

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
AUGUST 19, 2008**

A Regular Meeting was held by the Board of Trustees on Tuesday, August 19, 2008 at 8:05 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

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

CITIZENS: Six (6).

APPROVAL OF MINUTES

Trustee McLaughlin: On page 53, “We got an email today from...” that should be Sandeep Mehrotra.

On MOTION of Trustee Swiderski, SECONDED by Trustee McLaughlin with a voice vote of all in favor, the Minutes of the Regular Meeting of August 5, 2008 were approved as amended.

APPROVAL OF WARRANTS

On MOTION of Trustee Goodman, SECONDED by Trustee Swiderski with a voice vote of all in favor, the following Warrants were approved:

Multi-Fund No. 20-2008-09 \$123,967.74

PRESENTATION - Ginsburg Development Route 9-A Project

Patrick Normoyle, Community Development Specialist: I am with Ginsburg Development. The last time I was before the Board was in March regarding our Saw Mill Lofts project. Tonight I would like to recap some of the key facts that were conveyed in my letter to the Board, and then indicate what brings me here tonight. Then I would like to open it up to the Board for questions and comments. This project has a long history. There are many issues and questions that have been raised over the years. I am sure the Board members have a number of points they would like to raise tonight.

We are currently approved by the Village Board. We have concept plan approval for Saw Mill Lofts. We also got site plan approval for that same project in September of last year from the Planning Board. The project consists of 60 condo apartments in two relatively long

three-story buildings. The approval by the Village Board approved buildings of about 320 feet by 75 feet. The 60 units consist of 54 market rate units which were designed as live-work units, and the remaining six were affordable units. The affordable units did not have any work component. In the ultimate plan approved by the Planning Board in September of last year, we were able to incorporate a den into the two-bedroom affordable units, but there was not a separate work suite for those units.

In terms of the unit mix, what was approved were six one-bedroom units, 48 two-bedroom units including the six affordables, and six three-bedroom units. So you have a total of 120 bedrooms. With the 60 units, that would have been a straight average of two bedrooms per unit. The final sizes that we had designed and were approved by the Planning Board, the units ranged in size from about 1,300 square feet to a little over 2,150 square feet. The market rate units had approximately 400 square foot work suites. So that 400 square foot work suite was added on to the residential spaces for those units. In addition, 174 parking spaces were provided.

I am here tonight to discuss a proposed amendment to concept plan approval. I included two site plans in your packet: the final site plan approval issued by the Planning Board, drawing S-1; and our proposed new concept plan for townhome development with 54 townhome units in nine different buildings with about four to eight units per building. The 54 units would result in a 10% reduction over the current approved plan of 60 units.

All of the units would be multi-story townhome units, whether two or three stories. There would be no dedicated work suite in any of the units. That is a departure from what was previously approved. In terms of the proposed mix of market versus affordable, with 54 units, based on the Village's affordable set-aside law it seemed that the precedent was for any units that were 24 or 34 or 44 the Village Board had indicated that it rounds down when determining the number of affordable units. So with 54 units I assume that five of them would be affordable.

Although this is a very early schematic design for this townhome setup, we believe that the units would range anywhere from 1,400 square feet to about 2,600 square feet. As you can see on this concept plan, they are basically a block drawing as of now. We have a sense of how wide the units would be, and how deep, but that would be tweaked. In terms of the mix, we propose a slight change. It would be 44 two-bedrooms and 10 three-bedrooms. There would be no one-bedrooms offered as part of this plan. In addition, there would be three more parking spaces provided on-site. The current plan, with six less units, would result in 177 parking spaces versus the 174 of our current approval.

As with the original approval, we would stand by the commitments and requirements that were part of the original approval, including the donation of 1.75 acres of open space to the south and a one-time payment of a recreation fee. That did change. With the original concept plan approval that would have amounted to \$465,000, based on the formula, per the Village, of \$7,500 per unit for one- and two-bedroom units, \$10,000 per unit for three-bedroom units. With the proposed mix we have here, that recreation fee would be \$430,000.

In addition, we would still construct the pedestrian bridge at the southwest corner of the Saw Mill Lofts site to provide a connection to the South County Trailway. As with the original plan, we would provide 10 spaces adjacent to the pedestrian bridge to serve as another trailhead. This would add to the 11 spaces that are currently at the Farragut Avenue trailhead, as well as the 12 that I believe are proposed for the Ravensdale Bridge project which will be happening in the future. In addition, there are a number of specific traffic improvements as well as some other conditions which we would also stand by as part of this new proposal.

In terms of what brings me here tonight, as I mentioned I came to the Board back in March with an alternative to the recreation fee proposal because at that time, and still to this day, we have been struggling to make this project work financially. Since the time of our site plan approval in September, 2007, we held six different . . .

Village Attorney Stecich: Could I just clarify that? Site plan approval was September, 2006, was it not?

Mr. Normoyle: No, 2007.

Village Attorney Stecich: It was 2006 because it expires in two years and it is about to expire. Just so the record is clear on that, the site plan approval was September, 2006.

Mr. Normoyle: No, sorry. The site plan approval was good for one year, and it was last September. So the site plan approval from the Planning Board will expire next month.

Mayor Kinnally: I think we are all in agreement that it is going to expire next month.

Mr. Normoyle: That is correct. The concept plan approval by the Village Board is valid until June, 2009 because the approval had a three-year expiration period.

Since the time of the site plan approval in September, 2007, we conducted six different focus groups with likely purchasers of the live-work type units. Four were conducted in December, 2007z; two in New York City, two in Westchester County. More recently, we

held another two rounds of focus groups in Westchester in May, 2008, after I was here presenting to the Board in March. Even though a unique, one-of-a-kind type of live-work environment was good in concept, what we found in reality was it was not pragmatic in terms of likely purchasers. We met with over 40 different responders who fit the target market for this product, and the feedback from them, although positive about Hastings and positive about the concept of the live-work unit, was that it was not going to be financially feasible in the way we need it.

There was general confusion with the concept of live-work units. In fact, pretty much all respondents did not have a clear understanding of what that meant. After it was described to them in the focus groups they had an understanding. However, in terms of marketing that would cause a major problem in being able to sell them. One of the concerns that came through across all groups was even though the live-work unit may work for them as a likely purchaser, they had serious concerns about ongoing marketability of their home. They raised questions about, when they wanted to move on, the difficulty of finding another purchaser who would also desire that same kind of unit. They raised practical questions about the fact that although now they have a business, what would they have to do if they retired or if their business failed and they still had this 400 square foot work suite. They did not know what they could do with it.

They also had concerns about how other residents within these buildings would use these work suites. Even though the concept plan approval set certain limitations in terms of the number of visitors each work suite could have, that raised issues about strangers coming in to what was a residential unit. Some consumers who had kids were worried about security for their kids as well as security for their home. So although the concept of live-work is appealing in theory, the practical reality of offering it for sale became very difficult and had too many challenges for us to overcome.

As part of the mixed-use planned development district zone, townhomes are also allowed as an as-of-right use. I would like to discuss with the Village Board tonight the concept that is before you this evening. It is a rough concept. I wanted to get some feedback in terms of your reaction to the concept. I have done my own review of the SEQRA findings by the Village Board and the Planning Board and I think we can make a very defensible case that this has either the same, or less, impact as the Saw Mill Lofts plan that was proposed.

Mayor Kinnally: On the impervious surface site, with the configuration of the buildings, and I understand they are rough at this point, and the configuration of the parking, what is the comparison between the plan that you have approved and the one that is proposed?

Mr. Normoyle: I know Danielle in probably November, 2005, had raised concerns in a letter to the Board about managing the stormwater runoff. That was a major concern for many, many people. The existing condition has 2.3 acres of impervious surface. When a storm event happens, the water runs directly into the Saw Mill River. The Saw Mill Lofts proposal would reduce the impervious area to 2.1 acres. The proposed amendment would have the exact same amount, 2.1 acres. However, compared to the existing condition we would incorporate storm management techniques to treat that water before it gets discharged to the Saw Mill River. So clearly, an improvement over the existing condition.

I would like to refer the Board to the SFEIS, page 6-3. It documents the runoff volumes comparing the proposed Saw Mill Lofts concept to the existing conditions. Assuming that this townhome plan is comparable to the Saw Mill Lofts plan, the conclusions were that the proposed improvements would reduce peak rates of runoff as well as runoff volumes for the one-year, ten-year, and hundred-year storm events. We would like to, going forward, evaluate the current townhome plan versus those previous plans. But we expect this plan to be equal to or better than the approved Saw Mill Lofts plan.

Mayor Kinnally: The number of parking spaces required under the approved plan?

Mr. Normoyle: 174.

Mayor Kinnally: And under the new configuration in the proposed plan?

