

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**PUBLIC HEARING NO. 1**  
**FEBRUARY 2, 2010**

A Public Hearing was held by the Board of Trustees on Tuesday, February 2, 2010 at 7:40 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Mayor Peter Swiderski., Trustee Bruce Jennings, Trustee Jeremiah Quinlan, Trustee Meg Walker, Trustee Nicola Armacost, Village Manager Francis A. Frobels, Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto.

**CITIZENS:** Two (2).

Mayor Swiderski declared the Board in session for the purpose of conducting a Public Hearing in accordance with the legal notice that appeared in the January 29, 2010 issue of *The Rivertowns Enterprise* to consider the application of Atlantic Richfield Company for a demolition permit for the former Anaconda Wire and Cable Company Site, Building 51.

**Mayor Swiderski:** Building 51 is the brick structure that runs east-west just south of the very large building, 52, that is known as the Sawtooth Building or the Old Industrial Building. Building 51 has always been a part of a number of studies for preservation and inclusion in future plans for the waterfront, including the LWRP. To date, we have deferred on its future by deciding not to include it in the demolition permit that was issued earlier in the year for the other metal-clad structures that completed coming down last week. However, last week, on Monday, we received a report from the fire inspector, backed by the fire chiefs, with some strong recommendations regarding that building. That precipitated a series of very quick actions because the primary recommendation was that the building should be brought down because it was unsafe.

The demolition underway on the waterfront at that time was coming to a conclusion. Once demobilization begins, and the site is emptied of equipment and debris, the work site is at that point is officially closed. To remobilize and start a new effort to demolish a building is a much bigger deal than including it in the current effort underway. Given the budgetary cycles at ARCO, that could be potentially nine months or a year. So given what I perceived as a risk, I accelerated the process of informing the public about the document, and this hearing, and here we are today.

In terms of a history of opinions on the status of that building, we have to date a total of four different documents that have been produced for the Village. One was a document produced by 2006 that reviewed the state of the building. It offered, among other things, an estimate of \$2 to \$3 million for a rehab of that building, and went into some detail about its shape, including the collapsed roof, etc. That was received in 2006, and noted. Then we requested,

in January, that our own engineering firm do its analysis of the building and, in most respects, arrived at conclusions quite similar to ARCO's. Then we had the aforementioned fire department report, which came out on Monday. That was followed by a memo from the Building Inspector which essentially seconded the fire inspector's opinion about the building.

So here we are with an important decision about the future of the waterfront, a decision about architecture and funding and liability. I would like to ask the fire department to describe what they stated in its report. Then I will have our own engineer speak about his own findings. I have asked both of them to keep those briefings short because this is a public hearing. Then the floor will be opened to everybody else.

**Fire Chief Gagliardi:** As chief of the Hastings-on-Hudson Volunteer Fire Department I am requesting that the Village Board seriously consider the demolition of Building 51 on the ARCO property. The sworn duty of the office of chief of the fire department is to ensure the safety of the public of this community and, certainly, my most important responsibility is the safety of the members of the Hastings Fire Department and the surrounding fire departments.

On January 25 of this year I distributed an official fire department notice notifying all fire department members that due to the unstable condition of Building 51 no firefighter is to enter the building or perform any duties on the roof of this building unless authorized by the fire department incident commander. The other chiefs of the department and I will continue this policy until the building is demolished or completely brought up to current codes. Fire Inspector, James Drumm, has a more detailed report on the building.

**Fire Inspector Drumm:** We started this project October 29. I was instructed by the Village Manager, as well as the Building Inspector, to inspect the property once a week while the demolition project was in effect. So every week we went down there and inspected the property. I noticed that Building 51 was in a deteriorating condition. I must confess that I thought Building 51 was one of those buildings that was scheduled to be demolished. I found out later, on my second or third inspection, that it was not. I was quite surprised because I did notice that the building was structurally inferior. But I figured maybe somebody else is doing something about this because it looked to me as if the problem was so obvious that other agencies, other factors, would be involved in suggesting that the building be demolished. As my inspection period went on I found out that that was not the case, or I did not realize that anybody else was serious about focusing on the structural integrity of this building. So on my eleventh inspection, which was January 11, I decided we would focus our inspection activities and efforts on Building 51. Steve Pecylak, the assistant chief, was with me on that inspection, and we found very serious problems regarding the structural integrity of the building during that inspection. This resulted in the publication of the report regarding that building and the structural integrity of that building.

