

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
JUNE 5, 2007

A Regular Meeting was held by the Board of Trustees on Tuesday, June 5, 2007 at 8:10 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 Brian Murphy, and Village Clerk Susan Maggiotto.

CITIZENS: Forty (40).

APPROVAL OF MINUTES

On MOTION of Trustee McLaughlin, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Minutes of the Regular Meeting of May 1, 2007 were approved as presented.

Mayor Kinnally: The minutes are accurate; I spoke incorrectly. On page 16, I indicated that the Board of Assessment Review had been staffed by former Trustees. I indicated John Huelsman was a former Trustee, and he was not.

On MOTION of Trustee McLaughlin, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Minutes of the Regular Meeting of May 15, 2007 were approved as presented.

APPROVAL OF WARRANTS

On MOTION of Trustee Swiderski, SECONDED by Trustee McLaughlin with a voice vote of all in favor, the following Warrant was approved:

Multi-Fund No. 70-2006-07 \$128,656.40

PUBLIC COMMENTS

John Gonder, 153 James Street: I was at the Board meeting in October in regard to the buses parked on private property. You took care of it relatively shortly. In about two months both buses were gone. On April 5 the yellow bus was back, the smaller bus. I'll give you a couple of photographs. It has Florida plates, and has had for a couple of years. I talked to Mr. Frobel, the Building Inspector, and the police. They told me they had 15 days to paint it and he got it painted. I asked what you can do about lights. Mr. Frobel said if it

moved off the property they are not allowed.. Well, it was moved off the property today. I do not know if I can make a citizen's arrest once it goes off, but there a lot of things that you can do. You can revise your ordinances. If it looks like a bus, it was sold as a bus, it must be a bus. If it is a Florida plate and there for over a year, never went back to Florida, there is something you can do. You can write an ordinance about the lights. If it has illegal lights, you cannot park it on private property. This fellow lives in Ardsley. He moved it there and they probably told him to get it out of the community and he is back where he does not reside. I think he and his mother own the property. I would like you do something to help us out. I represent nine families. They asked me to come and talk, give you photographs. They have called the Village Manager, the police, and the Building Inspector. We are at the dead end side of James Street, a nice little community. One fellow is trying to fix his home up and sell it, and he is afraid a parked bus like this is running down the neighborhood. I do not think anyplace else in Hastings would we put up with that.

Mayor Kinnally: As we said last time, the matter will be referred again to the Village Attorney, the Manager and the Building Inspector. We will see what we can do here.

Jim Metzger, 427 Warburton Avenue: The Hastings tree trimming committee, an ad hoc group of citizens that have been questioning Con Ed's policy on tree trimming, had a meeting with Con Ed. They made a PowerPoint presentation; they did not budge from what we had heard from them before. They still plan on starting sometime in June. They claim they are going to come before the Village to describe their policy, to map out routes. Would it be possible for our committee to be informed when that happens so that we can get together and see what is going on?

Mayor Kinnally: Okay. The Manager will have a report on that later.

Sharon O'Shea, 406 Warburton Avenue: My son, Brendan is a member of the Hastings volunteer fire department and his apartment was destroyed by fire. I want to remind all Hastings residents that this is an all-volunteer fire department which responds and behaves in the most professional manner imaginable. They have completely taken him into that circle and have been incredibly generous and kind, along with merchants and citizens in the Village. I have never seen anything like it anywhere. This is a volunteer department. They devote hundreds of hours to training and drills and meetings and ceremonies and funerals and parades, not to mention fires, false alarms, and every kind of emergency. My son and I are extremely grateful, and I wanted to use this forum to remind people that these are people who do this on their time and do it very, very well.

46:07 CERTIORARI SETTLEMENT – UHLICH COLOR COMPANY, INC.

Village Manager Frobel: The Board heard from Attorney Levy several meetings ago. This property that was located on the riverfront near the Mobil Oil terminal, a 6.4-acre parcel. It is the recommendation of the attorney that it be settled. We have taken this into account in our assessed values for the current year. We have also budgeted for the three-year structured refund of those overpayments.

Mayor Kinnally: The first payment would be \$48,505.25, without interest, payable on July 1, 2007. At least this year we do not have to borrow. That is part of our budgeted amount. This is the result of many negotiating sessions between Ira Levy and counsel for Uhlich and is a very good and positive settlement for the Village. I am not sure how the town reached their resolution, but I think we did as well as, if not better than, the town.

Village Attorney Murphy: Similar. There are some slight differences with the assessment dates in the town, so the property was assessed slightly differently due to the fact that the buildings were not there when the town assessed them and then they were when ours was done.

Cindy Travis, 427 Warburton Avenue: I think I am hearing this wrong. Are we paying money back to this company?

Mayor Kinnally: Yes.

Ms. Travis: Why?

Mayor Kinnally: That is the nature of the certiorari proceeding. They are challenging the assessments. They have paid us based on the full assessment of the property. We have had that money since the years in question. They are seeing a reduction in the assessed valuation, and as a result of the reduction in the assessed valuation there is a repayment of taxes that have been previously paid.

Ms. Travis: Not to say I have any idea what happened in the negotiations, but we could not have at least gotten it to be zero and not pay them back something? I thought we have no money.

Mayor Kinnally: Based upon the recommendation of both the assessor and the Village Attorney, this was a case that we were better off settling than going to trial on.

Trustee Goodman: There is a bill pending in Albany to deal with this kind of situation. It has to do with businesses being valued at a different level than residences. Right now the valuation is the same between residences and businesses, and there is a bill pending to even this out because our legislators understand that the residential taxpayers are getting hit hard. This bill had been before the legislature before and has been defeated. If you have an issue with the monies we are paying back to companies you write to Andrea Stuart-Cousins and Richard Brodsky in large numbers.

Joe Perpejaj, 41 Marion Avenue: How many more of these litigations do we have?

Mayor Kinnally: There are none before us. Before the courts there probably are about a dozen proceedings pending.

Mr. Perpejaj: What are the numbers that we are looking at and how much of a difference will that be to us taxpayers?

Mayor Kinnally: I have the information, but I do not have it here right now.

Village Clerk Maggiotto: Uhlich is different because this property went from being a functioning business to being moved and then the buildings were taken down. That accounts for the reduction in assessed value being so great. That is an unusual situation. The other ones coming up are on a different basis. No one is arguing that we are talking about vacant land, so they are not going to have as big an impact. This is the last major one that the Village has to face.

Mayor Kinnally: We went through a similar thing with ARCO. The pluses and minuses, we have had use of the money and investment on the money. So we are getting it back without interest, which is the good thing. Susan is right. This is different from the other properties. Most of the properties in town, the assessments come from the improvements to the properties. In this case, they went from operating to non-operating, that reduced it, and then they went from having improvements on the property to having raw land.

Trustee Quinlan: When it is a going business it is valued at a certain price. When it goes out of business and the building is, in this case, knocked down, the Village does not devalue their assessed value, because we do not really know how much to reduce it. It is almost impossible to tell, especially in a case like this where the company itself polluted the land. Unfortunately, in a case like this, there is no law currently enacted in New York State where we can make that argument. So we wait for the landowner to come before the court. Sometimes they do, sometimes they do not. They bring their experts in, we bring our experts in, and there is a negotiation. In the meantime we are using the money.

Trustee McLaughlin: In the decades that I have lived in Hastings various apartment building owners, the Food Emporium, and Con Ed and other corporations have brought certiorari suits and gotten reductions, have they not?

Mayor Kinnally: Yes. It is normal that those owners bring actions.

Trustee McLaughlin: It is an astounding amount of money to see before you now. The fact that Uhlich's situation is different is why the settlement is so big. But it is kind of standard operating procedure for any number of businesses to file these suits.

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

WHEREAS, petitions having been filed by the property owner, below challenging real property tax assessments on the Village's assessment roll with respect to the following parcels:

<u>Property Owner</u>	<u>Address Description</u>	<u>Year(s)</u>
UHLICH COLOR COMPANY, INC.	1 Railroad Avenue Section 10, Sheet 4, Lots P58 & P58A2, P59H, and P59K	1996-2006

WHEREAS, petitioner's court challenge is now pending in Supreme Court Westchester County; and

WHEREAS, the Village and the property owner have reached a mutually agreeable resolution with regard to the assessments at issue in the Court challenges; now therefore be it

RESOLVED, Counsel to the Village Attorney is authorized to execute a settlement on behalf of the Village for assessments for no less than the following:

<u>Year</u>	<u>Current Total</u> <u>AV</u>	<u>Reduced Total</u> <u>AV</u>	<u>AV Reduction</u>
1996	336,350	336,350	-
1997	336,350	336,350	-
1998	336,350	336,350	-

1999	336,350	336,350	-
2000	336,350	233,450	102,900
2001	336,350	219,100	117,250
2002	336,350	197,400	138,950
2003	336,350	135,000	201,350
2004	170,750	41,500	129,250
2005	170,750	35,800	134,950
2006	170,750	33,000	137,750

The Village of Hastings-on-Hudson's share of the refund is \$145,515.74±.

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

47:07 APPROVAL OF AGREEMENT WITH NEW YORK POWER AUTHORITY

Village Manager Frobel: This agreement represents the best efforts of the county to negotiate on our behalf the cost to provide electrical power to the Village. What is different with this agreement is, there is no fixed rate. We will be paying the actual cost of the electricity. We agree not to seek another supplier of electrical service until December, 2008. We can cancel after that on an annual basis, if we so choose. New York Power will continue to seek out ways to save the cost of electricity to the Village.

Mayor Kinnally: Positive for us?

Village Manager Frobel: Probably. I do not think we could do any better. We could not negotiate on our own.

Trustee Goodman: Do we expect our power bill to go up?

Village Manager Frobel: Probably.

Trustee Goodman: How can we budget for that?

Village Manager Frobel: Going into the budget this year we were given an estimate to anticipate a 16% rate increase. New York Power makes assumptions based on what they see in the market. There is a chance it may go down, too.

Trustee Quinlan: Although our prices will go up almost invariably, we are getting squeezed by electrical prices. They may go down, but I doubt it. If we negotiate by ourselves, then we have less power and we might even get a worse result. I do not think we realistically have an alternative, although I hate to see our electric bills go up.

Mr. Metzger: There is no time like the present to start investigating alternative sources of energy for the Village.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Village Manager to sign the New Supplemental Electricity Supply Agreement with the New York Power Authority through December 31, 2008 as attached.

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

48:07 AWARD OF CONTRACT – QUARRY TRAIL DESIGN SERVICES

Village Manager Frobel: I am pleased to report that we can recommend the award of the design for the quarry trail. This is the hiking trail that runs between the quarry and Southside Avenue. It is about a 575-foot-long trail, only 15 feet wide. This work is being funded in large part through a grant the Village received in September, 2001. Dr. Hubbard was my right hand during this process. We developed the specifications. We were able to attract two quality firms submitting proposals, we interviewed both of those firms, and we are recommending it be awarded to RGR.

We negotiated a rate lower than that which was submitted. We are able to do that because Dr. Hubbard and the staff will provide the management services. This is a way to reduce expenses for the design work, do it ourselves, and have that count toward the match that we

are required to provide. We are on a very tight timeline. Dr. Hubbard has some events planned in September, so we hope to have this open to the community at that time.