Mr. Normoyle: 177.

Mayor Kinnally: Is that what is required, or is that what you are giving?

Mr. Normoyle: That is not required; that is what we are giving. Marianne could comment, but for the live-work units, the approved plan for Saw Mill Lofts with 54 units having a work component, there is not specific guidance in the zoning in terms of what the parking requirement would be. So GDC went to the ZBA, and over the course of several months the ZBA determined what additional parking in addition to the residential component would be needed to satisfy the work component. So I think the 177 spaces here will prove to be far beyond what would be required.

Mayor Kinnally: Well, there are additional three-bedroom units and no one-bedroom units under the proposal.

Mr. Normoyle: Correct. And a reduction of six units, yes.

Mayor Kinnally: The 44 units that you have under the proposal, of two-bedroom, that includes the affordable component?

Mr. Normoyle: Yes.

Mayor Kinnally: It is not in addition.

Mr. Normoyle: No. Of the 44 two-bedrooms, five of them will be affordable.

Village Attorney Stecich: But under the affordable requirement there has to be the same distribution. Since you have so many three-bedrooms, you would have to make one of them a three-bedroom.

Mr. Normoyle: Sure.

Village Attorney Stecich: The reason they were all two-bedroom before was that it averaged out to two bedrooms. This is averaging out to more than two bedrooms. So at least one of the affordable would have to be a three-bedroom.

Mayor Kinnally: Any comments or questions from the Board?

Trustee Goodman: I do not even know where to start. It has been four years. We have on the books a zone that is a cluster housing zone. I am wondering why we ever needed the MUPDD zone for starters.

First, this is not an amendment. This is a new proposal. The proposal says nothing about the Ardsley schools. That issue has to be revisited, particularly as there are more three-bedrooms. The flood drainage has to be redone because although you say that there is less impervious surface you have now scattered the buildings in a different pattern and there are more buildings. And by your own admission you say some of the buildings are closer to the Saw Mill River. The type of housing stock, the Board prior to me approved live-work based on Ginsburg's representation that this was a kind of housing stock that we needed. So now we are back to townhomes. We have plenty of those. River Glen right now has some on the market, so does Hastings House and Hastings Gardens. I do not see this concept as being something that gives us something different or unique.

Also, given our prior experiences with site plans and parking spaces, I know that there is an offer of giving parking spaces to the trailhead so we avoid the Harvest scenario. Does the site plan specify how many spaces, and where, for the trailhead? The traffic on 9-A: you used to have one driveway and an internal road. Now you have three cuts, unless I am

reading the site plan wrong. So the traffic needs to be redone. And whatever happened to zero-commute housing? Because that is what we were told: live-work is zero commute; none of these people are going to be down at the train station. You will not have an issue with the train station or that parking, and everybody was going to live and work at home and it was not going to cause traffic on Ravensdale Road. In four years we have spent thousands of hours probably collectively, and what we are coming up with now is a rec fee that is \$30,000 less. So we lost money in the interim. I am not sure what the tax revenues on these townhomes are going to be. You do not say anything there but, certainly, a focus last go-round was the economic. Actually, it is \$35,000. The economic impact on the Village.

I have two shelves in my home office on this project. I will be cross-referencing everything you say with everything that has ever been sent to me because when I was a citizen I had correspondence sent to me by Ginsburg. Are these townhomes going to have elevators?

Mr. Normoyle: We have not gotten that far in terms of detail design. That could be, but as of now I would think not.

Trustee Goodman: In 2004 that prior proposal was townhomes, and when you switched you said a lot of things about why the loft building was better. One of them was that you were going to have elevators and elevator buildings were more likely to appeal to an older empty-nester because they eliminate the need for stairs, and that the loft buildings were going to attract less children. I always have been concerned, and even though I am not a resident of Ardsley and do not represent the folks in Ardsley, I think this Board has a duty to be vigilant about the number of schoolchildren that your complex will attract. And the quote that you gave, was that your expert's quote?

Mr. Normoyle: That was part of the SFEIS that was submitted to the Village and reviewed. So that was accepted as part of the SEQRA findings of the Planning Board and, subsequently, the Village Board.

Trustee Goodman: And what was the date? I have so many iterations.

Mr. Normoyle: February 16, 2006.

Trustee Goodman: I could go on, but I will not. But in my view, in summary, this is not an amendment. It is a new proposal, and I think that the SEQRA has to be redone with respect to traffic, flood, socioeconomic, and school.

Mayor Kinnally: I think Marianne can lay to rest some of your concerns, and outline exactly what the procedure would be. We are really starting from scratch.

Village Attorney Stecich: An amendment would be like a new application. You are going to have to do the concept plan approval all over again. Just like whenever you have an amendment to a site plan, a subdivision proposal, you have to start from scratch. And there has not been a complete application yet. When a complete application comes in, the Board will decide whether they even want to schedule a public hearing on it. If you looked at it and said this is never going to fly, then you are saying you do not want the rest of the boards, and yourself, to spend time on it. But if it did pass what I call the smell test, and you said we will look at it further, then you would set the hearing.

Probably what they are trying to do tonight is get a smell test on the smell test to see if there is any point in putting together, I do not want to put words into your mouth but my guess is, the reason you are here with just a sketchy plan is to see whether the Board would even consider this before you put in a full application. But before they could ever get concept plan approval again they have to put in an entirely new application, everything that they put in before. It is not going to be a brand-new EIS. It will be a supplemental EIS, in which they are going to have to deal with any of the new issues. Certainly, traffic is going to be one because of the different entry into the site; the number of cars that may be generated could be different; the schoolchildren generation. Even though this is the same amount of impervious surface, it is in different places and a lot of it is closer to the river.

So a lot of work would have to be done. Patrick called and said, how do I come in for this? I said it is an amendment because there is a provision in here that any amendment to the concept plan has to be approved by the Board of Trustees. Anyway, to say it is an amendment does not shortcut anything; you have to go back to scratch.

Mayor Kinnally: It is reassuring that all of these concerns are going to have to be addressed in maybe not a brand-new, full-blown EIS, but a supplemental EIS.

Village Attorney Stecich: You would identify all the issues that you think required further study, and direct them to do the further study.

Mr. Normoyle: As far as Ardsley schools: the last SFEIS, as you reviewed, showed that Saw Mill Lofts was revenue-positive for Ardsley schools. In addition, it showed it was revenue-positive for the Village of Hastings. Peter Swiderski's own study assumed a 25% bump up in the number of projected public school students to 20, and I think his cost benefit analysis also came to the same conclusion.

Without a doubt we are changing the number of three-bedrooms. And just as a data point, the previous SFEIS, with the 60-unit Saw Mill Lofts, projected anywhere from 11 to 16

schoolchildren. Using the exact same ULI multiplier, but adjusting for the number of three-bedrooms, the calculation comes out at 16.02 students. We would like to update these studies and provide the latest information to the Village as part of the review of this new proposal.

You mentioned change to the stormwater management. You may not be able to tell on your plans, but now with several different buildings spread throughout the site we can introduce drainage swales throughout the site which will help mitigate the stormwater impacts even better than the previous plan, with two large buildings and a very large-surface parking lot. So we expect the stormwater management to be more environmentally sensitive and to do a better job than what was previously approved.

As far as the traffic, you said that there were not three curbcuts in the previous approval. There were. The difference I will point out. There was one at the south end, two at the center, and one to the north. I will point out that the southernmost and northernmost were one-ways. Without a doubt, our proposed alternative has three curbcuts, but they are two ways in each location. That is definitely something that I have already asked the traffic engineer to check with the DOT in terms of their receptiveness to that. But that definitely could be a significant issue that we may need to adjust to.

As far as the zero-commute housing, I was not here when GDC was making this proposal, but I know GDC worked with the Village to introduce this live-work concept. We thought it would work, we hoped it would work. I was here in March with that same concept, trying to make it work. Unfortunately, the reality of the situation is that the market is not there to support this type of housing. Great concept, I just do not think it works in this area.

As far as the rec fee, you noted that the Village lost \$35,000. The recreation fee is an impact fee. So if there are fewer units, there is less of an impact. So I do not think the Village lost.

As far as townhome tax revenue, I would expect, on a per-unit basis, townhomes to be taxed at a higher rate than the previously-approved condo apartments. How that actually plays out in the end, again that is something we would like to study as part of this new proposal.

So I think this proposal, addressing all the points you raised, will be more positive than the previously approved one.

Trustee McLaughlin: I think you have just answered my question about the nature of ownership in terms of tax generation.

Mr. Normoyle: No, I do not think so.

Trustee McLaughlin: Oh, you did not answer it.

Mr. Normoyle: No. This would be a condominium development.

