

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
SPECIAL MEETING
APRIL 7, 2006

A Special Meeting was held by the Board of Trustees on Friday, April 7, 2006 at 8:00 a.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Wm. Lee Kinnally, Jr., Trustee Marjorie Apel, Trustee Peter Swiderski, Trustee Jeremiah Quinlan, Trustee Diggitt McLaughlin, Village Manager Francis A. Fobel, Deputy Village Attorney Marianne Stecich, and Deputy Village Clerk Linda Knies.

CITIZENS: Six (6).

35:06 AUTHORIZATION TO JOIN TOWN OF GREENBURGH LAWSUIT

Mayor Kinnally: Proof of posting and notice of this meeting?

Deputy Village Clerk Knies: Bulletin board, e-mail.

Mayor Kinnally: I received a call on Tuesday from an attorney representing the Town of Greenburgh asking if the Village would be interested in joining as a petitioner in a lawsuit against the City of Yonkers arising out of adoption of the FEIS on Ridge Hill, specifically in connection with the transportation and traffic component of the FEIS. In connection with our deliberations I would ask that there be a motion for an executive session to consider this issue, and then we will come back into regular session.

EXECUTIVE SESSION

On MOTION of Trustee Apel, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Board voted for an immediate Executive Session.

[Resume 8:33 a.m.]

Mayor Kinnally: The following is the text of the resolution: "Resolved: that the Mayor and Board of Trustees authorize the Village to join as Petitioners in the Article 78 proceedings brought by the Town of Greenburgh and others against the City of Yonkers and others with respect to the Ridge Hill development."

The only object of this lawsuit is the traffic component of the FEIS that was adopted by the lead agency, which is the city council in Yonkers. It has nothing to do with the density or anything else.

Trustee Apel: I take this very seriously. I cannot say enough to the City of Yonkers. Traffic is the issue, and the citizens of this community are concerned and we think it is about time that you listened.

Trustee Swiderski: I second Marge's sentiment. This is no reflection of our sentiments toward the people of Yonkers. It is our expression specifically on the traffic issues, which are the ones that most affect us here. It is fair to say that the absolute vast majority of our Village is adamantly opposed to this development and it is only right that we stand up as a board and express that sentiment ourselves, and stand with Greenburgh and other communities asked to join in this and express that sentiment.

Trustee Quinlan: I believe that Hastings-on-Hudson should join with Greenburgh to challenge the Ridge Hill developers' traffic study in court. In my opinion, Ridge Hill is a regional disaster and its traffic is an unmitigated nightmare for Hastings residents. Also, given the fact that there is no cost to Hastings residents for this lawsuit makes it a no-brainer. My vote is yes, join it, and fight Ridge Hill and its flawed traffic study.

Trustee McLaughlin: I agree with the sentiments that my colleagues have issued. The problem of traffic has been the one that Hastings residents have been angriest about, which does not mean that there are not other parts of the Ridge Hill project that are difficult for us to handle. But like Marge, I echo the fact that we are trying to work with the City of Yonkers. This is not a resolution against the City of Yonkers, but it is something that, in terms of the traffic that impacts the Village, we simply must go ahead with.

Mayor Kinnally: Ridge Hill has been troublesome from the very beginning, and I preface this by saying that I am not against any development in the Ridge Hill development. We have expressed this concern and our approach to the city council, both publicly and privately. I had a dinner meeting with the mayor last year and told him that I believe that Ridge Hill could help Yonkers. Whatever helps Yonkers helps the region, but whatever hurts Yonkers hurts the region. In addition to the scale, which is totally out of character for that part of Yonkers and for the region, the greatest concern that I had was the traffic approach. We followed this and put comments in all the way through. The focus of the City of Yonkers has been on the north-south corridor without very much appreciation for what is going to happen on the east-west corridor. The Jackson-Ravensdale artery is going to be more adversely affected than it is now. The intersection inside of the Stew Leonard's complex is going to add to the problems that they experience in that development right now.

Putting in a development of this scale, without taking into consideration the steps needed to mitigate the traffic components, is a great mistake. The people in Yonkers and the surrounding communities had articulated that concern very well, and nobody has come late to the table in doing that.