Trustee McLaughlin: Is it realistic to accept a contract at the beginning of June and expect that the trail will be open in September?

Village Manager Frobel: It is not that complicated a project. We had thought we could do a lot of the design work ourselves and hire local contractors to do the construction. Unfortunately, the New York State Office of Parks, Recreation, and Historic Preservation requires a more formalized process. When we interviewed both of these firms our question was, do you believe that there will be contractors ready, willing, and able to submit proposals. They seemed confident that there are firms out there that would be able to do this in that short time frame.

Trustee Quinlan: I am in favor of it. The grant is \$75,000. This is less than a third of it, which leaves us two-thirds to complete the work if we can, at least to use it so we are not using up all the grant. This company has done tremendous work, including designing the trailway s down the West Side Highway in Manhattan.

Village Manager Frobel: You are right, we were very concerned because the grant was awarded in 2001 and with the passage of time the purchasing power of the grant shrinks. So when Dr. Hubbard was willing to take on the responsibility, along with Mike Gunther and Ray Gomes, to provide management oversight, that is a wonderful opportunity for the Village to save some money and put it towards the product. That is what we want. I would rather see money spent in the material up there than in the soft costs.

Trustee Goodman: Does that mean the build costs will be covered by the grant?

Village Manager Frobel: It should.

Trustee Goodman: Are you still looking for volunteers?

Trustee McLaughlin: Could we announce this on the Website, send it out to our list? Perhaps Dr. Hubbard can tell us exactly what it is he needs.

On MOTION of Trustee McLaughlin, 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 Manager to sign a contract with RGR Landscape Architecture, 115 Fifth Avenue,

New York, New York for Quarry Trail Design Services per a proposal dated April 23, 2007 at a cost not to exceed \$23,000 to be paid from grant proceeds.

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

49:07 SCHEDULE PUBLIC HEARING AMENDMENT OF PROFESSIONAL FEES LAW

Village Manager Frobel: The staff is working on a host of amendments to our local laws. This one we feel we should not wait any longer on. It would allow the Building Inspector and myself to recommend the establishment of escrow accounts when we are going to need outside professional services to assist us in the review of certain matters.

Mayor Kinnally: We find ourselves dipping into our coffers for something which should be on the dime of the developers. This allows us more flexibility to retain engineers and other consultants to assess the various plans that come before us.

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

RESOLVED: that the Mayor and Board of Trustees schedule a Public Hearing for Tuesday, June 19, 2007 at 8:00 p.m. or soon thereafter to consider the advisability of adopting Proposed Local Law No. 2 of 2007 amending the Professional Fees Law to permit the Building Inspector and the Village Manager to require an escrow account to be set up for professional fees.

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

Trustee Goodman: I do have some discomfort with this, and I assume we will have ample time to ask our attorneys questions. This is a very broad amendment, and I have big concerns about running somebody else's dime here. I do not want to increase the cost of construction. Are we talking about steep slopes, is it a Metro-North right-of-way issue, what is it that is triggering this? I would like the law to be drafted in the narrowest possible fashion so that we are not being over-broad, and giving Village discretion, because this would cover homeowners doing renovations as well, would it not?

Village Manager Frobel: That was not how we envisioned it, but that is certainly an item we have got to be cautious about. Ridge Street, on the agenda tonight, is an example; if there was a mechanism in place we could use it without having to turn to the developer or, in this case, the homeowner.

Trustee Goodman: I am particularly concerned about the notice we got from Metro-North about buildings along the right-of-way and storm water management. We are put on legal notice to be careful about that kind of building. So I would want the Village to be able to have an expert in that circumstance. But I can think of other reasons that I have some hesitation.

50:07 SUMMER MEETING DATES

[Discussion of dates]

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

RESOLVED: that the Mayor and Board of Trustees hereby schedule the following Regular Meeting dates:
1. July 24, 2007
2. August 21, 2007
3. September 11, 2007

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

51:07 DECLARATION OF LEAD AGENCY - REZONING OF PROPERTY AT ROUTE 9A AND HOLLY PLACE AND RELATED ZONING AMENDMENT

Mayor Kinnally: The next item is the declaration of lead agency and rezoning of property at Route 9-A and Holly Place and related zoning amendment. We may be putting the cart before the horse. I think the resolution would be either to approve or deny the application, so that is probably what we are steering toward. It will not change the discussion tonight. The resolution would be that the application of Anthony Tarricone and the four entities for a change of zoning of four parcels fronting on Route 9-A in the area of Holly Place from 2-R to MR-O be either granted or denied.

This is the third or fourth time it has come before the Board of Trustees. We have had public hearings on it. The public hearings are closed. Mr. Tarricone wants to give us some update on other items that he has proposed in connection with the application. I have offered his attorney, Mr. Davis, and Mr. Tarricone a combined five minutes on that. I would request since the public hearing is closed that people limit their comments to two minutes. If what you are speaking about is something which you have spoken about already, the record is pretty complete on that. We have a recommendation from the Planning Board. We received today minutes from the Zoning Board from their last meeting of May 24, 2007, where comments were solicited from the public in connection with the action taken by the Zoning Board of Appeals.

Anthony Tarricone, Applicant, 15 Holly Place: I want to thank everybody. This board has done a tremendous amount of work in reviewing all the material, as have a lot of the neighbors as well as the other people that are here either for or against. I have put everybody through a lot of work, and I appreciate all the work you have done.

What makes Hastings such a great place to live is that everyone cares, and that is what this hearing is about. Both sides are passionate about their position, whether they are in favor of, or against. We substantially modified and revised our proposals to accommodate the comments of the neighbors. Specifically, we have reduced the number of properties in the zone change application to only four properties that front on 9-A. We have changed the zone application to a more restrictive, less intense, MR-O zone. We have made additional restrictions on the self-storage and a residential deed restriction in the MR-O zone, and we have added a neighborhood enhancement program.

The only new piece of the proposal that this board has not heard is a five-point neighborhood enhancement program. The program is intended to show our continued support for the neighborhood. We are going to donate to the Village a greenspace fronting on Holly Place at

15 Holly Place as a park, with park benches and plantings. This park would be approximately 5,250 square feet, the same size as the average piece of property in the area. We would like to provide street trees for lining the neighborhood streets, to be provided by the Village and planted by the Village, up to 10 trees, or \$5,000. We would like to provide a one-time matching fund of up to \$100 per household for any neighborhood house in the area for any beautification to the exterior of the homes within the neighborhood. These improvements must be completed within one year of the enacting of this proposal. And we want to create a neighborhood beautification committee to award a \$500 annual award, paid for by Hastings Self-Storage. The committee will award and distribute to that owner who has best improved or maintained their property that year. This is an annual award, distributed by whomever the neighborhood committee chooses to whomever the neighborhood committee chooses. We would like to offer a 10% discount to the neighborhoods for storage at Hastings Self-Storage.

Additionally, it should be pointed out that the driveways located on the corner of Holly and Edison, which are now paved and owned by Joanne and Ritchie Shea, will be removed and relocated to the south side of the property. This will increase the greenspace by 25 feet on the south side of Holly Place. When you add that to the north side of Holly Place where you have the neighborhood park you have 150 foot by 35 foot on the north side, 25 feet on the south side. It is a big green expanse as you enter the neighborhood.

During the last 13 meetings, a few of the vocal neighbors have been successful in taking the view off the proposal and placing it onto the existing self-storage building, which I find curious because they are the same neighbors who pushed to get the self-storage built. So in the interest of setting the record straight I am here before you to cover the facts and realign the focus. The existing building was built as a compromise with the neighborhood after my father sold his business in 1991. That business was a home heating fuel oil business that employed several of the neighbors for over 50 years. During that period of time the use was intense, however acceptable, because it had always been there and the neighbors were enjoying employment from it. Upon the sale of the business and the subsequent less intense use of the property as a repair shop, and then after that as a bus yard, the Village started receiving complaints from the neighbors and issued a cease and desist letter and asked us to change the use. Building the self-storage was not my family's idea, but the Village's and, yes, the neighborhoods. In fact, we went through the very same process, presenting many different proposals, until everyone agreed on what you see now. To be clear, the size of the existing self-storage building was an accommodation to the neighbors' request to disallow vehicle access from the exterior of the building by drive-up units, thereby requiring interior hallways. This change meant a larger building just to get the same amount of rooms. May I point out that the larger building did not mean more rooms, just more cost with the same amount of rooms. It meant adding climate control and sprinkler systems because the

customers would be in the building and, yes, more real estate taxes because the taxes are paid on a per square foot size of the building.

Of the 14 properties protesting today, six of the existing neighbors would not know anything about the history because they purchased their property after the self-storage building was constructed. Obviously, the existing self-storage did not affect their decision to purchase in our beautiful neighborhood, and the remaining neighbors have previously protested *for* the construction of the existing self-storage. Furthermore, one person who has been very vocal against the proposal does not even live in the neighborhood. He runs a nonconforming junkyard that you can see from the bike path and parkway, and the junkyard...

Mayor Kinnally: Five minutes is up. Can you wrap it up?

Mr. Tarricone: I want to finish up with the tax issue then. During our last meeting someone made a comment that the existing self-storage only pays \$20,000 in taxes to the Village. Please allow me to clarify. The existing self-storage building pays \$166,964 in taxes, of which 85.7% go directly to the Village in the form of school taxes and Village taxes. In dollars, that equates to \$20,000 for village tax and \$123,000 for school tax, for a total of \$143,000 in taxes.

In conclusion, the Village is in desperate need of a commercial tax base. If not here on 9-A, where? As Village Trustees, you are entrusted with the well-being of the entire Village. Can the Village afford to reject additional commercial taxes? If you removed all the homes from the streets in the Village where would you put a commercial business? This proposal is for properties fronting on 9-A/Saw Mill River Road. Call it any zone you want, it is a commercial road. At least according to the Westchester County planning board, Hagstrom Maps, Google Maps, Mapquest and yes, the Village's own tax structure and Vision Plan.

Carolyn Caruso, 45 Marion Avenue: I would just like to clarify a few of the points that Mr. Tarricone has made. There are 17 property owners in this area that are opposed to his application, and I have petitions signed by each of them that I would like to hand in for you.

On the map that he provided us with, on every property that surrounds the existing storage, the proposed storage, and the Shea property I have outlined each tenant or homeowner's name, and every person with the exception of Mr. Tarricone's rental is opposed to this. Both the Planning and Zoning Boards have unanimously denied this proposal, and I urge you to do the same.

Linda Wray, 37 Edison Avenue: My family has been at this address over 50 years. I am one of the people that have been there forever. I am tired of being assured by Mr. Tarricone

and the fact that he feels that we have to have a neighborhood beautification program down there. I am sure you all came down to see what is going on in our neighborhood, and I do not think we are this decrepit piece of property that everybody needs to chuck aside, which seems to be his opinion.