Trustee McLaughlin: You are still planning on its being a condominium development?

Mr. Normoyle: Correct, yes.

Trustee McLaughlin: Then I do not see how we can possibly talk favorably about the taxes it will generate. We know that three years after they open they will be in here filing certiorari suits.

Mr. Normoyle: I cannot comment on that. I can comment on the fact that the townhome units, I believe, will be much more valuable than a comparable condo apartment unit. That is my comment.

Trustee McLaughlin: We obviously have to do some talking about that.

Mr. Normoyle: No. A two-bedroom condo apartment, GDC would sell for less than a two-bedroom townhome, period, end of sentence, guaranteed. Then I think the Village can assess that appropriately.

Trustee McLaughlin: Yes, period, end of sentence. But the tax rate for condos is lower, as you know, and condo owners are in here all the time asking for refunds of their taxes and getting them.

Mayor Kinnally: Well, the tax rate is the same. It is the assessment and the way they get there is different. But the tax rate is the same. We do not have a scaled tax rate.

Trustee Quinlan: That was my question. The condo concept is tax-beneficial to the owners of the condos. That we know. Although the tax rate may be the same, New York State law favorably taxes condos rather than fee simple homes. I would suggest that you seriously consider having these townhomes owned in fee simple, which is not such an unusual situation in Hastings; the Hastings Landing development, which is attached townhouses, are taxed at a fee simple rate, which is much more tax beneficial to the Village and also to the schools. In fact, we may even break even to the services that we have to provide to all these families rather than lose money or gain. I do not quite remember, Fran and Peter, what your final assessment was. But I believe it was that we might gain \$50,000 or \$60,000 a year in

tax revenue from the last plan. To me, that certainly was not a big deal because it could be a wash. So I would have you seriously consider turning them into fee simple.

My second concern is the traffic. I do not live in the Ravensdale area, but I live close to it. That neighborhood was very concerned about the traffic it would generate down Ravensdale Road. One of those concerns was alleviated by your proposal to have live-work, were people would be walking into the next room to do their work. It is quite clear to me that probably a majority of the people will be traveling down Ravensdale Avenue and going to the train. That causes us problems not only for the traffic, but for parking at the train station. I do not know how you solve that problem, and I think that is one of the reasons why you proposed live-work. But I am very concerned, and that remains a problem to me.

Last, but not least, I would ask you to save us time before you come with your proposal, and have your focus groups before you come to us and not after. Although I came into this process late, and did not have to spend hours and hours and hours, we are talking hundreds of hours by the members of the Planning Board, the Zoning Board, the Board of Trustees, our Village Manager, our lawyer, you name it, planners, and even the citizens who came here. And then you have your focus groups afterwards and tell us that it is not financially viable? So try to find out whether this is viable first, and not later, and save us a lot of time if, in fact, that is what you decide to do.

Trustee McLaughlin: In today's *Times* there was an article about developers in New York City being faced with having to pay for retrofitting apartment buildings for the handicapped. I wonder if that is going to be an issue in Westchester County in the future. The issue with townhomes certainly could be a big one. Once again, if we are looking for an older demographic and we are trying to market these to empty-nesters, homes that have facilities for lower counters, wider doors, that sort of thing, is there any planning being done for that?

Mr. Normoyle: Our plans for these townhome units are very schematic at this point. There is the American Disabilities Act, which we will comply with. At the next meeting I could comment further, but we have not gotten that far in terms of addressing that issue.

If I could address a few of Jerry's points. I heard from at least a few of the Board members as far as considering not doing this as a condo, so we will look at that. As far as the traffic, I want to again recap what is in the SFEIS. The westbound Jackson Avenue approach, as of the 2006 EIS, showed a 296-second delay coming westbound. With the approval for Saw Mill Lofts we were going to undertake certain improvements at that intersection which would have reduced that waiting time to 70 seconds. It would have consequently increased the waiting time in the other direction somewhat but, overall, the level of service for that intersection would have improved from an F to a D, not outstanding, but a far better situation

with a proposed development than currently existing. As far as the railroad, that was studied previously, too. So as we move forward, that would definitely be addressed.

I would agree with you as far as the focus groups and needing to have that done sooner. The real estate market has changed dramatically in the past year or two. GDC was optimistic that we had come up with a compelling idea with this live-work unit. I know the Village spent much time in terms of its professionals, staff, and citizens; GDC spent a lot of time and money. So we more than you would want it to go as smoothly as possible. Unfortunately, the tighter real estate market did drive us to evaluate this product before beginning construction and that is when we realized we had something that it did not work. But I would agree with you: we would not want to waste our time, nor yours. So going forward, that is what we will try to do.

Trustee Swiderski: There is an advantage and a disadvantage to going last in that many good points are raised. Since I was quoted on the cost benefits analysis, I want to address something there. While it is still housing, this is quite a bit different from the previous proposal; most importantly, how it reads as a development. The previous development had nothing particularly family-friendly about it. Its industrial loft styling lent itself to the neighborhood. As a parent, I would never raise kids there because it was entirely unappealing as the sort of institution you would want to bring kids home to. This is closer to Boulder Trail or other similar cluster developments which, by their nature of cul-de-sacs and places where you can picture children playing. This is likely to be far more attractive to parents looking for a relatively inexpensive “in” to the Ardsley school system.

So the metrics around the number of children enrolling in Ardsley school I think is entirely different. And whatever multiplier you used on the loft-style/industrial-style building would be different here. This just reads differently. That is the first and biggest caveat I offer when I think about both how it is going to appeal to parents with children and how it is going to read as far more of a clustered development, which is at odds with our older vision plan and probably at odds with where we are heading as a community, not wanting to encourage pods or clusters far away from the Village center that are inwards-facing. We worked very hard with you guys and, Jerry is kind, hundreds of hours. You know, that analysis alone that I did was a chunk of time, and it is discouraging to start again. You take a deep breath and imagine it is not just roughly equivalent in number of units; it reads substantially differently and therefore requires a different analysis.

Trivially, on traffic, my instinct that the impact on Saw Mill River Road is going to be roughly the same. That impact on Ravensdale, however, probably is not. And that is a not a small distinction, given that we are Hastings and care far more about Ravensdale than necessarily a semi-industrial road. And not a heavily-traveled semi-industrial road compared

to Ravensdale. The traffic counts are substantially higher on Ravensdale than on Saw Mill River Road. So while some of the attestations you make, I agree, are correct, I do not think the number of cars exiting here are going to be significantly higher. I think, given the work/live concept, you probably would have had more cars there: people visiting photographer's studios, therapist's offices, whatever. The impact on Hastings is greater with this development and, given that I have lived just off Ravensdale for years, not insubstantial.

That is my initial take. It is with a heavy heart because regardless of where we go there is going to be work involved. A recasting of this involves a recasting of our analytic approach and also how the community has to deal with it. So it is a long road ahead of us on this.

Mayor Kinnally: But that is not the worst thing in the world, to have a fresh look at it.

Trustee Swiderski: No, it is not.

Mayor Kinnally: Let me add my voice to the concern about the condo versus fee simple. It is crucial that we not get ourselves bogged down in a constant fight over the condominium versus fee simple. We are not going to get any relief from Albany on condominiums. The way the deck is stacked against the municipalities is such that it may be DOA.

We talked about the traffic. Early on, when it was Riverwalk, we talked about the jitney. It may be time to take another look at that. If you are going to have more trips generated going to the train station under this proposal, and I do not think anybody is going to disagree that there are going to be more trips, taking those people off the road in cars and putting them in vans or jitneys is certainly more preferable to whatever the numbers might be.

I am not ready to throw this out. I am curious to see what the impacts are today versus what they were initially under the Riverwalk proposal but, certainly, against the live-work proposal. A lot of it has to do with coverage, with units and the number of bedrooms. Changing the six three-bedrooms to ten three-bedrooms is a quantum leap here. Peter is right when he says that the character of the development is more in the nature of a neighborhood, a community, that is much more attractive to anybody who wants to raise a family. We all struggled with what type of person or family unit would be interested in the live-work environment, but it was not one that you were going to raise a passel of kids in. And this is more of a suburban setting which is conducive to that type of thing.

Trustee Goodman: I recall that Joanne Sold of the Ardsley school district came forth with an analysis that was at odds with Mr. Ginsburg's experts. And even your assertion that this was going to be revenue-positive for the school district, she absolutely contested that. I would ask that early on we reach out to our neighbors in Ardsley, to the Ardsley village

board and the school board, to let them know that this is before us, and that the school board be given ample notice to put in papers and documents, and that we give due deference to their opinions. They are the experts with respect to their school district. Ardsley is under inordinate development pressure because parts of its school district are in unincorporated Greenburgh, which is also developing. In addition to Dobbs Ferry, also part of that is in their district. I think we should not add to their burden.

