?

MS. EIG: Yes, absolutely you do.

SPEAKER: It depends what side you live on.

MS. EIG: Exactly, yes. But I think that it's helpful because if you just see one number you don't know whether this is a big block or whether this is a situation where, in act, if they had designed something differently, they could have come up with something that might have been acceptable.

MS. STEPHENS: And on the other hand --

MS. EIG: It tells us something else.

MS. STEPHENS: If you're the Corby mansion, it really doesn't matter how long your wall is because there's nothing on either side.

MS. EIG: Well, if you're the house that's on an island, it doesn't make any difference either.

MS. FELDMAN: I'm not sure what you would gain by setting regulations by having --

DR. KAMEROW: No, we're not talking about regulating these houses. We're just looking to see what the village looks like. And we're trying to draw a random sample and see if you

draw regulations, how many houses does it affect.

MS. EIG: The other thing -- how hard would it be for you to figure out by guessing how many feet from the back of the house to the back line. Since we don't have any documentation about rear setback and how complicated that could be or what it should be if we were to put one in.

MR. YOUNES: I would need a tax map.

MR. BIDDLE: It would be difficult. He mentions the tax map. We have diagrams. We have aerial photographs that would show where the property lines are. And we can't, without the tax map, it becomes problematic.

DR. KAMEROW: All right, so the idea is that we're going to try to get a good random sample, which is the one we have, maybe -- how did you get that? You just went down a list and --

MR. YOUNES: The GIS system assigns a random number to all the addresses in the village. I print out the list and for the original random sample it shows every seventh house.

DR. KAMEROW: And they were scrambled by address, so that really wasn't a function. So it was truly a random sample. And that gave you 100-odd.

MR. YOUNES: One hundred seventeen.

DR. KAMEROW: Are we happy with that number?

MR. BIDDLE: I think the next increment up, if we go from 10 percent to, what was it, 7 percent? We need 156, so I think there's a fairly --

SPEAKER: A lot more work to do.

DR. KAMEROW: Okay, so --

MS. STEPHENS: Plus, you have -- plus, you have a number of houses that you have the data on that are outside of that

random sample.

DR. KAMEROW: We're not -- we're not going to rely on them.

MS. STEPHENS: No, no, no, but I was saying we could put them in, couldn't we?

DR. KAMEROW: Well, no. You can't actually.

MS. FELDMAN: No, because that destroys the randomness of it.

MR. BIDDLE: Let's put it this way. If they show up on the new random list and we have the data sitting over here --

DR. KAMEROW: It makes you happy.

MR. BIDDLE: We're going to pull that piece of paper out.

SPEAKER: We certainly are.

DR. KAMEROW: No question about that. That's not the issue. The issue is whether we're going to enhance it with that, and the answer is no.

If we're going to try to draw some conclusions about where punitive regulations cut, right?

MS. FELDMAN: In terms of the FAR, are you going to separate out the two subsidiary things?

MR. BIDDLE: We'll find some way to format it so that it's clear what the situation is where there is a bump up or a kicker applied.

DR. KAMEROW: Yeah, just put a superscript and a superscript 2 after the FAR number saying that we added two for this and we added two for that, or we didn't. Or something like that.

MR. BIDDLE: We'll find something simple.

DR. KAMEROW: So we're going to come back in two weeks.

Is that lightening?

MS. EIG: Can we change our meeting to give Michael another week?

MR. BIDDLE: Let's let me and him talk and basically if need be --

DR. KAMEROW: Let's not change it right now. Let's see what's going on. Let's see how it is.

So then the hope would be that after that -- with those data we could -- at the next meeting, which will be whatever this is, say February 25, work on a draft reg, fill in the numbers here. We need to also in the offline thing look at your language and get comments back about that so we can try to refine that. And at that point if we have what we think is a reasonable straw man for this regulation, if we can do it, and at that point you're going to get back to us about a thought for -- some thoughts on how those residents could find out what their specific situation was. And I don't know, are you going to let them ask what their neighbors' are, too? I mean --

MR. BIDDLE: It's surprising. The people who have called up and I've given information about how to get the tax database, they come back a couple of days later chiming in, oh, it was kind of nifty to see how the neighbors are doing it, too. Because they enclosed area of the property.