Martin Merchant, 35 Marion Avenue: A new development for us is a clarification in our own minds of the homeowners who are opposed to this zoning change. We looked at some of the Tarricone's materials. He gave us a copy originally of the binder that had plans. There was evidently another binder prepared that was distributed to all the boards dated 5/7. In a section on taxes, and again I am reading from his own tables but I have been able to verify some of these things through the Village offices, the amount of money that the storage facility has paid directly to the Village in 2006 is \$20,000. Each year preceding that since the storage facility was built, of course, the taxes have been less because the taxes go up every year. In aggregate, although we have heard in meetings and seen in print the figure of \$150,000, the storage facility has yet to pay a total of \$150,000, since it was built, to the Village of Hastings. If, in fact, the \$150,000 figure is a projected amount for the *new* configuration of the storage facility, at the rate of \$20,000 a year, or \$21,000 next year, it seems to me that the implication that this would bring a lot of money into the Village is false.

Again, which was a revelation to us, was to understand that the \$20,000 is paid directly to the Village. My understanding is these figures do seem to depart a little from Mr. Tarricone's. But my understanding is that the amount of money that he pays the Town of Greenburgh, part of which is returned to us a school taxes, his assessment value is \$189,000 for the Town of Greenburgh. They have grieved that assessment and, in fact, have spent the last five or six years litigating to have that reduced 90%. It is a matter of public record that they would like it reduced to \$18,900, a 90% reduction. We saw earlier this evening what it costs the Village for a certiorari payment. This would mean, and I am reading right from my Town of Greenburgh literature, the extent of overassessment is \$170,000. As a school teacher in this district, my budget was frozen in January because my school district has to sit there with their checkbook ready to pay back these large negotiated settlements. I would urge you to examine carefully the argument for a benefit to the town and the Village of Hastings and the taxpayers of Hastings as a result of this new facility.

Sandeep Mehrohta, 338 Mount Hope Boulevard: I wanted to include my support that with the proposal this is a green solution. You are getting a commercial development with added benefit to the Village and the greening. So if the Village wants to send a message that they are moving towards the green solutions, this is a prime example of moving by approving this so that we can send a message to the other developers and the other proposers to do business in the Village we will have to come up with green solutions.

Linda Merchant, 35 Marion Avenue: It is green now. Mr. Tarricone has a lawn already. The park proposal did not come from the neighborhood, it came from a board. The donated land will be a tax deduction for Mr. Tarricone. He is giving you trees that you have to plant, and pay the employee to plant, at Village expense. The park must also be maintained at Village expense. You will have to send somebody over to mow and take care of it. Most of the neighbors have yards, and we do not need a park that is 35 feet wide and 100 feet long. You cannot even play ball on something like that. It is going to be trees and a park bench.

Linda Manley, 25 Nepera Place: They talk about the fuel company. They owned property at the beginning of my street. That was left with 20,000 gallons of gasoline fuel that leaked under there. Five residents on my block came down with cancer, three have passed away. Two, including myself, and another resident are the only survivors of coming down with cancer. They left the property owing \$80,000 in back taxes. I believe the former Village Manager had a difficult time dealing with ATI and with that property. I am concerned about any future property. We, the neighborhood, got together and turned it into a park ourselves. The building was torn down, and we made it into a park. The Village had to pay Greenburgh \$14,000 for the property. I t wanted to express my concern.

Sal Gargiulo, 1 Holly Place: I have heard Anthony saying that I do not live down there. I am here in this village for 73 years, and I was brought up down there also. There was a rumor that he bought another house. Now he is going to tear down his house and put his self-storage up and encroach on 17 beautiful little homes, the last little homes next to Yonkers. We have tried and tried. This is the fifth meeting we came to. We were in front of the Planning Board. They have a compassion, because they denied him. Then we came to the Zoning Board. They also have compassion. You people all have compassion when you know there are only 17 homes that want to live like people and not have a storage facility. Now he has a self-storage there that is almost 400 feet long. It takes over six homes, and they are 25-foot lots. There are 50 feet to a home, and there are six of them down there. It goes right over to my so-called junkyard that I am not using, all fenced in. How can you do this? Has he not got enough? He has his cake and wants to eat it, too. We want to live, too. If he wanted to build a self-storage he should have built it when he had Nextel. He could have easily done it on Saw Mill that he says is commercial.

Ioannis Stylianov, 48 Marion Avenue: I have read the Manager's report to the Trustees. From my understanding, there is about \$8.2 million direct revenue to the Village of Hastings from taxes. In other research we learn that there are about 3,700 households that pay taxes to Hastings. If we just do simple math, 3,700 households, it is about \$2,500 a year for each household going directly to Hastings. If we assume that the storage facility will pay \$20,000 a year, that would only mean a tax relief for each Hastings resident of \$6 a year, or 50 cents a month. I do not think that is enough to destroy our neighborhood for \$6 a year benefit.

Trustee Swiderski: Thank you everyone for coming here tonight. We have before the Board an applicant who is asking for the right to develop his current residential property in a way that maximizes its value and, as he argues, increases his tax revenues for the Village. This Board has received more e-mails and petitions on this issue than any other in my memory, and that is a remarkable testament to the emotions stirred up by this proposal.

There are a number of subsidiary issues raised by this application. We could talk about the power of friendship, so earnestly mobilized in favor of this petition, or other issues more difficult to discuss openly. We could talk about economic diversity, which this Village so dearly needs to protect. Or about the divides in our community raised by this application, uncomfortable divides that perhaps we do not want to face. However, in the interest of time I would like to review how at least my decision-making was driven on this proposal.

First, it is driven, as it is any such important decision, by a formal process the Village has in place for these sorts of requests. I felt strongly that the applicant receive his chance at due process before the Planning Board and before us. The applicant has had his say, as did his neighbors. Twice the Planning Board reviewed two different versions of the applicant's proposal. The Planning Board is composed of a diverse collection of Village residents with a diverse set of views on development, and with a remarkable depth of planning-related expertise. Members of that board approved the Ginsburg development further north on 9-A, and other members have argued fiercely against the Eric Anderson proposal on West Main. However, they are united in opposition to the proposals as submitted by the applicant, twice and unanimously. The Zoning Board of Appeals, composed as well of a diverse set of individuals, voted unanimously against this proposal as well. I was told that they vote unanimously on issues perhaps 25% of the time. And our board has, in turn, given the public a number of opportunities to be heard on this issue.

Second after process, this is a decision driven as well by neighborhood considerations. This is a neighborhood strongly, almost unanimously, against this proposal. As forcefully as the applicant has presented the case in favor of the proposal, his neighbors have risen and presented facts in opposition. As much as an individual has a right to maximize the use of his property, so do his neighbors to protest if that use is perceived as damaging to their property value and appeal.

Finally, and of last consideration, this decision is driven by how it affects the Village as a whole. This project would indeed add revenue to the Village coffers. But this one project will not substantially right our financial imbalances, nor should that righting of imbalances be done on the back of a small neighborhood composed of people who are good neighbors and good citizens of Hastings. They do not spite the rest of us by asking to be protected; we

would spite them by failing to do so. I do not believe that the public good rendered by this application is so compelling as to override process or neighborhood sentiment. Regardless of how many e-mails are received on a given topic, in the end there are certain issues that cannot be decided by majority or vocal opinion. They are decided by respecting a process and by defending everyone's rights. Those rights could be exceedingly important to you, any of you, one day.

I have thought about recusing myself on this vote. Mr. Tarricone is not only a resident of this Village whose application deserved respectful review, I count him as a friend. If I felt that friendship interfered in the decision-making I would have recused myself. It has not. In my view, the process here has spoken clearly against the applicant's proposal. The neighbors have spoken eloquently as well. I believe, in the end, in trusting a process we have in defending the rights of the minority, even though so many good people may feel otherwise. I will vote against this application. I do not know how the rest of the Board will vote, but I can say one thing. With our vote, this issue is put to a rest and our Village needs to move past this. The process has run its full course. Anthony, you have had your hearing. Neighbors, we have heard you clearly as well. We have had too many hard feelings and too much division generated as a byproduct of this proposal. We all live together in this Village. Our children go to school together, our men and women volunteer on committees and in firehouses and on sports teams together. We commute and work together. We are diminished by the sort of division rendered on this issue.

I am hoping that once this evening passes we can look each other in the eyes clear of heart, and understand that decisions were made with a belief in process and a trust in the good will of others. This was a residential request for rezoning. It was given full and fair review. It is done now. Let us pull together and move on.

Trustee Quinlan: I have a peculiar position when it comes to this application because I have been involved with this property for many years. I was on the Zoning Board of Appeals when Anthony came before us for a use variance on his original application for his self-storage. I was in favor of it then, and that was one of the reasons why it was built. Anthony is correct in his historical depiction, and it is important to just go over that because we learn from history. It was an oil business. They did go out of business, and it came before the Zoning Board of Appeals when the property was being used by approximately 50 to 100 buses to park overnight before they went on their appointed rounds to pick up their schoolchildren. Anthony is correct when he says that the neighbors did not like that use because of the noise and the exhaust and the pollution. The Village and Anthony and the neighbors were trying to find out a good use for that property, and someone came up with the idea of a self-storage unit which is a very passive commercial use. At least in my memory,

there were no neighbors that were against it. In fact, they were very much in favor of that change of use, to get rid of the buses. We approved it.

There has also been a lot of concern about the size of the self-storage unit. It is a very big building. But no one can rewrite history. When the original plans came the Tarricones were looking for a self-storage business where you could drive up to your unit or at least close to your unit, which I think is preferable. We have seen those on the highway. But the neighbors were against that, for good reasons: that we would have more cars, more exhaust, more noise, more activity in their neighborhood. So at least the massive box-like structure came about by a compromise so that we would not have that type of activity in their neighborhood. It would be a quieter, more passive use, although bigger. I think everybody at least initially was happy. I was in full support.

I believe in commercial development. It is extremely important to expand our tax base in Hastings. I also believe that both Anthony and Debbie are fantastic neighbors and Hastings residents, and I am glad that they plan to stay in Hastings. They are interested, they are involved, and they care very much about Hastings. I also want to thank Robert Davis, their attorney. I think he has done a fantastic job, both in this application and in the application that was before me many years ago. I would highly recommend that if anybody needs a lawyer requiring a zoning change he would be the first one I would call. Thank you, Mr. Davis. You have done a tremendous job on that.

Having said that, I have to then turn to the negatives. One of the biggest negatives that I find in this application is that it is, any way you call it, any way you want to say it, spot zoning. Spot zoning is not a good zoning practice. I have read a lot about zoning over the years, being on the Zoning Board of Appeals and now on the Board of Trustees. No one would recommend spot zoning, and the courts for the most part will not allow it. And this is a classic case of spot zoning, as was the MUPDD. I was not on the Board at that time, but I would have rejected that zone for the very same reasons. It is not proper planning to take a small piece of property and zone it for a project. That is what happens here, and that is what happens in the MUPDD. That is wrong, and you can read the books about it.

Both the Planning Board and the Zoning Board voted unanimously not to approve this, and that says a lot to me. I am sure Mr. Davis understands that and so do the Tarricones. When I was on the Zoning Board I believed in local control. People know that, I am on the record for that. I never put my opinions above the people that lived in their neighborhoods and had to raise their children in the neighborhoods. This is again what is happening here. The reason why it is happening here, and the reason why it happened on 9-A and the reason why it happens on 45 Main Street and 10 West Main Street is we are in dire need of a comprehensive plan in this Village. I do not have any idea why it did not happen 10 or 15

years ago, but we are going to make it happen soon. I can promise you that. Anybody that is against the comprehensive plan, all they have to do is look at these applications and see the pain they cause and the division in our neighborhoods for not looking at the big picture and planning for these things in the future.