Mayor Kinnally: Yes, they would get notice anyway of this.

Village Attorney Stecich: One of the zoning requirements that you did have to provide on the last round is an open space requirement. It is not just land that is not built on; it has to be usable open space. I guess, based on the number of bedrooms, you would need about a quarter-acre. I do not see that here.

Mr. Normoyle: Yes. We did not get to that level.

Village Attorney Stecich: It is going to be a little hard to do with the setup you have. But whatever you do, if you are going forward, your plan has to show the usable open space.

Mr. Normoyle: Yes, without a doubt. Unfortunately, like a lot of the bulk calculations, we have a rough sense of where they are, but submitting detailed numbers at this point with a rough conceptual plan we did not think made sense for this preliminary review.

I would wholeheartedly agree with all of Peter's points. This definitely does feel different from the previous proposal. Without a doubt, we are asking for the impacts of this alternative to be evaluated in a rational way. I know a residential enclave was often criticized. Peter, in the SFEIS one of your comments was that you thought it was an enclave. I know the Planning Board disagreed. In October, 2003, they issued some statement saying that their consensus view was that an enclave is intended to apply to communities that are exclusive by design, i.e. gated rather than geography.

The other important thing to note about this proposal is that it may look like a townhome development to you on this site. Obviously the mixed-use planned development district was designed to encourage a mix of uses. Previously we had a residential use, a work use, and a recreational use. Unfortunately, that work use just does not make financial sense. Nevertheless, we are left with residential and recreational uses here. As noted previously, we would create a new trailhead for the South County Trailway. Every time I drive by the Saw Mill Parkway on a Saturday or Sunday Farragut Avenue is packed. People are parking out in the street. I think that led the Village to go after the transportation enhancements program grant to create another trailhead connecting Ravensdale to the trailway. This would be yet

another way that the Village could foster that connection with the railway, and clearly it is something that is valued by Hastings residents.

In addition, we are dedicating 1.75 acres of open space. The Village has not determined how they will use that space, but we think it will become another recreational amenity for the community. In addition, and I know this is important to several of you, in terms of improving the environmental quality of the site I think undoubtedly what we plan to do will be an enhancement to the site in many ways.

Peter mentioned the traffic on Ravensdale. As you may remember, I grew up on Clarence Avenue so I am very familiar with Ravensdale. Previously, as part of the SFEIS and the traffic study, Kent and Ravensdale were studied as an intersection. If that is a concern, that should definitely be another intersection reevaluated as part of this new plan. To Danielle's point regarding Ardsley schools, again the SFEIS was clear: the net positive to Ardsley was \$150,000 on a per capita basis and \$208,000 on an incremental cost basis. But we want to look at that again with new data, and we would love to get Ardsley involved, too. However, I would like to leave this with the Board: I am not sure if anybody has driven by the site lately. Has anybody? Unfortunately, I think the Board really needs to ask the question what should be done with that site.

Trustee Goodman: I have two suggestions.

Mr. Normoyle: If I could finish.

Mayor Kinnally: I think that was rhetorical.

Mr. Normoyle: This newer plan works economically for GDC, which is an important element; if it does not work economically nothing will be built there. That may be what some people want, but you as the Village Board need to consider a range of impacts. This project could be very positive on a fiscal basis. It adds numerous recreational benefits to the community. As far as a visual aesthetic, if you drive by there every day it is not pretty. I would like people to go to Riverpointe. It is a beautiful community built by GDC. That is what you are going to get on this site. I said this in March: this community will be an asset to the Village. There are a lot of elements the Village needs to weigh, but in the end you need to weigh what could be here versus what is there now. If you do that, this proposal will look very attractive and positive across nearly all measures.

Shown here is a perspective from Saw Mill River Road. At the bottom is the previously-approved concept plan for Saw Mill Lofts with two long buildings about 320 feet in length. On the left side is the dedicated open space, the 1.75 acres that would be donated to the

Village. Then you have one long block building, again up to 40 feet in height; then open space in the middle; then another long block building; then another corridor at the north side of that site. Not shown here on either visual is the landscaping and planting that would happen along Saw Mill River Road. There were plans for a berm, as well as plantings at Saw Mill River Road. That is not included as part of this visual just so that you can get a relative sense of the different developments.

On the top is our proposed new development. Maintaining east-west corridors was mentioned many times as part of the proposed townhome plan. It provides many more corridors through to the Saw Mill River Valley. I think it creates a nicer scale. There is much more planting between the buildings. Danielle mentioned that the buildings are closer to the Saw Mill River. Some of them are. Three of the buildings are 30 to 40 feet from the Saw Mill River, three other buildings are 85 to 100 feet from the Saw Mill River. On the Saw Mill River side, however, we gain space. Previously there was only about anywhere from 25 to 30 feet above buffer that could be planted. With this new townhome plan we have 45 to 55 feet of greenspace that can be landscaped. So from an aesthetic point of view the new proposal will be a significant improvement over what was approved.

Trustee McLaughlin: You have, at the far north end, McGregor Chemical Corporation. My impression is that the building there is now owned by General Motors. GM intends to use that as the training center for people to come from around the country and learn to work on their hydro cars. They have a refueling station there with lots of tanks of hydrogen, as well as a lot of the hydro cars.

Mr. Normoyle: We know the owner so we will call to verify the use, but I did not know that, if that is the case. So we will check on that. Thanks.

Trustee Goodman: Regarding the spruce trees, are they there?

Mr. Normoyle: Three trees are currently there, but as part of the site plan review we were proposing to take the southernmost tree down. It is dead about 60 to 65% of the way up.

Trustee Goodman: It is looking much better. I visited it tonight, and when you cut the invasive vines that were strangling it for so many years while we were sitting here it looks better. I am not an arborist, so if it has to go it has to go. But the other two, are they being preserved?

Mr. Normoyle: They are being preserved in that central plaza. Comparing the two plans, as you can see the two trees are shown there. That central plaza has been increased so that there is more open space at the middle of the site. We would prefer to save all three spruce trees.

Our arborist, who came out last July, recommended its removal. In addition, the Village's naturalist, Fred Hubbard, also recommended its removal for safety purposes. We did also lay out as part of our site plan application how we would protect the other two trees during construction. I actually have a copy of that letter if you want it. If we could save that third tree, if it made sense and was safe, we would want to. But I was there yesterday, and the tree was worse than last year.

Trustee Goodman: This is a question about timing, which I know you probably cannot give us. The Ravensdale bridge is going to be rebuilt, and one of the outstanding issues is whether or not we can have a pedestrian staircase that leads down to the trailway from the bridge. The state said the county said that this other trailhead further south of your complex is being built. Ginsburg, as part of the concept plan approval, was supposed to be giving the Village's share of grant money for that project.

Mr. Normoyle: Yes, financially assist with that project, correct. That is part of the approval.

Trustee Goodman: If this concept does not fly, and you decide that these houses are not feasible because they are next to the hydrogen storage or whatever, we are going to lose our opportunity. I do not think we have the money to put in the match if people are not going to be living there; there would not be any reason for us to put our recreational resources there. So this is our opportunity to get this straightened out. They are representing they are going to have this project, and the state is being told by the county that the project is a go. The project is only a go if Ginsburg is paying our share.

I would like to pursue the staircase issue. That is a bird in the hand. The state does not have a problem with the staircase. There is an issue with whether or not we need a ramp or if the Farragut parking lot serves as the handicapped access. Certainly you are not going to be discharging handicapped people in the middle of Ravensdale Road, but pedestrians could use that staircase. I am just not getting any answers, and I know that is an issue. The state has a bird in the hand, but they do not want to duplicate services. So how do we get this straightened out? I think we should. They are in the middle of their design.

Mayor Kinnally: I do not know. It is kind of the chicken or the egg, what comes first here.

Trustee Goodman: Can we not write a letter to the state at least expressing our interest, and saying we are being held up here by Ginsburg.

Mr. Normoyle: Well, I am not sure *that* is the case.

Trustee Goodman: But if there is no money coming from you for the project, then we have to say to the county we are not. Unless the county wants to fund it all.

Mr. Normoyle: I request clarification of where that project stands because we have never been contacted to do anything. And obviously if we did, we would have responded.

Village Attorney Stecich: What would happen? I am assuming that the state was basing it on the fact that there was an approved proposal. You have decided definitely not to go forward with the live-work plan.

Mr. Normoyle: Yes. An approval is in place until June of 2009.

Village Attorney Stecich: So if you would say that you are not going forward with that proposal, then the Village could write the state and say that is no longer a live proposal.