DR. KAMEROW: So they can find out about the neighbors from public data?

MR. BIDDLE: Yeah, we can do that.

DR. KAMEROW: And then after that, let's see, the next meeting would be the March meeting, which is two weeks after that. Or is it three weeks after? Two weeks after that.

SPEAKER: Two weeks.

DR. KAMEROW: Two weeks is the regular March meeting, so we'll see how things are going, I guess, and continue with that. And then possibly set up a referendum for some time, if that's in the works, to coincide -- that's not until May though.

MR. BIDDLE: It's entirely possible that the referendum -- we talked about a 30-day window for the referendum to be able to execute, get the mailing out there, let people get information back in from the office to kind of assess their own situation or their neighbors' potential impact on them. It's possible that that 30-day window could be the window between March 11, our blessing on language up to the county, and an approval.

DR. KAMEROW: So you're saying to have the referendum be coincident with the county's (inaudible) because -- that's an interesting thought. Let's think about that. So you're saying we decide, based on what we see. We try to make this regulation. We smooth the language. We do what we want to be done. And at the same time we send it to the village. We send it to the county counsel.

MR. JONES: So what happens if after we get reaction from the village we want to tweak that?

DR. KAMEROW: Tweak is okay, but materially change is not okay.

MS. EIG: But even tweaking --

DR. KAMEROW: But the point, I guess, is that if for some reason we don't have to, it's done.

MR. PODOLSKY: And one of the things you have to think about in the referendum is this going to be a vote all or nothing?

MS. FELDMAN: Well, that's what I was wondering.

MS. STEPHENS: I think it should be all or nothing

probably.

DR. KAMEROW: Well, I think we don't have to make that decision tonight. But I think that that's a good thought to think about. But what we need to do -- the Board's homework is, and residents, of course are welcome to do this as well, forget the second part of the draft regulations. Because those are not the final ones, right? Think about the first part all the "whereases". If you have comments on that part of the regulations, send them to Geoff.

MR. ELLIOTT: (inaudible)

DR. KAMEROW: Right.

MR. ELLIOTT: Well, will you be sending out a new version (inaudible)

DR. KAMEROW: Well, that's what we're going to try to set at the next meeting. We're going to discuss that and then we'll be trying to go out.

MR. ELLIOTT: Okay.

DR. KAMEROW: Between then and the March whatever meeting. March 11 meeting.

MS. EIG: It's not in the whereases, but on page 13, David, under the new C, shouldn't we have also something worded in there for ADA required provocations?

DR. KAMEROW: All right, I don't think we need to get into wordsmithing at this point.

MS. EIG: No, I don't need wordsmithing. We can figure that out afterwards. We can decide. I don't need an answer now.

MR. BIDDLE: Okay. For reference sake, basically the first random sample of 117 was about three weeks worth of Mike's worth to generate that one, and it was across the Board. FAR, plate height, and sidewall length and impervious coverage.

Since we're not doing impervious coverage, I think we may be able to save some time. It still might be nip and tuck. At a minimum you're going to get FAR data before the next meeting. We'll wait to actually concur with Mike, but if there is a dropout in the deliverables, if we can't make the schedule, instead of being able to deliver all three, we'll deliver at least two. FAR and plate height. And wall plane may be bringing up the rear coming on that Monday of the meeting.

MR. YOUNES: If we use the same 117 random sample --

MR. BIDDLE: We'll talk.

DR. KAMEROW: Okay, but I assuming you're planning to use the random -- I mean, the random sample is pretty good. Do we have any problems with that? It sounds to me the way he did it is sound.