Finally, to the residents of the Village who came to the public hearings I would like to assure you that for as long as I am involved in Village government that I will work to protect your homes and your neighborhoods from any zoning change that the majority of you and your neighbors do not approve of. For those reasons, I am going to have to vote no on these zoning changes.

Trustee McLaughlin: Everything Peter said echoes my thinking exactly. I do not feel the need to go over everything Peter said, but I thank him for saying it.

We have heard a lot of talk in the past several months about what are facts, and we have heard a lot of facts brought up. But the mere presence of facts does not mean that they are relevant to the decision that we have to make tonight. You have also heard that in the course of due process the Planning Board twice voted no on this project, and the Zoning Board once voted no in this project. They all acted unanimously. My question then was, why is the Board of Trustees given a vote. Planning and Zoning, both loud, strong voices, were unanimous. Why does New York State law require us to consider this as well? I came to understand that we are one more layer of protection against rushing to action, against not taking into account the needs of the entire village. Our discretion is necessary here. It is another layer of protection for everybody.

I believe that any argument you put forth in a discussion you should be willing to hear coming back at you. A couple of things I was very struck by, and that was the number of people who came here to speak out of friendship. I come from a town that is even smaller than Hastings, and my family was there 150 years when I was growing up. I was surprised when I grew up and realized that everybody thought my family had some kind of in, that we never had to argue, that we never had to prove a case, that things just came our way. That was not really true. We were subject to the same laws that everybody else was. But I grew up understanding the idea that the fix is in, that it is a done deal, that it is all who you know. I do not like the fact that local government is tainted by that. It is important to me to say that any vote that I take part in is voted for on its merits and not because somebody was able to make a personal appeal to me. Because of this, I consulted with our counsel to see if I needed to recuse myself because I am a customer of the Tarricones. I would say, as an advertisement for their services, that I think it is absolutely head and shoulders better than any other storage unit I investigated and I wish that they had a bigger facility because they provide a very quality service. But I wish that we had a piece of land somewhere in the

Village for them to deliver more such quality units. We need them, we need their revenue. The fact that I am a customer of theirs, I was told by our counsel, does not give me grounds to recuse myself. But for the same reason, it also does not give me grounds exclusively to vote *for* this.

So I went on to the next argument, of equal protection. With all respect to the people who came, on the grounds of friendship, to speak in support of the Tarricones. they would quite rightly object if their neighbor asked for a zoning change next to, or down the street from, their property for a more intensive use. They would expect the kind of protection that we are going to give the Tarricones' neighbors, because I am going to join with Peter and Jerry in voting against this tonight. I regret very deeply that this has created such negative feelings in the community. It is a hard part of local government that you have to look in the eye of people that you vote against; you have to say no to people that you like; you have to disagree with people whose support your need; and you have to vote against things that you wish you could vote for because you see exactly what their appeal is and exactly what they can do. t I feel that I do have to vote against this tonight.

Trustee Goodman: I take this matter as being very important and it was a very difficult one for me to deliberate. One, I am the new kid on the block. Two, I came here with a goal of trying to help stabilize our tax base. But I have to put my personal goals and my personal opinions aside to find the objectives here. I went, before I was a Trustee, to a seminar at Pace University where we were taught how adversarial the zoning process is. We were taught why it was adversarial, and we were taught to bring back to our communities the thought that there is another way. So after I issue my opinion I am going to deviate from Peter's admonition to say let it end to say let it begin, let us take an example. And let me make some suggestions. There was a better way, there is a better way. I cannot impose it, but I can suggest it. If you listen to my words and you agree with me, then I think that we should try to find a way to make this process a little easier and better, and take a more collaborative approach.

In my view, compromise should be rewarded and I think that Mr. Tarricone and his attorneys did what they could to make compromises. I understand his neighbors' upsets with the backhanded compromises. I also want the neighbors to know that once upon a time I fought a zoning battle that went on for many years, through many hearings, with my neighbors in Ravensdale just due north of you on 9-A: this village is sending you, to Holly Place, 60 units of housing with more traffic to go up and down 9-A. So it was sort of difficult for me to understand why that was okay and making a warehouse was not. But I want you to know how I felt, how bad it feels to think that the fix is in and the government is not listening. And I want you to know how long and how hard I thought about this and how hard I worked to find the objective imperatives that I have to make this decision by. We have to review the

history because what we are doing here is fighting about one little scrap of commercial strip that is left in this village.

Where I began my thought process was to look at what has happened here. Why do we have a 60% residential use and only a 2% commercial. Why? What happened? Well, when the going was good we had big industry booming on the river, we had Ciba-Geigy on 9-A, and nobody was paying a whole lot of attention to land use. The housing boom was on, we were adding neighborhoods. The answer to every land use question was always residential. That might have been fine in the '60s and the '70s. Ratables, ratables, that was the answer to our problems once the waterfront industries starting simmering down. Somehow we missed the boat because in 1989 Scenic Hudson came out with a study and they said there is a lot of development going on up and down the Hudson River, but those developments end up costing more in services than the taxes they generate. If you want something more current, Sullivan County looked at this in 2005. They did a head-to-head study where they looked at what is residential cost versus what commercial brings in. For every dollar of tax that residential brings in, it costs \$1.32 to the government. For every dollar that commercial brings in, it costs the government \$0.40. This study concludes, again, that towns need to pursue a favorable balance of land uses to ensure the physical well-being.

We are either going to get serious about this, looking at our taxes, or we are not. Here is the issue: nobody wants it in their back yard, nobody. Unbalanced land use leads to unbalanced taxes. That is not the neighbors of Holly Place's fault, but I am telling you where we have to go here. Land use is here. It rests with this board, not with the school board. So our school taxes, the money that we pay in, is due to the zoning. If we decide that something is residential, it is going to eat up services and cost money. And there is going to be more money either put in the coffers or taken out of the coffers depending on our zoning. That is why, when we look at the Tarricone property, I have to look at what is coming into the school district from that property because the zoning is controlling that. I even did a head-to-head comparison. At \$3.30 a square foot, if the warehouse is 35,000 square feet that is \$115,500 in the aggregate. If it increases in size, it is \$148,500 in the aggregate. What if this zoning does not go through and Mr. Tarricone moves out of town, levels the warehouses, and we have four houses in its place. I will leave the Holly Place taxes as they are, \$11,180. I noticed there is a residence on Edison that was \$8,500 per year. That is for all the taxes. So I made the three \$8,500. That is a total of \$36,680 if that was a residential property as opposed to \$148,500. I am not going to split hairs about where the money is going because the money is coming out of my pocket: Village, school.

The reality check. Capital improvement budget, \$22.5 million over the next five years for all the stuff we need: LWRP committee has a very nice plan, but they would like \$10 million in debt to get their plan through; \$5.5 million Community Center; Boulanger parking lot

\$450,000. I worry about our fiscal soundness. But I am constrained to overcome my worry and look at the objective criteria. I could not help understanding how did this imbalance happen. How? Why is there no value put on commercial development? Why? The Zoning Code tells me that the advisory opinions come from the Planning Board and the ZBA. I give great weight to their opinions. The Zoning Code also tells me I should look at our comprehensive plan. We do not have one; we have something called the Vision Plan. And the Vision Plan accords no weight whatsoever to commercial development. So it is no surprise that a Planning Board said the neighborhood comes first. I say why is the answer to every land use question residential. I just do not understand it, but that is where we are and I cannot overstep our documents. There is not one document in our Village that would let me vote in Mr. Tarricone's favor.

Then, being a lawyer, I went to the case law. The Court of Appeals in New York, which is the highest court, gives me guidance. It says that zoning is not a popularity contest, it cannot be a Gallup poll, but it has to be in accordance with a rational comprehensive plan, getting back to Jerry's point. We need rational land use here, we need balanced land use. But I cannot vote in favor of a project that is just going to continue the same unbalanced approach that we have had all these years. I have to say that in Hastings some neighborhood has to be the first to let it be in their back yard. And we have to look at the neighborhoods that have commercial in them to see if there is not some way to modify this.

If I ran the world, how it would work is, there is now a warehouse that people think is an eyesore. I probably would have parlayed this with Mr. Tarricone to say, can we not get this warehouse with a green roof, meaning grass. Make this a marvel of environmental building, and make the whole warehouse a sustainable building. I was one of the people that suggested greenspace. I did not suggest that we wanted a park. I really do not want property to take care of. We have enough trouble. I thought the perimeter is a grassy area, but I am so sad that this is a missed opportunity. The neighborhood could have gone back and rewritten history and gotten that building fixed, and struck a deal with Mr. Tarricone. One of my favorite places in the world is City Island, which is a very happy jumble of commercial and boatyards and big ugly stuff. But up every street is the most wonderful, precious, secret garden of a neighborhood. I do not see why 9-A cannot be that way. But nobody has thought to think out of the box. I would have taken the parties and put them together with a mediator and I would have let all the stuff spew, all the anger. And then I would have gotten past that, whatever anger there would be. Before I was an attorney I was a nurse. I believe in therapeutic communication, and that would have gone a long way here. Instead of talking at each other, and not even at each other, through *The Enterprise*, there could have been a compromise here and we missed it. The neighborhood missed it, Mr. Tarricone missed it, and we missed it.

The case law is pretty clear that zoning affects everyone. So for anybody to think that if you do not live in the neighborhood you do not have a say I want to set the record straight. That is not at all what the Court of Appeals of New York expects of our Board in this matter. We are supposed to look at the entire picture, and I think that we are not. We are held hostage by two special interest groups that could not work it out. So I will vote against the project, but with great regret.

Mayor Kinnally: Reference has been made to the reports of the Zoning Board of Appeals and the Planning Board. The motion before the Zoning Board of Appeals was to recommend against the request to rezone part of the Saw Mill River Road/Route 9-A/Holly Place into MR-O, and it was unanimous against the rezoning. The recommendation was not for the rezoning. Because there were any number of comments made by the members of the ZBA, I do not feel I would do an adequate job in paraphrasing them. But suffice to say that they did take into consideration and recognize the myriad arguments that were offered by both sides here and the various items that they all wrestled with.

I also have a report from the Planning Board, which I will read into the record.