Trustee Goodman: Because Mr. David Bennett, who is the regional structures engineer who represented the state from Region 8 at the work session in July, told me all the funding is in place for that other trailhead. And I said to him, no, it is not, where did you hear that. He said from the county. I am going to pass his card to Fran.

Mayor Kinnally: Maybe we can get all the parties in one room and say, who has got what here and what are you going to do, and let us look at the contingencies. Ginsburg goes forward, Ginsburg does not go forward; what is the state going to do from a design standpoint. It would be the same. It is just a question of funding, right?

Trustee Goodman: I think the state did not feel that a staircase was an outrageous request and would be easy enough to do. They just will not duplicate services.

Mayor Kinnally: Yes, but it not just that. It is also the funding component. You have to get the state and the county and the Village and Ginsburg in one room, and say, here are the options, here are the possibilities looking out three years, which is really what we are talking about here, let us see what we can do.

Trustee Goodman: I just did not want to lose that opportunity on this plan.

Mayor Kinnally: Not at all. You are right. From a design standpoint and from a funding standpoint.

Mr. Normoyle: That commitment is noted in my letter to you probably on two or three occasions: that GDC would financially assist with the creation of that trailway per the concept plan.

Trustee Quinlan: Your site plan approval expires in September. Do you plan to ask for an extension of the site plan approval for the live-work?

Mr. Normoyle: I was going to see how this meeting went tonight, and then I would discuss that with Martin and others at GDC.

Trustee Quinlan: So the answer is you do not know.

Mr. Normoyle: I do not know.

Trustee Quinlan: In your letter to us you say that unfortunately it became clear that there were a number of challenges associated with this unique unit style, in that the Saw Mill Lofts project, as approved, was not and is not financially feasible. So are you telling me that there is a chance that you are going to go ahead with this project that is not financially feasible?

Mr. Normoyle: That is Martin Ginsburg's decision. I will tell you, as of now he will not go forward with the Saw Mill Lofts plan as approved. So it is not my decision to make. I will relay that is a fact of what I have been told.

Trustee Quinlan: At the end of September, if they do not ask for an extension, I think it is very clear that we have to tell the Ravensdale Bridge people that this is something that is very futuristic and tentative, if it is ever going to get approved, and we want the steps.

Mayor Kinnally: But I do not want to wait until then. I think we try to get everybody lined up so we can thrash out all of the possibilities.

Trustee Quinlan: No, we are talking about a month from today we will know.

Mayor Kinnally: I understand. I do not want to wait for a month from today to try to get everybody in the room. It is just a question of timing. But I think Martin may come to a decision sooner rather than later on this.

Trustee Quinlan: Would you notify us when he comes to a decision?

Mr. Normoyle: Certainly. But again, as far as this Ravensdale project we have never been notified at all that GDC needed to do something. So we welcome any communication. We

have been involved with numerous transportation enhancement grants. They take an incredibly long time to process, and it is primarily because of the DOT. So I wish Hastings good luck, but I know it could take a long time.

Mayor Kinnally: I do not disagree with you; the DOT has been a stumbling block all along.

Village Attorney Stecich: You said that these buildings are 30 to 40 feet away from the river?

Mr. Normoyle: That was my approximation.

Village Attorney Stecich: That cannot be because there are site perimeter setbacks. From any significant environmental feature you have to be 50 feet away.

Mr. Normoyle: Okay, then we need to adjust.

Cindy Travis, 427 Warburton Avenue: I sat through probably most of the meetings on the original plan and my fellow citizens sitting in the room probably sat through all of them. It is hard for me to imagine that they have gone this far and not had a market group that did not know that this was not going to work. I am listening to everybody being so polite up here and I commend you because we elected you to be polite but how could you have gotten this far and just have it based on the fact that it did not fly now?

I am a teacher with preschool children in the city. Parents are leaving the city because there is no room in the schools. They will come to this. So this idea that there are 16 children or more going to live here is absurd. There is no way that the money that could be generated from the taxes for schools could benefit Ardsley enough unless it is going to buy an entire new school because that is the amount of children that will be flooded. It is unfair to Ardsley to say this is going to be a much nicer thing for Ginsburg to sell, and then it is not really going to fulfill what the school is going to need. Because yes, teachers might get a little raise, but teachers do not want 30 to 35 children in their classroom; they just do not.

Thank you, Marianne, for pointing out that the buildings are too close to the river. But regardless of whether you build some berms or something, the river floods. We know now that the rivers are flooding way beyond any measured 10-year floodplain and it is going to flood these buildings, then is it going to come back to haunt us as Hastings residents when these buildings are flooded. If some of those buildings are just taken away and it is dramatically dropped, I do not know if that is even a solution because there are so many other things about this that bother me.

The other piece is the commuters coming into the train station, which they will all do. They will all come into the Village, there will be nowhere for them to park. I do not care how you study it, there is no studying that is going to make more room for them to park at the train station. If you do a jitney, and I like your idea, Mr. Mayor, but I go on the train past Riverdale every day and they have these big buses, fuel guzzlers, that are busing people up and down to Riverdale picking them up from the train stations. That is an answer for the people mover, but it is not an answer for the amount of volume of big buses plowing through tiny little Hastings that is not set up for major bus traffic to come zooming up and down at commuter times. No amount of studying is going to make this be anything other than a big, large-tract development of family clusters that we did not want in the first place.

John Gonder, 153 James Street: I think the Board got most of the questions, but there is one thing I think you missed. He was going to add three parking spots, from 74 to 77. But changing the concept, you need 150 because every three-family home is going to have at least two cars; one for the wife, one for the husband, and maybe one for a daughter or someone else living at home. So you need like 150-some parking spots, and it is going to bring a lot more traffic into the Village if you are changing the concept of living and working in the same place to a condo or a townhouse. So please consider the 150 parking spots.

Lorraine Kuhn, 38 Judson Avenue, Ardsley: What is that old junior high demonstration again? Oh, yes, electrolysis of water, H₂O. You take a glowing splint and you put it by the oxygen side, and it goes on fire again. You take the splint and you put it by the hydrogen side and it explodes. GM is doing a great thing here. They are trying to pull themselves back up. They are going to make fuel cell cars. And they picked a 50-year-old light industrial site that has a cemetery, a government building now, and some industry as neighbors. It is somewhere that you can store hydrogen for fuel cell cars. You can. There was gas there for many years. GM would be a great choice for the neighboring property. And, once again, I know you have heard me say this before, but housing would not. Light industry at this spot is really the original smart growth concept. You have a place to work in the suburbs and you have housing down the road, but not next door.

Jim Metzger, 427 Warburton Avenue: I was looking around for Rod Serling earlier because I think we are in the Twilight Zone. The last three-and-a-half years obviously did not happen; we are back to square one. I am heartened to hear every member of the Board raise the questions that I was raising in my mind as I was listening to the presentation. This is nothing personal against Mr. Ginsburg's representative, but as a corporation they leave a lot to be desired as someone that we would want in our community. Initially to come in and say that this is an amendment to something that they proposed before would be like saying, we are going to give you a bus, but now we are going to give you a boat. They are both means of transportation, but they are nothing alike. And that is what we have here.

No work units. Not only was there a concept of transportation and all these other things, we are talking about a light industrial corridor. And the work units were supposed to help satisfy our need to have some sort of workspace in that corridor. That is gone now. They are proposing what I consider to be a cancerous blight on the face of America. These clustered townhomes are killing us. They are horrible, they are awful. They take up way too much space for what they are providing. Visually they are a blight on the landscape no matter how nicely designed there are because there are dozens of them. I have yet to see one, certainly in lower Westchester, that has been an improvement to the neighborhood. Let us not fall into the empty site is worse than what we are going to build. I do not believe that. I live across the street from a project that I think proves that.

We have talked about taxes. We know that that is a serious issue. I have had opportunity to talk to many people in the community based upon other work I am doing for Hastings. Taxes are the number one issue. If we cannot afford the taxes, it is not going to matter what they build because none of us are going to be able to afford to live here.

Parking spaces. Previously, a lot of those parking spaces were going to be underground in the building and therefore not going to be increasing the amount of impervious surface. I do not know that any of the parking spaces here now are going to be underground, and if they are not then I do not know how they work out the same number, or a few more spaces, on the same amount of impervious surface. I do not see that math adding up.

The dollars for recreation? It is going down, but in the meantime I thought we were supposed to get a check about a year ago. I would like to know where the interest is.

The MUPDD zone. We went around and around and around and around on the MUPDD zone. To come up here and say that the intent of the MUPDD zone was to build townhomes and provide a ball field is an unbelievable slap in the face to this community. That was never the intention. And whether I agree with the concept of the MUPDD zone, this does not satisfy what that zone ultimately became. I do not care how many ways they want to dress that up.