The standards that Steve and I used when we focused our inspection on this building were standards we call size-up standards. Size-up procedures are used when you come upon a fire scene and the chief or incident commander, during his size-up operations, has to check the integrity of the building that is the site of the fire and also buildings that are in proximity. He does this to make sure there is structural integrity in case there is a collapsing. He wants to make sure that in case of a collapse firefighting personnel are not involved in that collapsing.

I might also add that I am a certified code enforcement official, State of New York. As a code enforcement official for the state, my responsibility is to enforce the New York State Uniform Fire Prevention and Building Code. The New York State Fire Prevention and Building Code, specifically Part 1225 which is the fire code and Part 1226 which is the property maintenance code, requires code enforcement officials, if they observe a hazard, to report that hazard and act upon the report of that hazard.

Those are two reasons this report was produced. Number one, it was produced based upon structural integrity investigations that every fire chief does. And number two, because it is my job as a code enforcement official of New York State. I have been a chief officer with this department since 1981, acting as assistant chief, department chief, and deputy chief, and have been a New York State code official since 1995. As a code official, I have to take various training courses. Most of those courses I have to take 24 hours of in-service courses every year. I would say 40 percent of those courses are involved in building construction. I have also been a member of the Zoning Board of Appeals, and a member of the Planning Board in my experience with this community.

**Mayor Swiderski:** I would like to ask that our engineering consultant, Mr. Brownell, summarize his findings.

**Richard Brownell, Vice-President, Malcolm Pirnie Engineers:** Malcolm Pirnie Engineers is in White Plains. We were asked to take a look at the building. We found that, in our opinion, the eastern part of the building and the extreme western wall, the end wall, are unstable. We also looked at what the remediation plans currently are for that area. The New York State Department of Environmental Conservation wants to excavate under about 35 or 40 percent of the building, which would be another issue relative to its stability, if not requiring it to be brought down, that portion of it. We considered where the building was relative to the current building code, and find that it is not designed for seismic forces or current wind forces. To bring it up to code in those areas would involve some significant costs.

**Mayor Swiderski:** Mr. Brownell, just one clarifying question. Your study lacked a cost analysis, which we did not request. But the study out of ARCO in 2006 offered an estimate of \$2 million to \$3 million for basic structural work in bringing the building up to code. What is your professional opinion about the range of numbers applied to remediation there?

**Mr. Brownell:** To bring the building up is going to be a significant cost. It will be somewhere, I would estimate, in that range; perhaps a little bit towards the lower end, particularly if 40 percent of the building is brought down for remediation purposes for the PCBs that are under the building.

**Mayor Swiderski:** The floor is now open for public comment. What that means is that people approach the microphone, identify themselves with name and address, and try, at least in the first round, to keep your comments to three to five minutes.

**Bill Logan, 532 Broadway:** I am a registered architect and a principal with Israel Berger & Associates in New York. We are building envelope consultants, and have been around for about 25 years. I personally have inspected. We do a lot of building envelope work, including large commercial curtain wall buildings and high-rise office towers; we also do a lot of the code-required periodic inspection of masonry structures and other buildings in the city. We have been doing this for a long time. We file our reports with the City of New York. If we detect a hazard we are required to state that in our reports, and if there is remediation work necessary that is part of the report. Sometimes that results in sidewalk bridges being put up to protect the public. I had occasion to talk to Trustee Walker last week, and she alerted me to the fact of the report by the fire department and asked me if I could take a look at it and take a quick tour of the site. I did that, in the sense of my normal responsibilities as an architect reviewing masonry structures for technical assessment. I spent about an hour and a half on the site, walked around on the inside and outside of the building. I took notes and wrote a report dated January 29 which I forwarded to Trustee Walker

**Mayor Swiderski:** Your report will be in the public record, as well as anything written to us pro or con.

**Mr. Logan:** So I will not go through the whole report, but summarize it quickly. Looking at it from the point of view of masonry structures, I agree with many of the conclusions of the Fire Inspector's report in terms of there being some unsafe conditions and some localized damage and hazardous conditions at the perimeter. But looking at the overall structure and the masonry role in that, the first conclusion is that if you sight along the north and south walls of this building, looking east-west, there is no distortion on those walls. I do not see any indication of structural instability. I see arches that have missing bricks, parapets that

have weathering cracks. I see occasional, mostly on the western end of the building, I believe the part that is due to be demolished, some expansion cracks next to the steel, and I see a bulge on the east end of the structure, the masonry structure, which would require stabilization.