“The Planning Board made a detailed and careful review of the revised rezoning request made principally by Anthony Tarricone at its meetings of May 15, 2007 and April 19, 2007, to rezone four parcels fronting on 9-A in the area of Holly Place from 2R to MR-O. The Planning Board recognizes that the revised rezoning request reduced the physical area to be rezoned and proposed a more restrictive zoning district than the proposal the Planning Board recommended against it in its January 7, 2007 memorandum to the Board of Trustees. The Planning Board also appreciates the conceptual site plan presented by the applicants at the April meeting to respond to concerns raised by the Planning Board at its March 15 meeting. Nonetheless, the Planning Board is recommending that the Board of Trustees not rezone the property at Route 9-A and Holly Place to the MR-O district and that it not adopt the proposed amendment to the regulations for the MR-O zoning district for the following reasons:

1. Even though the area to be rezoned was significantly reduced in the revised proposal, the Planning Board is still concerned that the rezoning would undermine the residential character of this neighborhood to which Holly Place is the gateway. Under the proposal, the existing residents at the northwest corner of 9A and Holly Place would be torn down and replaced by a very large storage facility, which would constitute a significant intrusion of a commercial use in a residential area.
2. Although the applicant has proposed to disguise the storage building to some extent architecturally, and has set it back from the street more than required under the

zoning, it is still a very large commercial structure and would be incongruent with the character of the neighborhood. The Planning Board recognizes that the site plan presented at the April meeting was conceptual, but even if the building were reduced somewhat in size and set back even further it would still have a negative effect on the residential area.

3. Rezoning from a residential to a residential/commercial classification is not consistent with the Village's Vision Plan, the first goal of which is to preserve residential areas.

4. The MR-O zoning district was created for the downtown area south of the bridge, and the reasons for its creation do not pertain to the parcel at Holly Place and 9A. The Downtown Zoning Committee, in recommending the enactment and mapping of the MR-O district, described the intent of the zoning classification as follows:

South of the bridge for CC, LI and MR-1.5 zones have been replaced with MR-C, 2R-3.5, MR-O and MR-1.5 zones. In general, this zoning recognizes the entire area as residential in nature while encouraging, but not requiring, *neighborhood retail and selected compatible commercial uses*. It is intended to: a) retain the character of Warburton, b) protect Ridge Street from excessive development, and 3) recognize that Southside Avenue and the area below Warburton facing the waterfront will no longer be a link between an industrial site and the Village, but will look out on an attractive waterfront.

5. The addition of the self-storage warehouse to the list of permitted uses in the MR-O District is also not consistent with the legislative intent of the MR-O District. A self-storage warehouse is not similar to the various commercial uses permitted in the MR-O District, namely: retail sale of antiques, books, art, gifts, or other similar specialty items; restaurants 2,500 square feet or less; artist studios, health, fitness or athletic clubs; business and professional offices; and mixed use buildings.

6. The Village is in the process of considering a new comprehensive plan, and will consider this zoning district in that process.

7. It is important to recognize that, while the County Planning Department, in its letter dated January 7, 2007 (and updated May 15, 2007) stated that it supported the proposed zoning map amendment, it also stated: 'Village officials should determine whether the proposed rezoning does indeed fit the comprehensive vision for the Village or whether it is merely a piecemeal action for the subject area.' As stated

above, the Planning Board did not believe the proposed rezoning fits the Village's Vision Plan.

8. The Planning Board appreciates that the proposed rezoning would result in development of another self-storage facility in the Village, which would be the source of increased revenue. It believes, however, that this benefit is far outweighed by the negative factors listed above.

9. The Planning Board would like to make clear that its recommendation is based not on the opinions expressed by the many Village residents who appeared at its meetings both in favor of and opposed to the rezoning request, but on the Planning Board's obligation to consider whether the proposed zoning amendments would 'promote the most beneficial and convenient relationship among the residential, commercial, industrial, and public areas of the Village.' Hastings-on-Hudson Zoning Code Section 295-3.A."

The Mayor does not have to vote on any resolutions except in the instance of a tie, which mandates that he or she does vote. But in this instance I think it is important to give my thoughts on the process.

I agree in some measure with comments made by all of my colleagues. I do believe that this is spot zoning. It is spot zoning because it is an arbitrary zoning, picking out a small tract of land. The improvement, or the rezoning, is geared primarily to promote the private interest of the owner rather than the general welfare of the community. And that is what I believe the Board of Trustees has to look at it without disregarding all of the comments and input that have been given to us and to the other boards that have considered this. Spot zoning usually results from an up-zoning to a more intense use clarification.

Bottom line, I do not think it is good planning for the Village. It is, as the Planning Board indicated, a piecemeal approach and it does not inure to the benefit of the entire Village. The tax money is not to be discounted. It is an important element here. Not for one moment do I say we do not want to increase our taxes. It was recognized that a substantial amount of taxes would be generated at least in the instant phase of it right now if we go to a commercial use. However, while it is relevant to consider the entire picture, it is not the sole driving force.

Peter mentioned the process. This was a good process. Yes, it was heated, but what has not been in the Village. The neighbors and the applicants came up with many good ideas. Anthony and Bob, I commend you because you were flexible. You came up with some proposals that would benefit the entire Village and the neighborhood, looking to see if there

was some way to reach, as Danielle indicated, an accommodation of interests. But even if a compromise had been struck between the neighborhood, the developer, the Planning Board, and the Zoning Board, the Village Board still has to take a broader look at it. I come to it by saying that we have had a full and fair opportunity to be heard here; that the process was responsive to everybody's interests. But I do believe that this is spot zoning, that it does not look at, or benefit, the entire Village. For that reason, I am prepared to vote in opposition to the application.

The agenda indicates a resolution dealing with the Board of Trustees declaring itself lead agency, but that would presuppose that the Board is going to grant the application and we go to the next step. In lieu of that resolution, I would read this resolution.

RESOLVED: that the application of Anthony Tarricone et. al. for a change of zoning of four parcels fronting on Route 9-A and Holly Place from 2R to MR-O is denied.

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

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

VILLAGE MANAGER'S REPORT

Village Manager Frobel: We had our Community Center job meeting today. Interior painting continues. The final touches on the interior of the building are what are occurring now, that including some electrical work, the ceiling installation. The sprinkler system, the fire suppression system is nearly complete. We expect to have that done this week. There is some remaining roof work to be accomplished, about five days worth of work, which they expect to start this week as well. Tomorrow we anticipate doing a concrete pour for the interior stairs, and we will be pouring the exterior stairs shortly thereafter. Our goal remains to be complete by the end of this month or maybe the first week in July, but we should be finished within the next three, maybe four weeks.

As mentioned earlier this evening, the staff meeting is tomorrow with Con Ed. Their person will be here to meet with myself and Mike Gunther to go over their routing, their pre-work schedule. It is my understanding they still intend to be in Hastings the end of the month, and I will be reporting to the Board at the conclusion of my meeting.

I have not reported to you in awhile on Kinnally Cove. The landscaping plans for the water park are complete. We still, as of this date, do not have our permits in hand from the DEC. We believe the Army Corps has completed their review, we have satisfied their needs. We expect to have our permits in hand this week. We have been assured by our consultant they will be available to us. We expect to have the bid packets developed and ready to go out perhaps as early as late next week. Our goal still continues to have that project underway this summer, into the fall. We divide it into two phases. Phase one is the shoreline stabilization, the boardwalk, beach restoration, some plantings and debris removal. Part of the delay was that it was not a major project for the DEC. I suspect every time it came back to us for modification it may have gone to the bottom of the pile because it is not a large project. But we are pleased to report we expect to have those permits in hand this week.

The other reason that it was somewhat delayed is that we are receiving a permit for all our work, all phases, even though we only have enough money for phase one. We were advised that was the best way to do it rather than go through this exercise again. We will be bidding it as a menu because we have limited money, but certain grants that we received are specific to certain improvements in the park. So we want to get the maximum work done this time we bid and not have to keep going back to seek contractors.

With the rain delay we were not able to seal the parking lot Monday. We are on schedule to do it next Monday. We will again send out a flier to the businesspersons in the downtown area and will try to do the line striping the following Monday.

Trustee Quinlan: On Kinnally Cove, you say that you are asking for approvals for all three phases?

Village Manager Frobel: Yes.

Trustee Quinlan: Have all three phases been approved by the prior Boards? Is this just really nothing that we have to deal with? It is just a matter of funding?

Village Manager Frobel: Yes, sir. Permitting, and then ultimately awarding it.

Trustee Quinlan: Permitting you are going for now. So in other words, all three phases have been approved by the Board, and the funding is the only thing left.

Village Manager Frobel: Yes.

Mayor Kinnally: And we anticipate commencing when?

Village Manager Frobel: This summer. I think it will take into the fall because it is somewhat complicated.

Ellen Hendrickx, 136 Circle Drive: You mentioned that you are meeting with Con Ed. At our meeting here on Sunday Jacques Padawer made a very good point, which was, if can convince Con Ed to triage cutting first all the dead branches and dead trees, and perhaps extending that throughout Westchester, then coming back around for a second shot so they can do the pruning of the trees in the fall. If you would bring that up with them, that would be greatly appreciated.

Village Manager Frobel: What was their reaction when that was mentioned Sunday?

Ms. Hendrickx: They were there to make a presentation. They were not really forthcoming with dialogue and communication. So their knee jerk reaction was no, Con Ed is going to do what they are going to do when they want to do it.

Village Manager Frobel: Then let me convey that to the staff when I meet with them tomorrow.

Ms. Hendrickx: I know that Paul Feiner is planning on taking that approach. He also made a suggestion that they do a trial, a few streets first, with the Village involved and citizens and Con Ed. That was also another approach that might be workable.

Trustee McLaughlin: I was not able to get to Sunday's meeting but I have read different people's e-mails about what happened there. I would not get optimistic about Con Ed's responding to what Jacques Padawer said. I want to make sure that the Village Manager does not wind up getting hosed if Con Ed does not listen to this. It will not be because he is a not a good negotiator. We are our Village and they are Con Ed.

Mr. Metzger: I would like to ask that Mr. Frobel call Paul Feiner, since he has been at all of the public meetings, before your meeting with Con Ed to discuss the issues. It would give you a very good background on the issues that have been raised so that when you meet Con Ed you would not be going in cold.

Village Manager Frobel: I will try, but I felt the memos I have been receiving are very comprehensive, and I have read all of those.

Mr. Metzger: As long as you have been in the loop. A memo was prepared today for Tom Abinanti's office. That was also a summation of Sunday's meeting. If you have not received that, I will make sure that you get a copy of that.

Village Manager Frobel: I received that and read it.

Ms. Travis: One of the issues raised on Sunday is that we do not feel we are getting a very clear line of command when it comes to what is happening. When they said they have been assessing the trees already, when they present, whether it is to the Village or the homeowner, they are not saying how they are actually letting you know what is happening on each tree. We said, as a homeowner, how can we tell what we are doing if we are standing there watching. Somebody cannot be standing there watching every tree. How do you know, when they're telling you what they are proposing per tree. Are they designating what kind of tree it is, is it right for that time? And also they said they are going to have eight to ten crews in the Village at a time, but only three field foremen.

Who is overseeing that they are cutting what they say they are cutting on the work order and who stops the work? If it is not a homeowner, in our case it would be the Village and I am sure you are busy, who is going to stop them and say, are you following the work order that you laid down with us at the meeting with yourself? That is one of the things that they cannot quite answer, and I am not sure why. I think it would behoove all of us, because many of us have Village trees in front of our homes, that that is really laid out very clearly so that they do not go whoops again, and then it is too late.

Trustee Goodman: At the May 1 meeting Matt Glasser from Con Ed seemed to indicate that there would be a contact forester who goes door-to-door and notifies the customers when they are going to trim.

Mayor Kinnally: That is what he indicated.