In discussing issues of zoning and floodplains with Westchester County, the 2007 FEMA flood zones have recently been released. They are significantly larger than the previous floodplains. For this project to be seriously considered you throw out everything that has been looked at to date, because when the engineers were asked about flood zone information, the most recent data we have is 10 years old or 15 years old. We have more recent data. I do not want to build on misinformation from two years ago. Let us start fresh. The community deserves nothing less.

I would also like to know what information was presented to the focus groups. As we all know, as you present information you can elicit responses. We have no idea how this project was presented to the focus groups and whether there might have been an ulterior motive in the beginning to eliminate the workspaces. I know the previous representative would have been very happy to have not had the workspaces. And it was only Trustee Quinlan, at literally the last moment, that said this needs to be written into the agreement, that those workspaces will only be used for workspaces that that actually got written in. We are this late in the process and now they are telling us a focus group says it is not a good idea? Somebody from Mr. Ginsburg's office turned to me and said, Martin Ginsburg is a genius, when the site plan was originally approved. I had my doubts then; I have no doubts now. Martin Ginsburg is strictly trying to make a buck on our back, and we need to protect ourselves.

Ms. Kuhn: One other side comment about rec, in Ardsley we make do on a shoestring of a rec budget. We operate two major parks and a multitude of programs. You are looking for this GDC money up front, but you are going to inherit all those kids in perpetuity. Kids are rec-intensive. Children are wonderful. I work for rec, I love kids. But just as they are going to overwhelm our school district, they are going to overwhelm your rec system. And that one-time payment may not be worth it in the very long run.

Trustee McLaughlin: Mr. Normoyle, things have changed since you grew up on Clarence Avenue. If you had come to our last several Board meetings, we have discussed several times the fact that our commuter parking is really inadequate. I do not know if we can emphasize to you strongly enough what a stunning blow it would be to the Village to have 50 or 70 or 100 more commuter cars coming down into the Village every single day. We do not have room for the commuters we have got. We hear from them all the time. People who have had permits for 15 years cannot get them all of a sudden. This does raise other questions about how we handle traffic, but when you are thinking about this structure bear in mind what we are staggering under here in the center of the Village.

Mayor Kinnally: What do we want to do from here? Mr. Normoyle, I do not know if you have gotten enough information to go back and talk to Martin, but at the very least I think much of what you have given to us has to be enhanced.

Mr. Normoyle: What I submitted to the Board was preliminary in nature, and the questions from the Board as well as the comments from residents beg the question of more information and that is what we would like to provide. A lot of what was said, I think, is anecdotal in nature and not based on facts. If the Village Board makes its decision based on facts I am going to be fine with that. We want to go forward with looking at all of the key issues. Most

of them were noted, more will come up. But is fairly simple to study what has happened, what are the empirical realities of the things around, and come to a conclusion. My recommendation to GDC would be to proceed with this concept and submit more detailed, supported information to the Village Board for your consideration and question and comment and challenge.

Mayor Kinnally: We will not turn it down.

Mr. Normoyle: Then I think that is what we will do.

Mayor Kinnally: If anything came out of this building it is that consensus.

PUBLIC COMMENTS

Mr. Gonder: At the last meeting I had a few questions about Village elections about absentee ballots. Of course, you have them. The second question was, if there is a tie for the Mayor or Trustees what do you. Do you flip a coin or do you have a reelection? I did not get an answer to that, and I think Mrs. McLaughlin was going to get something.

Trustee McLaughlin: I have to take a course for recertification, and I was scheduled for the night after our last Board meeting. That has been postponed until next week. So I have not been able to talk with the board of elections and get you an answer, but I will have one.

Mr. Gonder: I would think that the Mayor may have that answer because he has been here so long as a Trustee and a Mayor.

Mayor Kinnally: I do not have the answer, John. I do recall, in the aftermath of what happened up in Irvington, it is an ad hoc village-by-village determination that drives it. I know the state courts got involved, NYCOM got involved, and the board of elections got involved. Bottom line was that each municipality dealt with it in its own either informed or crazy way, not that they are mutually exclusive.

Mr. Gonder: The third question I had was absentee ballots.

Mayor Kinnally: I think you have to be alive at the time of the election. This is off the top of my head, but you have to be alive at the time that the votes are counted. Am I right, Susan? [Answer yes.] If you are alive when you cast the ballot, but you do not make it to sundown, it is really not your problem at that point.

Mr. Metzger: Is there an update on the progress at 422? On the exterior a little bit of work, some fencing, has gone in. But some of the stairs have not gone in yet.

Village Manager Frobel: I do not have anything. Deven is just back from vacation. I know he has had an opportunity to go out there, but he has not reported to me as to what progress has been made over the course of the last two weeks.

Mr. Metzger: The person who is managing the job site and has been there since the rock removal has ended is an incredible asset to the organization that hired him. His name is Mike, I do not know his last name. But he has been the perfect representative on that project to the community. When anybody has had an issue, garbage on the street or trucks blocking somebody's driveway, he could not have been more responsive to that issue. If he is looking for a job we should hire him and, if not, somebody should send this guy a letter of commendation because he has been absolutely brilliant as the on-site manager.

88:08 ICLEI Membership & Cities for Climate Protection Campaign Participation

Mayor Kinnally: I understand, from the minutes and from my observing the meeting, that this was discussed last time, and we realized after the fact that we have to pass this resolution to make it official.

Trustee Quinlan: We had a resolution last time.

Village Manager Frobel: It was simple motion. And at that meeting, you will recall, there was some discussion about whether we needed a more formal resolution. When I called the agency the next day they gave me the application, and the woman helped me through the process but did indicate that they would like the municipality to pass a resolution like the one that is before you this evening to join. It is recommended that we do that.

Trustee Quinlan: No, you are not going to read it again. They are recommending that we do it, but I thought Peter's was nice and thoughtful and a simple and to-the-point resolution. So why do we need two resolutions?

Mayor Kinnally: The other one was a motion, was it no

Trustee Quinlan: On motion of Trustee Swiderski, seconded by Trustee Goodman, the following resolution was duly adopted upon a roll call vote.

Mayor Kinnally: I see it, yes. But they would prefer this one? I do not care. What is the Board's pleasure on this? I think it is form over substance.

Trustee Swiderski: The one advantage of this particular document is that it makes it clear, and I think it is quite important, that there is going to be work involved and the Conservation Commission and whoever they pull in to become involved in this process have a job ahead of them. This spells out the beginning sense of how much work there is involved, and that is probably worth reading as a motion to the minutes.

Trustee Goodman: Based on that, Peter, here were my comments to myself after I read this. Where did this come from? And then I said it is unreasonable to expect volunteers to do this much work. I foresee the need to devote staff time. We should be looking for a grant for a quarter-time or part-time employee that will undertake this work and coordinate it. My only issue is, and I agree with everything in this resolution, without our putting resources into this I do not see that we are going to be able to do all the things that membership requires. I hope that we do, and I hope that we put some resources here and that we look for a grant for a coordinator because it is asking a lot of volunteers.

Mayor Kinnally: I do not see adding staff. And usually with grants, if you have got to add staff they are going to expire while the staff is working here.

Trustee Goodman: Paul Feiner has one for his energy coordinator, and we could start there.

Mayor Kinnally: He has a grant?

Trustee Goodman: I just am putting that out there. I brought it up last time. It is a huge undertaking. And it is not to stop us from doing this. I am just underscoring . . .

Trustee Swiderski: I completely agree, and I do not want to say we have idly wandered into this. But it is a commitment, maybe not as big as the Comprehensive Plan Committee, in time, but it is certainly a commitment that in Bedford has involved hundreds of volunteer hours. But if you do not find a core group of volunteers willing to do this it will languish, and in many of these communities it does, exactly for that reason. So it ultimately is a product of the community's willingness to engage it, and it is not trivial work. The inventory takes six to eight months typically.

Trustee McLaughlin: We have not still appointed the extra two people to the Conservation Commission that we agreed to appoint several months ago. Perhaps since we are considering several résumés we could make this part of our consideration as to whom we appoint.

Mayor Kinnally: I agree.

Trustee Swiderski: Totally agree.

Mayor Kinnally: But I do not think any of us should go into this with the understanding that we are going to have paid staff doing this. I do not see it, notwithstanding any grants. And grants are short-lived.

Trustee Goodman: Well, it would be a start. I am just suggesting we look for it.

Mayor Kinnally: Well, it would be a start.

Trustee Swiderski: I agree.

Trustee Goodman: That we at least make an attempt.