But I have a different approach as far as bringing a lawsuit against the City of Yonkers. I laud the Town of Greenburgh for doing that. The Village of Ardsley apparently was taking this up last night, to join as a petitioner in the lawsuit. I read the draft brief that was supplied by Michael Zarin . The approach to the issues of the traffic, and the way the FEIS was approved in light of the concerns that were raised, is certainly troublesome. I believe very strongly that they will prevail and that reason will prevail, and that something much better than what they have before them right now will be taken care of. That can be done without the Village of Hastings. I do this for a living. I sue, and defend, in court, and I do not take any lawsuit lightly. I just do not think that the way this came about and the approach is the best for the Village of Hastings. I support the Town of Greenburgh in its approach and its lawsuit, and I think that the resolution of the issues in the case will come out in their favor and will affect us in a positive way. But I am not sure that the wisest course is for us to draw a line in the sand with the City of Yonkers and to sue the City of Yonkers at this point.

So I am going to vote against this, not because I do not support the opposition but because in my judgment this is not the wisest approach to take. Border wars are not something that I welcome. We have stood up to Yonkers. We have told Yonkers in no uncertain terms how we feel about this. I just do not think that my approach would be this way.

Danielle Goodman, 28 Ashley Road: Mr. Mayor, I do appreciate all of your comments and your concerns. I feel your heartfelt wish not to engage in a border war. But with respect to the Austin Avenue complex, there is still a long list of things that the City of Yonkers did not do. It was supposed to build another access road into that complex, and that was something that the Town of Greenburgh brought to Yonkers' attention at least two years ago. There is a track record of some unfinished work. I am not saying they are not going to do the Austin Avenue extra access road, but had they done it, it might have relieved some of the east-west crush that happens. If you imagine a waterfront developed here , and a very nice perhaps Spanish tapas bar that offers, on a Friday afternoon, a beautiful array of goods, and the traffic cannot get here from Connecticut because they do not want to take 287. They want to get off at the Sprain because to take 287 on a Friday to the Saw Mill Parkway is unwise. We need to think about our own economic future and unfinished promises. I do not know if we ever held Yonkers' feet to the fire about the unfinished work at Austin Avenue, but it might be a point that would make us all feel better.

Mayor Kinnally: The Town of Greenburgh brought a lawsuit against the City of Yonkers. Unfinished business? The lawsuit did not accomplish it.

Ms. Goodman: But they did not do what they said they were going to do. They were going to build this other access road, and I only bring that to your attention.

Jim Metzger, 427 Warburton Avenue: I thank the Board for bringing this motion forward and agreeing to sign on to this lawsuit. If everybody was a perfect neighbor we would act in a way that would reflect that we understand that our actions have consequences. In this situation Yonkers was acting in their own best interests without necessarily looking at the surrounding community. This lawsuit was a bit of a wake-up call. A lot of other things have been tried, they have not been acknowledged, and this is the point that we are at. Unfortunately, this is the way the system is set up to work. I hope that Yonkers can do something before the lawsuit goes through, that they understand how important this is to the region, and that they act as a good neighbor so that when the time comes for us to do development we understand and we reflect that in our surrounding communities, and the actions that we take would be acceptable to them.

On MOTION of Trustee Apel, SECONDED by Trustee Swiderski the following Resolution was duly adopted upon roll call vote:

RESOLVED: that the Mayor and Board of Trustees authorize the Village to join as Petitioners in the Article 78 proceedings brought by the Town of Greenburgh and others against the City of Yonkers and others with respect to the Ridge Hill development.

ROLL CALL VOTE	AYE	NAY
Trustee Marjorie Apel	X	
Trustee Peter Swiderski	X	
Trustee Jeremiah Quinlan	X	
Trustee Diggitt McLaughlin	X	
Mayor Wm. Lee Kinnally, Jr.		X

ADJOURNMENT

On MOTION of Trustee Apel, SECONDED by Trustee Swiderski with a voice vote of all in favor, Mayor Kinnally adjourned the Special Meeting at 8:45 a.m.