However, I see no evidence of the overall structure being imminently ready to collapse, as is stated in the fire report. I do not think that conclusion is supported by the evidence on-site so I would like to make that point. In terms of the value of the structure, also a little discrepancy in the report. The report states that the span is 50 feet. The spanner is closer to 80 or 85 feet, so this is a long-span structure which could potentially have some future value to the Village. The replacement cost of that structure, if you were to try to build, let us say, roughly the two-thirds that may remain intact under the present scenario, it is about 16,000 square feet. If you figured \$50 a square foot, which is a very minimal number to replace that building, that is \$8 million right there of replacement costs. And it could be twice that. So if there is some sentiment in the Village that this has a role in future planning, and if it were to attempt to replace the structure, it has a value to it.

**Mayor Swiderski:** Could you do those numbers again? My math was off by a zero.

**Mr. Logan:** The report quotes that the building is 50 feet by 300 feet. I measured the width of it as being 85 feet. Let us say we keep 200 feet of that, 200 times 80 I come up with 16,000 square feet.

**Mayor Swiderski:** That is not the math I was worried about.

**Mr. Logan:** Let us say we multiplied it by \$100 a square foot. That is \$16 million.

**Mayor Swiderski:** No, it is not. You are off by a zero.

**Mr. Logan:** OK, \$1.6 million My mistake. That is the order of magnitude of what it would be worth, assuming \$100 a square foot. That is only one factor. I noticed the building is referenced in a national register of historic places report; the masonry on the eastern end. Obviously, there are some safety issues with that, but the normal thing to do with those is to put up sidewalk bridges. I understand the site is not open to the public. I was inside the building. There are, obviously, hazards from the roof collapsing, but I am not sure since the building is not open to the public if that has the same relevance. In terms of the 45-foot perimeter required at the edge of the building, that would assume a catastrophic collapsing. This structure has a lot of redundancy. There are trusses every 15 feet on center. Most of the piers on the eastern two-thirds of the building are not cracked on the outside. The brick masonry I believe is there to protect it against weathering, number one. The steel internal

columns protect them against weathering and protect them against fire; the lower part of the truss is about 24 feet above grade. The trusses have knee braces so it is an independent structure basically that would stand up without the participation of the brick. I think the brick does contribute to the east-west stability of the structure along the long axis. But in terms of overall collapsing, I think that is a highly improbable event and I do not see that as imminent based on my observations.

**Jim Metzger, 427 Warburton Avenue:** I also had an opportunity to tour the building last Friday with Trustee Walker and several members of the community. I will not talk to the technical aspects of the building because that is not my area of expertise. But interestingly, we had several of the buildings on the site demolished. We are seeing a side of Building 51 that nobody in this room has ever seen before. It is really an extraordinary building. The quality of light in the building, even with the arched windows being blocked up, was significantly beautiful. You will see that soon in some of the photographs we have taken. Should the Trustees decide that this permit should be granted, and this building comes down, we should look at this as a cautionary tale and look to preserve Building 52 in whatever manner is possible.

The reason this building has gotten to this point is because of neglect. Three or four years ago we had an opportunity possibly to do some preservation. If you know how buildings decay, it is an accelerating process as the building starts to go. So if we had done something four years ago we might not have seen some of the issues we are seeing now. It would be nice to not make this mistake with Building 52, if this is the case, and four or five years from now say we waited too long.

If there is any way we could save this building, and according to my numbers it would be \$1.6 million, so that is close to the \$2 million that they were talking about to preserve the building. It is a space that would be very difficult to recreate because very few people look to build clear span spaces of that size. It is exhilarating to walk inside that building. It would be nice if everybody could do that before this decision is made.

**Abba Tor:** I am a registered structural engineer, with many years of experience. Now I am retired. I was involved also in reviewing existing buildings in various states and conditions, writing reports about them. I would like to underscore and add my voice to Bill Logan's comments, which I do not want to repeat. However, there is one thing that he did not mention: that the masonry walls are not load bearing. They are infill walls. Therefore, they are not integral to the structural stability of the structure as a whole, as far as the steel structure is concerned. They would have to be taken out, definitely. Things might happen to them even though it does not seem that that would happen in the near future because there is no record of those cracks widening or narrowing or changing. Something happened, and

cracks occurred. It looks fairly stable. However, nobody can guarantee that tomorrow even a mild earthquake or some very high wind will not affect it, or freezing and thawing expand the cracks. So the walls would definitely have to be taken out.