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

WHEREAS, scientific consensus has developed that carbon dioxide (CO₂) and other greenhouse gases released into the atmosphere have a profound effect on the Earth's climate; and

WHEREAS, the 2007 Fourth Assessment Report from the Intergovernmental Panel on Climate Change (IPCC) states that it is very likely that most of the observed increases in globally averaged temperatures since the mid-20th Century are due to human-induced greenhouse gas emissions; and

WHEREAS, in 2006 the National Climate Data Center confirmed clear evidence of human influences on climate change due to changes in greenhouse gases; and

WHEREAS, the US Conference of Mayors endorsed the 2005 US Mayors' Climate Protection Agreement initiated by Seattle Mayor Nickels and signed by 494 mayors in the United States as of April 27, 2007; and

WHEREAS, the Urban Environmental Accords adopted by local government delegates during UN World Environment Day 2005 call for reduced emissions through energy efficiency, land use and transportation planning, waste reduction, and wiser energy management; and

WHEREAS, in 2003 the American Geophysical Union adopted a Statement noting that human activities are increasingly altering the Earth's climate and that natural influences cannot explain the rapid increase in near-surface temperatures observed during the second half of the 20th Century; and

WHEREAS, in 2001, at the request of the Administration, the National Academy of Sciences (NAS) reviewed and declared global warming a real problem likely due to human activities; and

WHEREAS, the 200 US Global Change Research Program's (USGCRP) First National Assessment indicated that global warming has begun; and

WHEREAS, 162 countries including the United States pledged under the United Nations Framework Convention on Climate Change to reduce their greenhouse gas emissions; and

WHEREAS, energy consumption, specifically the burning of fossil fuels, accounts for more than 80% of US greenhouse gas emissions; and

WHEREAS, local government actions taken to reduce greenhouse gas emissions and increased energy efficiency provide multiple local benefits by decreasing air pollution, creating jobs, reducing energy expenditures, and saving money for the local government, its businesses, and its residents; and

WHEREAS, the Cities for Climate Protection Campaign sponsored the ICLEI - Local Governments for Sustainability had invited the Village to join ICLEI and become a partner in the Cities for Climate Protection Campaign; now therefore be it

RESOLVED that the Village of Hastings-on-Hudson, New York will join ICLEI as a full Member and participate in the Cities for Climate Protection Campaign and, as a participant, pledges to take a leadership role in promoting public awareness about the causes and impacts of climate change; and be it further

RESOLVED that the Village with undertake the Cities for Climate Change Protection Campaign's five milestones to reduce both greenhouse gas and air pollution emissions throughout the community, and specifically:

- * Conduct a greenhouse gas emissions inventory and forecast to determine the source and quantity of greenhouse gas emissions in the jurisdiction;
- * Establish a greenhouse gas emissions reduction target;
- * Develop an action plan with both existing and future actions which when implemented will meet the local greenhouse gas reduction target;
- * Implement the action plan; and
- * Monitor and report progress; and be it finally

RESOLVED that the Village of Hastings-on-Hudson requests assistance from ICLEI's Cities for Climate Protection Campaign as it progresses through the milestones.

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 are going to talk about handicapped spots under Board discussion. I thought I could expand that to update the Trustees on the steps we have taken regarding handicapped spots, not just at the Community Center, but Village-wide. So I will talk during that time.

EXECUTIVE SESSIONS

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

On MOTION of Trustee Quinlan, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Board scheduled an Executive Session for 8 p.m. September 2, 2008 to discuss personnel issues.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: I have none.

Trustee McLaughlin: Danielle and I visited the waterfront last Wednesday. Joe Sontchi was in town and took us on a tour. While it was very informative for us, we have nothing new to report.

2. Update on the Comprehensive Plan Committee

Trustee Quinlan: I have nothing on that tonight.

3. Handicapped Spots in front of Community Center

Village Manager Frobel: At our last meeting we spent some time talking about the need for some additional parking throughout the Village for disabled persons. In my weekly report I mentioned that the chairman of that group spent time with Kevin Hay and myself and toured the Village last week. We pointed out a number of areas that we think we need to add disabled parking spaces.

We are looking to prepare an amendment to the local law setting aside a disabled parking space on Maple Street. It would be the first one as you approach the entranceway to Village hall closest to where the path goes to the library and to Village hall. So we would be coming to you with an amendment to that law. Of course, in the lot we are going to be adding an additional parking space as well, which would also be van-accessible. So we would have two up top that would be van-accessible, as well as the one on Maple Street would be accessible as well.

We have determined that the Con Ed lot next to Maud's needs one van-accessible spot, so we are going to be looking to add one to that location. At Steinschneider, we have one spot there now. Given the count, we need to add an additional spot in that parking lot as well. At the Zinsser ball field we do not have any spots that are specially designated as disabled, so we are looking to add upwards of three disabled parking spaces. It is difficult to determine precisely the number of spots because it is not carefully lined out, but we probably need to have three in that location as well.

Across the street from the post office lot there is one parking space on Warburton. We will keep that, but we will be adding one spot in the post office lot. At Kinnally Cove, once we have completed the guardrail installation which we are hopeful should occur this week or next, we will be creating two disabled-person parking spaces near the entrance to the park. From the parking lot to the boardwalk, that little rocky area will now be paved or a stone used that will be easier for people to get in and out of their wheelchairs.

There was some discussion at our last meeting that we should be adding three on-street parking spots in front of the Community Center. We will have the area just to the east of the building, which will be the area where the traffic light will be installed. And then we are going to have a zone for loading and unloading passengers. Then we would probably have three parking spaces after that on Main Street, in front of the building.

I would point out that we already have one spot not too far from these three that are in discussion in front of a doctor's office. From what we have been able to survey, that spot is not used all that frequently. So when we lay this out we may want to consider whether we need four in such close proximity, or if we think we might be able to get by with less. That is the only point I would like to make.

Mayor Kinnally: I agree. That is a tremendous concentration of spots in a heavily trafficked area, and I am not so sure that they are going to be utilized because current experience is that they are not utilizing them. This is in front of Dr. Tergis' office.

Village Manager Frobel: It is about four spaces down from the furthest one that we would set up. We do not have to make a decision tonight. I just wanted to toss that out.

In other work, we met with the contractor today. He dropped off some material. We are going to begin the demolition of the ramp leading to Village Hall, making that fully compliant with the law. The same contractor will be doing the work with the ramp from Maple up to the library. I have told Deven to order the automatic door opener for the Community Center, so that is in the works as well.

Trustee McLaughlin: I have not understood how it is that the ramp to Village hall is not compliant as it is.

Village Manager Frobel: The one to Village hall is too steep. The other one was too long without a rest.

Mayor Kinnally: But when we taper the grade, will it be too long?

Trustee McLaughlin: No, you need 30 feet before you have a rest area.

Mayor Kinnally: I know that, but to bring the grade down you are going to have to lengthen the ramp.

Village Manager Frobel: The grade from Maple to the library is fine. What is does not have is that rest area. So when we reconfigure there will be an a platform, for a pause, and there will be the rails. The rail was the other thing we did not have.

Trustee Quinlan: That is the library, but we are talking about the ramp to the Municipal Building. My understanding is that it is 1-1/2 inches steep and can only be an inch. So it will have to be lengthened, but I do not know how long that will be.

Trustee McLaughlin: Danielle and I have talked before about the fact that when the senior groups meet at the Community Center could we arrange for them to get temporary passes to put in their cars so they can park near the Community Center without being fined.

Village Manager Frobel: Kevin is looking into that, as well. It was pointed out that Dobbs Ferry offers that to some of their residents.

Trustee McLaughlin: So it is legal to do that.

Village Manager Frobel: Well, Kevin is looking into it. I really do not know, but it was pointed out as a possibility and I have asked him to research that for us as well. My thought is, if we cannot agree on three spaces in front of the Community Center maybe there is a way we can temporarily create a disabled person spot during their events rather than have three designated all the time because there are events held there on Saturday and Sunday. We have been renting the hall out, and I hate to have those spots totally unused and people having to park further and further out, not be as close to the building as they might like. Just a thought, but we will try to come up with a comprehensive plan for you.

Trustee Goodman: Mr. Mayor, I would ask that you also speak with Eleanor McGinagle and Ann Schnibbe because they can give you a guestimate of the number of handicapped participants in Busy Bees and the Senior Canteen. My concern about temporary spots is, the people who are going to park in those spots are not going to say, at 2 o'clock I need to leave because someone from Busy Bees needs this spot. So while they could be underutilized, that is the burden society is going to have to bear for our seniors.

Mayor Kinnally: I will reach out to both of them this weekend.

Trustee Goodman: And they can tell you there are probably more than three people with legitimate handicapped stickers that could park there.

Trustee McLaughlin: We have had complaints, at least a couple, from commuters who have said we are devoting too many spaces at the station to handicapped spots. But we are devoting what is legally required. If you do not understand that spaces are legally required, and you are looking for a spot and there is one that nobody is in, of course you feel personally affronted.

