

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
PUBLIC HEARING
JUNE 19, 2007

A Public Hearing was held by the Board of Trustees on Tuesday, June 19, 2007 at 8:05 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Wm. Lee Kinnally, Jr., Trustee Peter Swiderski, Trustee Jeremiah Quinlan, Trustee Diggitt McLaughlin, Trustee Danielle Goodman, Village Manager Francis A. Frobel, Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto.

CITIZENS: Seven (7).

Mayor Kinnally declared the Board in session for the purpose of conducting a Public Hearing in accordance with the legal notice that appeared in the June 15, 2007 issue of *The Rivertowns Enterprise* to consider the advisability of adopting Proposed Local Law No. 2 of 2007 amending the Code of the Village of Hastings-on-Hudson, Westchester County, New York, Chapter 223 Professional Fees, to permit the Village Manager and the Building Inspector to require an escrow account to be set up for professional fees.

Mayor Kinnally: Mr. Frobel, do you want to give a little background on this?

Village Manager Frobel: This came out of a suggestion from the staff and the Village Attorney in which we are looking to add to our existing local law: “the inclusion of the Village Manager and the Building Inspector to require escrow funds to be on deposit with the Village when certain technical work is required in the review of an application.” We believe that, given the changing environmental law and the need to have specialized services on occasion, the Village should not have to pay out of pocket for those types of services when it is reviewing an application.

Mayor Kinnally: This is a public hearing. Anyone wishing to speak either in favor of, or in opposition to, the proposed local law please come forward and state your name and address for the record.

Peter Wolf, Former Chairman, Conservation Commission: I do not know whether it is possible within this proposed law, but we ran into, several times, developers that made certain promises with regard to landscaping. We believe that there should be a method by which they would deposit escrow funds for the purpose of trees. Either the promise of trees would remain up and because of what they did the trees died, or because they were supposed to plant trees and there was no way of enforcing it for the trees that year or the following year. I do not know if this can dovetail into that or not, but I would like to have brought it up at least.

Jim Metzger, 427 Warburton Avenue: I do not have a problem with the Village requiring an escrow account for specialized services. My question is, ultimately if there is a question about whether specialized services are required who has the final determination? As an example, there would be a possibility where a specialized service may be deemed advisable by the Building Inspector and the applicant may feel that they provided enough information from their own engineering services, and now they are saying you cannot move the project forward unless you give us money. So the question is, who gets to determine whether the service is required or not?

Village Attorney Stecich: The way it is drafted, it would be the Building Inspector, and there is not an appeals provision in it. Right now it can be required by any one of the three boards: the Planning Board, Zoning Board, and Board of Trustees. That has no appeal provision either. You are assuming that the Building Inspector and the Village Manager would act in good faith, and only require it if it were necessary.

Mr. Metzger: I would think that an applicant would like some means of an appeal, especially if a substantial amount of money is required before the project could move forward.

Village Manager Frobel: Let me look into that. I would assume the appeal of my action would be the Board of Trustees. If there was a dispute I would assume they would arbitrate that. I would have to ask the Village Attorney to research it for me.

Mr. Metzger: I think to leave this to a single individual could be problematic.

Village Attorney Stecich: Right now it would not be, but you could add an appeal provision, if you wanted, for, I would not say for any of the boards. but for the Building Inspector, the Village Manager. I do not expect it would need to be used, but it is conceivable that you would. That would not be hard to insert a paragraph to that effect.

Hearing no further comment, Mayor Kinnally asked for a motion to close the Public Hearing.

CLOSE OF PUBLIC HEARING

On MOTION of Trustee McLaughlin, SECONDED by Trustee Swiderski with a voice vote of all in favor, Mayor Kinnally closed the Public Hearing at 8:15 p.m.