Trustee Goodman: They will also get permission if they need to do tree removal. So does that mean they are not going to be getting written consent for the pruning?

Mayor Kinnally: Yes.

Trustee Goodman: I do not think that is good. If they are intending to prune, and they do more than that, what they are doing is insulating themselves against lawsuits. They should

get written consent for whatever work they are going to do on the property because there is going to be no recourse for the homeowner if there is some discrepancy between the work order and the consent. It is not a good idea for them not to get written permission for whatever work they are going to do. That should be clear, in writing, for each property.

Mr. Metzger: There was one other issue d we talked with Con Ed about, this concept of them coming on a person's property. We said if the person says you cannot come onto my property you will not go on the property, and they said that is correct. However, when questioned further they said if they can get their bucket from the street onto your property within their utility easement, then they can trim your tree. So all they are really saying is they will not pull their heavy equipment into your front yard, but if they can reach that tree from the street they claim they have the enforceable right to work down their utility corridor.

I believe they were selling us a bit of goods here. No, the homeowners have the right to tell us not to come on the property. That does not mean they are not going to be trimming your trees. We found the more that we questioned them the more a lot of the information we were given was hazy. I would ask that we question them hard on this. And if you feel that you are not getting the proper answers tomorrow, reschedule the meeting. They said, we do a service for the Village, we trim your trees. They are not doing that for us. They are doing that to prevent power outages so they do not look bad.

We need to be very careful. We could end up in a very short period of time having a butchered village. We had 50 people show up at this meeting on Sunday. On a Sunday afternoon they sat in this room for two and a half hours. People in this village are seriously concerned about this. For us to just say, it is Con Ed, what can we do, we need to do more. I know you are taking this seriously. I ask that you take a hard line stand with this.

BOARD DISCUSSION AND COMMENTS

Mayor Kinnally: There are three items on here. One of them was left off and I apologize. It is the application for the Ridge Street extension. We will add that on. Number 3 is the proposed handicapped parking spaces on Main Street and Marble Terrace. We are going to deal with that first.

1. Proposed Handicapped Parking Spaces on Main Street and Marble Terrace

Village Manager Frobel: We have received the petition from Ms. O'Shea for Marble Terrace and we have gone to the Safety Council and sought their approval. They recommend that it be considered. As we got involved with this process we found there are number of spots in the Village that are designated as handicapped spaces, but the law has not been

amended. So we have not been consistent in how we go about the process of placing them. We also thought this might be an opportunity to combine the other request to move that third handicapped spot from Boulanger to Main Street. We are asking for direction as to how you would like us to proceed.

Mayor Kinnally: Brian, if we are going to write tickets on people who are illegally parking in handicapped spots, do we have to add that in our code?

Village Attorney Murphy: No, the state vehicle and traffic law trumps. The Village local law only establishes what is a handicapped spot which, of course, is a prerequisite to a legal ticket for handicapped parking. And that is only on public streets. It has nothing to do with private.

Mayor Kinnally: But if we are going to designate spot A on Main Street as a handicapped spot, do we have to designate that in our local code?

Village Attorney Murphy: Yes. As it is written right now, the only provision for handicapped parking is as a local law. We have Section 282-27 which is the section of the code designating handicapped parking.

Mayor Kinnally: So to the extent that we have not done that for the various spots that are around the Village we would have to meld that in.

Village Attorney Murphy: You would have to amend the law.

Village Manager Frobel: All right, so I should try to identify all the other spots, too.

Mayor Kinnally: Now, would this also include spots in our parking lots?

Village Attorney Murphy: No, those could be designated separately, and those could be designated as a parking rule or as an authorization because that is Village property. On a public highway you can do it one of several ways.

Mayor Kinnally: So Fran, we would have to designate those, identify them, and then call for a public hearing. We could do that tonight?

Village Manager Frobel: I was hoping you would, to move this along.

Village Manager Frobel: I will have the police department do an inventory.

Village Attorney Murphy: It would also be an opportunity, I would suggest, for you to do an inventory because those that may no longer be necessary should be included in the process.

On MOTION of Trustee Goodman, SECONDED by Trustee Quinlan with a voice vote of all in favor, the Board of Trustees scheduled a Public Hearing for Proposed Local Law No. 3 of 2007 for the designation of handicapped parking spots on public highways in the Village of Hastings-on-Hudson for Tuesday, June 19, 2007, at 8:00 p.m. or shortly thereafter.

2. Update on the Waterfront

Fred Yaeger, ARCO liaison: Joe Sontchi just gave me an update that the boring and the drilling in the supplemental northwest corner will begin in about four to six weeks. That will be boring and drilling both on the land and on the water side. We are also in constant communication with NYSDEC. We feel that even with a new administration they are going quite slowly. If there can be any assistance from this body to help move NYSDEC quicker it would certainly be greatly appreciated.

Trustee McLaughlin asked us about a week ago if we could arrange for a tour of the site for your Village's committee on building preservation as well as representatives to the New York State Historic Preservation office. That is going to take place Thursday. I also talked to Rafael about working out a video TV tour of the site for people from the Village who are unable to go to the site to see which is going on. We will walk through the One River Street site in the buildings, outside the buildings. If there is some work being done, we will shoot the work being done. We will do a voiceover to explain to residents what is going on at that particular time. Then Rafael will be kind enough to put it on the Village's Website. The One River Street Website, our own Website, will provide a link to that as well.

3. Update on the Comprehensive Plan

Mayor Kinnally: I am in receipt of some expressions of interest from various people that I will circulate. We had some general ideas about structure. I am not sure we are finished with that, and it has been interesting getting comments from a number of people. Patty Speranza is here.

Planning Board Chairperson Speranza: I watched the work session dealing with the comprehensive plan. I was very surprised when I heard that you were seriously considering not having members from the Zoning Board or the Planning Board or your board. I have not had a discussion with anybody on this, but I think it is critical that there be a member on the committee from each of those boards. You certainly want a plan which, when it is

completed, is going to be able to be implemented. You want a plan that is going to be developed within the context of the community. Speaking from my professional expertise in the field of planning, you want to be able to manage the consultant. The scope of work that goes into the RFP to hire a consultant, and then making sure that each of the tasks is fulfilled and that the costs do not creep up, is something which is going to make or break the development of the plan in terms of both the quality and the time frame.

I hope that you will reconsider and have someone from the Planning Board, the Zoning Board, and the Board of Trustees. If you were to not have anyone from the Planning Board or the Zoning Board, it would be irresponsible not to have someone from the Board of Trustees participate, because you are writing a blank check then for a group of citizens who may be extremely well-intentioned and may have their own expertise that they are going to bring to a process that, in terms of both timing and dollars, could turn out to be a disaster.

Trustee Quinlan: Let us say you were the Planning Board member of the comprehensive planning committee. How would you save us money? What do you know about saving money that someone else in the Village does not know?

Planning Board Chairperson Speranza: I know a lot about what the Village already has done. Again my background, and it is something that other members of the Planning Board are aware of also, there are places where the consultant does not need to reinvent the wheel. There is census data. It has come up; it has come up in the plan that the work group came up with. There are places that you can go to get information. I would hate to have someone on the comprehensive plan committee request that the consultant look into something and the consultant then bills hours for work when all they had to do was go to the county planning department or the Website or the Pace Municipal Law Center. I do not want the Village to be taken advantage of. I do not think that is the way to do it. That is how I think having membership from the committees, from the boards, can save money.

But you also want something that is going to be able to be implemented. If you do not have membership from the Zoning Board and from the Planning Board I do not know how realistic it is. You can come up with a great plan, but if it is not in compliance with the rules and the regulations and processes, and the way that business is done under the laws of New York State and under Village code, it is going to be a problem. I heard your discussion that you could have a liaison. That is okay if the liaison is going to participate, but if the liaison is just going to sit there and not say anything, that is a problem. While you will have an opportunity to review the products, the work is done. We are already being charged for it. So that is too late in the game.

Trustee Quinlan: We have a consultant, you are the Planning Board member. Are you going to tell him what to look at first and what not to look at so that his bill does not go up? How do you know if he is not going to look at the Westchester municipal documents first? Are you going to say do not do it; I do not want to see that on my bill?

Planning Board Chairperson Speranza: The scope of work for the consultant is critical, the construction of the scope of work for whoever you are going to bring on board to do the day-to-day work for the plan, you can have many elements in there: infrastructure, traffic, characteristics of the population, the again population. You can have them look at all of those things. They need to be pushed, prodded, made aware of the things that we all know are out there already. So would I say, do not go to the county planning department? No, I would not say that. But you could certainly say, you do not need to do this kind of research. There is a document on all the storm water regulations that are being developed that the county planning department has. Take a look at that first, and see. But again, the scope of work that you are going to come up with is what is going to drive this. You want a very broad base of participation. If you are going to have the consultants host forums and host meetings, we did that on the Planning Board ten or twelve years ago and we got mixed reaction. I am sure there is a better way. There is technology now which we did not have. Again, there would be so much lost by not incorporating members from your board, the Zoning Board, and the Planning Board. I think it is very important. It is kind of silly to have a comprehensive plan when you are not involving members of the boards who are going to implement it and develop the policies to support it.

Mayor Kinnally: We have had scoping sessions with SEQRA and other applications in the past. The dynamic of that is that it is a collaborative effort between the members of the board, the consultant and our Planner.

Planning Board Chairperson Speranza: You cannot have a consultant on board yet. It has got to be developed. And if you want to have a citizens group participate, or to run that, that is fine. But you have got to be part of it. The Planning Board should be part of it and so should the Zoning Board.

Mayor Kinnally: The participants in getting the structure of how that scoping session would go: is it a combination of our staff, the Planner, and the committee?

Planning Board Chairperson Speranza: Yes. In my view, it would be set up by your committee. Set up the comprehensive plan committee. It has got to have somebody from the Board of Trustees, somebody from the Planning Board, somebody from the Zoning Board and, of course, Village staff. Draft a scope of work for an RFP and issue to the consultant community. Say you indicate you want a lot of public outreach. I know, because it has

happened to me professionally, you can get burned. You say it is going to be five public meetings. Well, no, it looks like we really should have 10 public meetings or 15 public meetings. It is known as scope creep. You just keep going up and up and up. It cannot be avoided in every single instance, but if you have got people from the Village, with a stake in the Village, from each of the boards that can help to prevent that to some degree.

Trustee Quinlan: I am concerned that people will have deference to the people who seem to be in positions of knowledge and power and will be given too much deference. Let me give you an example. Let us say I came to your Planning Board meeting on 10 West Main Street. I got up and I said, I think this is a monstrosity and it looks like a prison and I was very eloquent. Would you not think you would say, Jerry is a Trustee. Maybe I better listen to him, he is an elected official. Would you take my word more than Joe Blow, coming off the street? Who would you give more deference to?

Planning Board Chairperson Speranza: What is the project, though? The project is not a physical, specific project. You are talking about principles and a plan to guide the future of the Village. Everybody is there, everybody an equal member of that committee. Make it so that whoever is running it, the chairperson, cannot be someone from each of the bodies. Let us say you are discussing a certain neighborhood, and what should or should not happen. Hopefully you have already had the public meeting in that neighborhood to get their issues and their concerns. I do not see the fact that you are a Trustee, within the context of that conversation, is going to make a difference to the rest of the members of the committee.