Trustee Goodman: Just one other question as a housekeeping detail. If we are adding in front of the Community Center, do we not need a law since that is on-street parking at meters? I know you said we will need to amend the law for Maple.

Village Manager Frobel: We will put that in the same law.

Trustee Goodman: Fran, thank you very much for making Kevin the compliance officer in ADA. He has been very good with the Committee for the Disabled, and it is a welcome addition. Thank you for making that provision.

Mayor Kinnally: Fran, if you can report back to us on progress that would be great.

4. Village Sign Recommendations

Mayor Kinnally: This has been revived. It came from the Chamber. Who is going to be involved with this?

Village Manager Frobel: Susan has been my liaison with this group. This proposal came to us probably two years or so ago. A lot of work went into it, where they took a look at some of the intersections. There were some rational suggestions as to where additional signage should appear. I will let Susan report as to her research. We have contacted neighboring communities. We had a template, a model, for how we would want some of this signage to read. Then we will get into a little bit about the cost and how I felt we could proceed.

Village Clerk Maggiotto: Fran and I met about a year ago in June with Eileen Bedell, who had done the work on this report that was provided to you in your packets. After that meeting I went out and observed all the signs around Dobbs Ferry and talked to Anthony Giaccio, who was the administrator in Dobbs Ferry, to get some details on how they had done it and what it had cost. They followed pretty much the templates of the Historic Hudson River Towns. Anthony told me that the total cost of the project, spread out over

three years, was about \$25,000. It was paid for by a grant from Ginsburg. There are a lot of decisions that have to be made about it. It is not just ordering the signs. Somebody has to design them, you have to figure out exactly what you want where and what they are going to look like. Generally we know, but there are a lot of specific details. So if we were to embark on this it would require a small group to design exactly where they are going to go, whether they are going to be mounted on telephone poles or freestanding. It is more expensive to put them freestanding than phone poles, but you have to get out there and look at your streets, and what you have and what you want to highlight and where you think the needs are for the signs.

Eileen did a lot of that, but it probably needs some further refinement. A year ago we had not appropriated the money for it so it went on a back burner. That is still probably where we are. I do not know if we have appropriated any funding for it.

Mayor Kinnally: I remember being at a meeting of Historic River Towns. They had one or two of the signs for Dobbs Ferry. Dobbs Ferry said it looks very simple, but then they started discussing all that went into it. I think the DOT gets involved, too, because these are in the right-of-way. There was an issue that they could not conflict with current signs or whatever. But it is not simply let us order signs, let us put them up here. It was a marathon. In the end, they look very nice. It was one of the prouder things that Historic River Towns did early on, getting involved, and they were quite supportive of Dobbs Ferry. But we should at least get a committee up. And we will talk about that on the 2nd?

Trustee McLaughlin: Both the Chamber and I believe the Economic Development Committee would be more than happy to have delegates meeting together about this.

Village Manager Frobel: recall how we talked about the donor contributing to the signs in Dobbs Ferry. We ruled that out as not being appropriate. We did not want to approach him, certainly, when he had a petition before the community. But it was one of those projects that I would have liked to have come to you with in May at the end of a fiscal year, which is where I left it with our group. But not having the resources at the end of the year, I was not in that position.

There are two other elements of this as well. There was also a reader board, where we were looking to develop a board which would list the local businesses, via a map in the parking plaza, which would offer a visitor some indication as to where a stationery store was or a drug store, etc. Angie Witkowski has been working on that, as has Cyndy Travis. That, too, needs to be revived. Angie has done a lot of the work. She has got a model of it now. But we need to develop a template because we wanted the community to see it and, certainly, the Board of Trustees to see if you agreed with its appearance, size, and location.

The third element, which is one that our Public Works Department has been working on most recently over the last few days, is replacing the street signs. That is something we can do on an ongoing basis, and we need to. During the budget process, Mike brought in some of the new signs that we are going to be installing. That is an easy thing, something we can do and have to do as a matter of course.

Trustee McLaughlin: Along Broadway I have noticed that the signs for Goodwin, Hudson, High Street, and Burnside, had all been replaced by the new big ones. They are so much more readable it is really terrific. By the time you get farther in, to say Washington, it looks tiny compared to the lettering on the new signs. It will be really terrific when we can get more of them up.

Trustee Goodman: In the July *Westchester Magazine* Hastings was listed as having best downtown. I know that we have talked here about how to enhance the downtown and what we can do to help our businesses. If our business owners are trying to give instructions to get down to the waterfront, for example, and there is not a sign at Main which shows you where Warburton is, it is not a good thing. I understand that the signage is not an easy thing, but if we could at least start with one or two. Eileen Bedell, who did this study, at least had some intersections where there were no signs. We would not need to have the whole \$25,000 or \$30,000 if we could just do five or six key ones.

For example, people coming off the train do not have a clue. If you are unfamiliar with Hastings you do not know where the downtown is or the waterfront. So the train station would be somewhere, but maybe the committee could prioritize. Certainly at the crossroads of Hastings, at Warburton and Main, that intersection needs some attention and it would be helpful to the business owners.

Village Manager Frobel: Let me proceed on that, and I will speak with Cyndy about getting that model made up.

5. Certiorari Settlements (2)- 579-581 Warburton Avenue & 31 Jordan Road

Mayor Kinnally: We will talk about this in a session with counsel tonight.

6. Other

Mayor Kinnally: We spent a lot of time, staff and community, redoing Boulanger Plaza. The trees look great, and this year I thought the flowers were much better than they have been in the past. But we had an accident involving one of the trees there and some of the bark was damaged.

Village Manager Frobel: It was no accident.

Mayor Kinnally: I thought there was an accident, and then somebody purposely ripped off the rest of the bark. Whether it was an accident or not, someone took it upon themselves to remove all the bark from one of the trees. The tree is in bloom right now. Come springtime that thing is going to be dead. It is incredible how anybody could be so warped and have nothing else to do with their lives to stand there and peel off the bark on that tree. That tree was donated by a resident of the Village. Money was given to us for the plantings in there. If anybody sees anyone defacing property in the community, and doing any vandalism to plants or whatever, please let any of us know or let the cops know, let the staff know. But it is a disgrace that that has happened.

Village Manager Frobel: When we found out about it we immediately called the police. The police have been trying to get some information about it. I also had Susan call the nursery to see if there is anything we could do short-term to help the tree along. Susan, do you want to report as to what he told you?

Village Clerk Maggiotto: A branch came down and then someone peeled the rest of the bark. Doug from Rosedale Nursery which had planted the trees told me that there was no way to save the tree.

Mayor Kinnally: I want to talk about Verizon. We periodically get bombarded by people who are anxious to get Verizon and want to know why Hastings does not have it. I have explained this in the past, and I am going to try to do it again.

Last October Verizon called and told me that they were going to withdraw their application because they wanted to utilize their resources to finalize applications and franchises that were closer to completion than Hastings, and they wanted to do that by the end of the year. So they withdrew their application in the Village. Since then I have been in touch with Verizon and people who had been affiliated with Verizon at least on a monthly basis. What I have been told is that Verizon has not identified a team that will continue with Hastings, and that Verizon will not do anything until the New York State Public Service Commission has approved the franchise agreement with Cablevision. We were hoping that this week the PSC would have the Cablevision contract on its agenda. That is not the case. Bob Perlstein, the chair of our Cable Committee told me today that we are on now for September.

Verizon is emphatic that they will not do anything until the PSC deals with the Cablevision contract. And we cannot do anything with Verizon because they withdrew the application. They have to reapply and start the process all over again. We had gotten to a point where we

were very close to an agreement. Some issues still had to be resolved, but I am hoping that at the time of the reapplication they will pick up from where they were at that time. A number of the issues are going to be moot because they have been resolved with Cablevision. A lot of people have said to me that the Village was probably unrealistic and unreasonable and too hard on Verizon. I take that as a badge of honor because we have to live with these franchise agreements. Part of it is money: the Village gets fees out of it. Part of it is the ability to come up with money so that we can get the hardware and software necessary to broadcast and tape and do all that we want to do, and realize what everybody wanted to do years ago when local access cable came to our village.

If people are frustrated that we do not have Verizon, I can appreciate that and I join their ranks because it has been a long and very frustrating process. I was miffed when Verizon called and said that they were withdrawing, but let us keep our fingers crossed that the PSC has it on the agenda and has completed its review, and will approve the franchise agreement for Cablevision so we can proceed with Verizon. But we will not have anything from Verizon until probably at least October, which means one year dead in the water.

ADJOURNMENT

On MOTION of Trustee Swiderski, SECONDED by Trustee Goodman with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 10:10 p.m.