MR. BIDDLE: No, it's okay. I thought .44 was a new random sample, but if they were over, we were going to use those, but we were going to essentially generate a new --

DR. KAMEROW: I'm sorry, let's talk about that because that wasn't my intention. Did other people think that?

MS. STEPHENS: No, no.

MR. BIDDLE: Can we use the same --

SPEAKER: Same sample.

SPEAKER: It sounds like there's nothing wrong with the sample.

MR. BIDDLE: Then I'm glad I brought it up. We'll use the existing 117 and just --

DR. KAMEROW: Up to these criteria that we talked about tonight.

MR. BIDDLE: We'll make sure that they sync up --

DR. KAMEROW: Great.

MS. FELDMAN: Can I -- just one thing. We're not quite at that point yet, but talking about when people -- if people want to find out about their own situations, I wonder if one way to kind of simplify things or possibly make it less expensive would be at first simply to refer them to the county and suggest that they take a first look at that. And they can determine from that more or less what their FAR is.

DR. KAMEROW: We're going to get a recommendation from Geoff as to how he thinks we could handle that in some way that would be helpful to residents but not too onerous to the point where we can't do anything else.

SPEAKER: I think that's a good idea.

DR. KAMEROW: Okay, thank you. Let's move on and finish this meeting. I'm deliberately not looking up so I can't see anybody raising their hand. Chairman's report, none. Manager's report --

MS. EIG: Wait, wait, wait, wait, wait. Under old business, David left, but can you please ask him to give a report -- not that David, this David. He never gave us the report on what the club is doing with their swimming pool modification. We need to know for capital projects what, in fact, they're proposing to do. Who's going to coordinate with them?

MR. BIDDLE: I can tell you what they're doing. Bradley Lane construction entrance -- they're taking up the existing tennis courts. They're going to make their pools NCAA compliant for diving and they're going to back their way out and rebuild the tennis courts. It is ways away from anything we're going to do. No impact.

MS. EIG: Right, except they're working over there, and there are things that, in fact, we talked about at our meetings

that we wanted them to do on Bradley. Yeah, I'll talk to you about it later.

DR. KAMEROW: Okay, Geoff, is there anything in your manager's report that you need to bring to our attention?

MR. BIDDLE: I think not. Tomorrow morning we're going to get a feel for what county says on the stands over at --

DR. KAMEROW: Oh, yeah, that's interesting. And the election tomorrow. Those of you who are here, we'll see you tomorrow. Vote early enough. Make sure to come and vote. We're going to have a meeting here tomorrow as well as far as a negotiating session on Brookville Road, which is going to be a meeting of the staffs of the various groups, kicked off by me.

SPEAKER: Good luck.

DR. KAMEROW: And Chief, anything to report? What's the latest on the speed cameras?

MR. GORDON: The poles are up. Comcast was up there over the weekend and today, and I think --

DR. KAMEROW: Waiting for the electrician.

MR. GORDON: We have the permits in place. And then the only other thing, last night we had four, maybe five cars broken into. All of them were unlocked.

DR. KAMEROW: Unlocked?

MR. GORDON: One on Oliver and one on Heskus.

DR. KAMEROW: So clearly someone was just going down and trying all the cars until they found one that was unlocked.

MR. GORDON: Well, these were all unlocked.

DR. KAMEROW: No, but I mean, they were trying -- they didn't break into any cars that were locked.

MR. GORDON: Right.

DR. KAMEROW: Which is evident, once again, that people

should lock their cars. Duh. Right, sorry. Okay, anything else? Building and tree permits -- nothing unusual there? Do we need an executive session? No? Okay, can I have a motion to adjourn?

SPEAKER: So moved.

DR. KAMEROW: Second?

SPEAKER: Second.

DR. KAMEROW: We're adjourned.

(Whereupon, at 10:34 p.m., the PROCEEDINGS were adjourned.)

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