Trustee Quinlan: So your answer is that you would not give me any extra deference, and you do not think you would get any more.

Planning Board Chairperson Speranza: I do not think so, no.

Mayor Kinnally: I am curious about the comment about eloquence, Jerry.

Trustee Quinlan: Exactly. Well, I would hope to be eloquent. Hope springs eternal, though, right? That is what I am concerned about. Brian actually advised me that I cannot come before the Planning Board.

Mayor Kinnally: Well, that is different.

Trustee Quinlan: No, it is not different. Because I would be given deference.

Mayor Kinnally: No, that is an application that is pending before the Planning Board.

Trustee Goodman: With respect to the current Vision Plan that was drafted by some of the members of the Planning Board, a concern I would have is an investment in that work product that would not permit a critique of the Vision Plan. I am of the view that large sections of that need a total rework, and need to be set aside and probably discarded. Based on this last zoning dispute we had in front of us today, the Vision Plan was of no help to me in terms of weighing some of the issues that were before us. My concern with involving boards who have been involved in these issues over the past is an inability to let go, think out of the box, and go in the direction we need to go.

Planning Board Chairperson Speranza: Three members: one from the Board of Trustees, one from the Zoning Board, one from the Planning Board. That is it. Three members of how many you were talking about, six or nine or twelve? Also, we started work on the Vision Plan in 1996. So things have changed quite a bit both in terms of the Village and in things that have occurred with respect to the recommendations in the Vision Plan. Things were done, tasks were completed in that. It is time.

Trustee Quinlan: Do we need a member from the Architectural Review Board, the Conservation Commission, the Safety Council? All those people have very important input, and we end up with nobody on the steering committee except for the same old people we have on our boards.

Planning Board Chairperson Speranza: What I would suggest with respect to involving the other boards, because they are numerous and they do have expertise, certainly with respect to landscaping and conservation and architectural design, they all have a niche. They all know more than me about those things.

Trustee Quinlan: And Safety.

Planning Board Chairperson Speranza: Safety, absolutely. And again, it goes towards how you are going to scope the plan, what is the plan going to be. The boards can participate. You have a meeting, the committee has a meeting, with people from each of those committees, from each of those boards. Or they are brought in as experts. For instance, I would hope you talk about the fire department and the ambulance corps. Affordable housing, how do we get volunteers here, what are the implications. Should we have to go to a paid fire department. Again, nothing that anybody is promoting now, but if you are talking about a comprehensive plan, and you looking at financing and revenues and people, it is certainly something I would think gets looked into, that whole issue. Then you have got to talk to the fire department, you have got to talk to the Safety Council. There will be plenty of opportunities for all of the boards and agencies and groups to participate. The

school board is huge. The school board drafted their own strategic plan. There has to be an interface with them. But again, the scope that you put together is going to critical.

Trustee Swiderski: There are two scopes: the scope of the process, and the scope for the consultant. They are two related but distinct, different efforts.

Mayor Kinnally: With some overlap.

Trustee Swiderski: With some overlap, related, but I would argue probably. I do not know what you do first. I do not know if you scope out the consultant's duties to have part of his first duties be help define the scope of the project. I do not know this process well enough to know how that is done.

Planning Board Chairperson Speranza: In part, you will get some of that when the scope gets distributed, when the RFP gets distributed. Consultants will submit their proposals to the Village. Some will be a rehash of everything that you have asked them to address. Others will come back with a very creative approach and will be able to incorporate the technology and public participation forums and land use laws that are being developed in recent court cases in a way that is going to make sense. But you have got to set up the charge first. What is the charge and how do you do it, what is the structure. Then develop the scope of the consultant.

Mr. Metzger: I was looking into comprehensive planning several years ago, and I got in touch with people in Croton. Five citizens started developing a scope of work. When they had questions they called or e-mailed their zoning board or planning board and asked for advice. Members of those boards were specifically asked to not sit in on the day-to-day meetings so as to not generate the same old information. The concept behind the comprehensive plan was to think outside the box, not to move a current agenda forward, but to look at the village in a new light. By all accounts, Croton ended up with a very successful comprehensive plan. They had three or four village meetings. Very specific topics were discussed at each of those meetings. These five people sat down and wrote the comprehensive plan. They told their consultant, we do not want you to tell us what the comprehensive plan should be, we want you to help us implement it. So the consultant said, this is how you do a survey. They wrote a survey, they got a phenomenal response. The questions on the survey came from the community, not from the consultant. The consultant prepared it so that it would be something that you could evaluate. We need to look at this process as a new beginning, not as a continuation of what we have. We listened tonight to five eloquent speeches about how the process fell apart. We do not want that to happen again. The people on our boards are incredibly talented, but they also know how to answer a phone. It is time to bring new talent into this process and tap into the old talent as necessary.

4. Ridge Street Application

Peter Wolf, Applicant: We are here to discuss two specific things relating to the renovation of the two-family house at 433 Warburton Avenue. We received variances from the Planning Board with regard to the parking that we had withdrawn, and we received variances from the Zoning Board which were contingent upon the Board of Trustees' approval to extend Ridge Street 66 feet. Last time we presented the plan to the Board of Trustees to do this extension, and the Board requested that we obtain a consultation with the Village Engineer, who is Dolph Rotfeld, to examine the drainage issue.

The nexus of the whole idea was that the extension would permit us to put two off-street parking places on the 433 Warburton Avenue property, and we would also be able to provide additional parking places for the residents of Ridge Street on Ridge Street. Finally, we would be able to provide a new, larger, more viable turnaround for the Ridge Street residents. We have been in consultation with the Village Engineer, as previously stated. He had a different idea as to how this may be accomplished. Mayor Kinnally had brought up the question about drywells. He has evolved an approach whereby we would eliminate the drywells, put in two catch basins, and regrade it so that it would go down into the Ridge Street system as it presently exists.

Mayor Kinnally: I was intrigued with the regrading. What is the elevation of the catchbasin immediately to the north of the turnaround?

Christina Griffin, Applicant: The one we are proposing has top edge rim elevation of 65.5.

Mayor Kinnally: And the one farther north?

Ms. Griffin: 63.6, and then the existing one way north is 64. This is based on a minimum 1% slope. We have raised up the end of the street just slightly so that we can get enough pitch to have drain pipes running from the new catchbasins and into the existing system. This will avoid the drywells that we had originally proposed.

Mayor Kinnally: So the rim of 65.5 is immediately adjacent to the turnaround?

Ms. Griffin: Yes.

Mayor Kinnally: And that will empty into 63.69, right?

Ms. Griffin: Yes.

Mayor Kinnally: And then that will empty into 64.25?

Ms. Griffin: Yes.

Mayor Kinnally: How can that be? It is going uphill.

Ms. Griffin: Because the pipe below enters, and if you look at the inverted elevation of the pipe entering the rim it is not the same. It is lower. It goes from 61.7 to 61.4 to 61. So the pipe below is going at a 1% slope from the furthest catchbasin to the existing. This is so that we can work with the grades that are here. Because this slightly goes down, and now we have tipped it back up again because we need enough cover over that drain pipe. There is a minimum cover and a minimum pitch in order to tie it into the existing system.

Mayor Kinnally: And what is the elevation of the area at the end? Is that 66.2?

Ms. Griffin: Yes.

Mayor Kinnally: What is it now?

Ms. Griffin: On the survey it is almost two feet higher than it is now. We met with Dolph Rotfeld on the site, and he had a creative solution to this problem and asked us to take a look at raising the end slightly. This is so that we could have a less-maintenance, more normal situation where we have catchbasins and underground drain pipe rather than the drywells.

Mayor Kinnally: So all of the water that is coming off your property and off the southern part of Ridge Street is going to tilt north and go into the catchbasins?

Ms. Griffin: Not exactly. The runoff on this property will be going into drywells that are taking care of 433 Warburton. This is separate.

Mayor Kinnally: Let me amend that. Then the area which is what I will call the turnaround in the roadway will all be drained by the new catch basins to the north?

Ms. Griffin: Yes.

Mayor Kinnally: Dolph, do you think that will take care of everything?

Dolph Rotfeld, Engineering Consultant: It will be much better than what was previously.

Mayor Kinnally: That is different. I know it is much better.

Mr. Rotfeld: That will take care of it. As a matter of fact, that will take care of drainage that now is not controlled on Ridge Street. The drainage on the west side of the road, because of the crown, does not have a catch basin at all and just runs down there and erodes the embankment. This will raise up at the southerly end, and the catchbasin that is pretty much at the end of the existing pavement is now lower than the west side so that drainage will come into it.

Ms. Griffin: Tonight we just wanted to inform you of the status of the drawings.

Mr. Wolf: The only other issue that we perceive is the one of easement. In order to make life as simple as possible we are willing to have the same type of easement agreement as currently exists. We would like to remind the Board that the last time an easement was issued it did not come before the Board of Trustees. We were requested to bring it to you and we have, but we believe that we can finalize this with the Village Manager and the Village Attorney.

But to summarize what has been done with this project, we have agreed to pay for the entire infrastructure for the construction of the extension. The Village retains the ownership of Ridge Street. We, or a successor owner, retain the ownership of the property on which the easement will be located. The turnaround is on both properties. The Village will maintain the Ridge Street extension, and we or the successor will maintain the easement on the private property. We are requesting this evening Board of Trustees approval of the 66-foot extension of Ridge Street and the concept of the easement to be finalized with the Village Manager and the Village Attorney.

Mayor Kinnally: Christina, I went down there this morning. I could not see the stakes. Vegetation has a way of growing, unfortunately.

Ms. Griffin: I put them up this afternoon. The other ones were put up two months ago.

M. Wolf: Running straight across the end of it.

Trustee Quinlan: I am at a disadvantage because it was not on my agenda so I did not even look at your plans before this presentation tonight. I know what the extension of Ridge Street means, and I am happy that you are going to pay for the entire cost of it. I think you should. But I have no idea what you are talking about when you talk about easement. For some reason, it did not get on my agenda and I just do not know what you are talking about.

Mr. Wolf: In order to provide what we consider to be a viable turnaround for vehicles, it would have to encroach onto this private property by nine feet.

Trustee Quinlan: Who owns this property now?

Mr. Wolf: We do.

Ms. Griffin: Before Marianne Stecich went away we had a conversation with her. She suggested that we come here to simply inform you about the status of the drawings, the engineering aspect of the project, and then you could take a look at the legal aspects of creating an easement.

Mayor Kinnally: The scope of the project has not changed from the last time you were here, save for the drainage component.

Ms. Griffin: No. A lot of time has passed because Dolph was on vacation. We have been working with him after he returned. So we are really just focused on this. There have been no other changes.

Village Manager Frobel: But you have been to both boards, Planning and Zoning.

Ms. Griffin: Yes, we received their approval contingent on approval by the Board of Trustees for the Ridge Street extension.

Mayor Kinnally: I suggest that we put this on for the 19th. Assuming we get a draft of the easement from the Village Attorney, is the Board ready to do anything about this?

Trustee Quinlan: This is an easement from you to the Village?

Mr. Wolf: That is correct.

Village Manager Frobel: But also they need your permission to extend Ridge Street.

Ms. Griffin: In the Ridge Street report recommendations were made to look for opportunities to provide a hammerhead turnaround and additional parking. This is the hammerhead turnaround that we are proposing. Also, by extending Ridge Street and relocating the no-parking zone we are able to add four new parking spaces. This also gives two parking spaces to this property that has no parking.

Mr. Wolf: And those cars are currently parking on Warburton.

Ms. Griffin: So it is a benefit to both this community and to this property.

Trustee Swiderski: Net six.

Mayor Kinnally: I do not know if it is net six because you have got to pick up parking that you do not have off-street up on Warburton Avenue, too, right?

Mr. Wolf: Yes, but there are currently two units there.

Mayor Kinnally: But they are not being used at the present time. Let me go back to my question. Does the Board want to put it on for anything on the 19th, and then we will define what the anything is? I assume the easement would be along the same lines as exists now.

Mr. Wolf: Correct.

Trustee Goodman: The engineering memo says that the current plan is adequate for a 25-year storm. So with us having more frequent 50- and 75-year storms, what does that mean? I would imagine that cascading down from Ridge Street is Southside, right? And how far from the Metro-North tracks is that?

Mayor Kinnally: Oh, it is a ways.

Trustee Goodman: Metro-North told us we have to worry about things.

Mayor Kinnally: I know, but you have got Southside Avenue between us and Metro-North.

Trustee Goodman: I should rephrase my question. Has our engineer seen the Metro-North letter and is there any implication from that for these plans? Metro-North said we are supposed to show this letter to our engineers, and we are supposed to send them plans for anything. They did not specify the distance but this seems like something. You are developing the land above Ridge Street and you have catchbasins. So you are going to have more runoff there and then you are going to have more runoff from Ridge, but you are handling a 25-year storm.

Mayor Kinnally: No, you are going to have less runoff because that water is not being captured right now, right?

Ms. Griffin: Yes, there is no drainage system in place.

Trustee Goodman: But you are also developing. You are putting impermeable stuff down where there was none before.

Ms. Griffin: There is no drainage for this property at all. So I think that runoff is just coming right down off this property. We are taking care of that on this side with drywells. A 25-year storm is a very common standard for designing a drainage system, but maybe Dolph has a comment on that.

Mr. Rotfeld: We have evaluated this for 25 years, and that is about what it has stood for. Now, whether two or three of those happen to come, we do not know. I am familiar with the Metro-North letter for the engineers for the Village of Port Chester. Metro-North is primarily concerned about storms of the higher level that their systems cannot handle. There have been cases in Dobbs Ferry, as you know, and in Irvington where it overpowers the culverts that they have and that is what causes the problem.

Here, my opinion is that the situation will improve because there was uncontrolled runoff from the middle of Ridge Street to the western curb, and there was no curb beyond where the street ends. Once it bounces over that it just runs down the hill. What was done before would be to create a further downslope, which would create more of a problem. So now at least you have got it coming back, if anything, in a short peak. I am not concerned about the 24-hour storm. What concerns me more often is that peak period of an hour or so, or even a one-hour storm, that things cannot handle. In this particular case the water would probably pond at the end of what is now Ridge Street to probably a height of six inches, maybe 20, 30 feet on either side until the catchbasins can take it.

Mayor Kinnally: I think we need some input from the Village Attorney, but we have two weeks. So the action would be to enter into the easement agreement to improve the extension of Ridge Street, to accept the improvements from the developer, and to recognize that we would be assuming maintenance costs for the extension.

Trustee Quinlan: Just snow removal.

Mayor Kinnally: Snow removal, but also maintenance of the roadway.

Trustee Quinlan: Potholes, things like that.

Mayor Kinnally: Yeah, and of the catchbasin and of the extension of the wall.

Trustee Quinlan: Who is going to pay for the extension of the wall?

Mayor Kinnally: My understanding is the developers are paying for the improvements.

Mr. Wolf: That is correct.

Mayor Kinnally: They have to be done pursuant to code. The improvements would then be given to the Village, and the Village would assume the maintenance of those in the future. Am I right?

Mr. Wolf: That is what we are proposing. Do you need anything more from us?

Mayor Kinnally: I do not know if the Board does. Maybe Marianne does. Board, do you need anything else from the applicant at this point?

Village Manager Frobel: We will have to meet to hammer out the easements, so we will have that for you on the 19th.

Mayor Kinnally: And we would need the metes and bounds description for the easement. At the eastern part of the easement there is a heavy line, right?

Mr. Wolf: Yes.

Mayor Kinnally: What is that? Is that just defining the easement? That is not a wall or anything.

Ms. Griffin: No, completely open.

Mr. Wolf: Correct. That just defines the area.

Mayor Kinnally: Just over the easement. And just to the east of that line is what, a parking area?

Mr. Wolf: There are going to be the two parking places. That is the off-street parking for the units on the property.

Mr. Metzger: My first question is about trees. The western side of the proposed extension is a very steep slope and it is very heavily treed. If you have to bring in earthmoving equipment and you are digging and putting in drainage, is that going to end up reducing the trees that are currently holding that slope stable? So we may be looking at properly supporting this new roadway, but everything downhill of that may end up being damaged. I want to make sure that is taken into account.

They are proposing raising that roadway up about two feet to get their required slope in. What is at the end of that two foot rise? Is there a retaining wall there? I would like to know what the ramifications are of raising the street up until that point, and then what happens after that. Billy Kennedy's house is going to be affected, and my house is one house south of that. Might be affected, so I want to make sure those issues are looked at.

Mayor Kinnally: Christina, what is at the end of the street there?

Ms. Griffin: We would just like to taper it back down, this brown area is mulch, taper it back down into the original grade so that there is just a very gentle, natural-looking transition. The retaining wall does curve around, and then we would like to come from this end and just taper it back down.

Mayor Kinnally: But there is a retaining wall at the end.

Ms. Griffin: Yes, this retaining wall is exactly the same type of retaining wall that is there. It is Unilock. There is a significant tree here. But most of this area is clear; it is overgrown weeds. When you do this type of Unilock, a lot of the support is based on this gravel-filled area in back of it. So most of the excavation happens to be away from the hillside.

To answer the question about the drainage, the drainage starts over here and is always on the east side of the road. I do not think much is going to affect the hill. We could walk it together, if you would like, and I can show you, because the most significant tree is at the tail end here.

Mayor Kinnally: Christina, you focused on the wall on the west side. The wall comes down the west side. Does it wrap around on the south side?

Ms. Griffin: Just slightly. It is almost the same. The topographic survey shows a very similar slope continue across, so that we are going to continue this wall.

Mayor Kinnally: Where does the wall stop?

Ms. Griffin: Right here, just a few feet beyond the paved area of the road.

Mayor Kinnally: And at the paved area there will be curbing to contain the water there?

Ms. Griffin: Yes.

Mayor Kinnally: And that will all drain northeast?

Ms. Griffin: Yes, because of the curb. Everything is going to be pitched. There is a note here, slope into this catchbasin. We are trying to get the water away from the hill towards the east side. And putting the catchbasin here is the only way we can get the slope that we need to tie into this existing system.

Mayor Kinnally: If you look at the paved area as you go along the south area, and then you start going north on the east side, what is defining the end of the road there? Is there going to be a wall there?

Ms. Griffin: There will be a small sloping retaining wall to take care of that two foot height, and then the grade will slope right back down. Visually and for a lot of reasons, I would rather not have a wall at the end of the street. I would rather it looked very natural, so you step up off the curb. Now the curb is flush at the bottom, and it might be because they were allowing for some vehicular access. But it is not wise to do that if you want to contain the water. So we are going to put in a curb, and if someone needs to you can go over the curb with a vehicle. Everything that is here we are just going to relocate: the same railing, the same signage.

Mayor Kinnally: So is the Board ready to do something on the 19th on this? We will talk to Marianne when she gets back from her vacation.

Village Manager Frobel: We are going to want to retain the firm for inspection services on construction as well because it is specialized.

Mayor Kinnally: But getting back to something earlier in the meeting, this is exactly what we are looking at in the proposed local laws to give some flexibility and protection to the Village. Not to overreach but, whether it is a one-family home, a two-family home, or a gas station, they all have implications downhill, and that is what we are looking at here.

Mayor Kinnally: Let me raise one other thing. We have design guidelines that the ARB has been working on for a long time that Christina would like to bring before us for at least discussion on that evening. I would like to get it. I do not want anybody to feel that there is a conflict. I do not know what the Board's feeling is to have their application on and design guidelines under the authorship of Christina the same evening. Anybody have any problem dealing with both the same night? Okay, great. Bring your sleeping bag.

5. Other

Trustee Quinlan: I would like to ask the Village Manager to consider providing discounted pool passes for volunteer firemen and ambulance corps volunteers. These men and women give up so much time, the least we could do would be to give them discounted pool passes.

Village Manager Frobel: Let us report back to you.

Trustee Goodman: Something came to me through the New York State Association of Counties. In early May Governor Spitzer sent a letter to local government officials across the state asking them to identify initiatives they would like to advance in relation to local government mergers, consolidation, sharing of services, smart growth, etc. Have we been contacted? The county has been asked to administer this program. The Town of Greenburgh wrote a letter to Thomas Abinanti, our Westchester County legislator, asking the county to look into flooding problems. Jane Gross wrote to us about the sewer problems. Did we ask the county to submit anything on our behalf for a sewer project? Other examples were big-ticket items like health insurance groups. Are we looking into this because there is a deadline.

Village Manager Frobel: We applied under that with other villages to buy catch basin cleaner, so we have taken advantage of that. But we are always open to suggestions.

Trustee Goodman: No, I just wondered if we had gotten a letter. It said that two weeks ago Governor Spitzer sent letters to local government officials across the state.

Village Manager Frobel: I do not recall two weeks ago, no.

Mayor Kinnally: We discussed having a work session devoted to the capital budget. We had a work session on that a couple of weeks ago. Is it the sense of the Board that we do not have to have a work session this coming Tuesday night?

Trustee Quinlan: It is okay with me. Fran, how do you feel about that?

Village Manager Frobel: We are moving ahead with the garbage truck, I have been in touch with bond counsel, and Peter suggested some additional charts we could develop. We will be coming back to you with more information, if you could hold off for another night.

Mayor Kinnally: Do I hear any objection? Okay. My plea is for volunteers to run the camera here. We were blessed over the years in getting members of the community who were trained by Raf. Raf is trying to do many other things, including moving his operation

to the Community Center. Age is not important; it is staying power and the ability to withstand what we do here. Pino Gareri was great over the years. Andy Jennings came down, and a few other people. If anybody wants to do it, please contact us.

Trustee Quinlan: I am requesting a short executive session regarding personnel.

EXECUTIVE SESSION

On MOTION of Trustee Quinlan, SECONDED by Trustee Goodman with a voice vote of all in favor, the Board scheduled an Executive Session immediately following the Regular Meeting to discuss personnel.

ADJOURNMENT

On MOTION of Trustee Swiderski, SECONDED by Trustee Quinlan with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 11:30 p.m.