However, the steel structure may be kept intact. The decision should really be made in reverse. Rather than making the decision based on the current condition of the building, the value of the building in the future, is it worthwhile to preserve this building? Does it have historic value, can it be landmarked? If the Board thinks there is enough reason to maintain this building, based on the light and its general value, then one has to look into the way of preserving it. And the way to preserve it is to get rid of the walls, brace the steel column so it will not move, and check connections up above in the trusses. Maybe some of the connections need replacement or strengthening. Then you can decide how to treat the envelope, rather than start from the premise of it is unsafe tomorrow, get rid of it.

**Trustee Armacost:** Mr. Tor, could you maybe tell us how much you think it would cost to get the building ...

**Mr. Tor:** This I could not because I did not spend that much time with the project and I would not like to throw numbers out.

**Trustee Walker:** If our external wall specialist thinks the walls can survive, can we, in fact, do any additional bracing to the structure, keeping the exterior walls intact, in your opinion?

**Mr. Tor:** I have my doubts about that simply because the connection of the bracing to the columns would be very problematic.

**Trustee Walker:** But if you could take the brick away from where the columns are, and the columns are enclosed in brick pilasters, would that be sufficient? You reveal the steel, make the connections to the columns, keeping the walls between intact. A lot of the historic value of the building is intrinsic not only in the structure, but the brick and the beauty.

**Mr. Tor:** I suppose you can use this brick after the strengthening, and put it back on. That probably would be easier.

**Trustee Jennings:** Is preserving the steel framework structure, as you envision, doable in terms of just two-thirds of the building? I understand that we are thinking about demolition of one-third.

**Mr. Tor:** Yes, that would be doable. When you knock off one-third of the building, I think it is the western part, you still have that significant length, and it cannot just go along and collapse in that direction because you are going to cross-brace between the columns.

**Stuart Cadenhead, 5 Valley Place:** I want to thank the Board for letting me take a few minutes to talk about Building 51. I also would like to thank the fire chiefs for your report. I am speaking tonight not as an architect or an engineer, but simply as a long-time admirer of these buildings. I appreciate the opportunity to be able to speak for a few minutes on their behalf, as we appear to be in the ninth inning of the game. I will start with a question. Is Building 51 really worth saving?

Well, in 2007 the New York State Office of Historic Preservation decided that it was. It was listed on the National Register of Historic Places, along with Building 52 and the water tower. This designation enables the owner of the building to apply for tax breaks and grants should he or she choose to do so. The report cited the building's contribution to local history, as well as several notable architectural and artistic features; among them the broad steel trusses, the rooftop monitors, the corbel brickwork which was spoken of earlier, the large window openings which have been filled in with concrete block it seems from time immemorial and, of course, the vast, column-free interior spaces, which are so unusual.

This is a picture of Building 51 taken in 2006. And here is Building 51 as it appeared at age 7 in 1918. Building 51 was built in 1911. So if we decide tonight not to tear it down, we can all celebrate its 100<sup>th</sup> anniversary next year.

These buildings at one time were fairly common in the Hudson River Valley. They are becoming increasingly rare. This is a book that some of you may be familiar with. It's called *Hudson Valley Ruins*. The authors, Tom Rinaldi and Rob Yasinsac, are here tonight. The cover photo is a building that used to be on the Hastings waterfront and is no more. The question for us is, will we honor the two buildings that remain, or will we allow them to disappear? What would a restored Building 51 look like? I am glad you asked. Here is a picture of Building 52 taken just last week. I have heard it said recently that these buildings lack artistic merit and architectural value. I want everybody to just clear your mental palate for a moment. We are going to remove the bricks from the windows and do some landscaping, and sit with this image for a moment. This is what we could have on the waterfront. This is not a radical transformation of the building. It is simply allowing it to express itself as it was originally intended when it was constructed. These buildings were designed to harness natural light to use as little electric light as possible. They are anything but opaque. They were designed to be as porous and open as was structurally possible.



This is the space between Buildings 51 and 52. An important aspect of the determination of eligibility for the National Register was the way these two buildings exist with each other, the sense of historic place that they create when you stand in between these two buildings. So let us take the bricks out of these windows, put down some cobblestones, and what do you know? It is the Hastings Farmers' Market, plenty of parking for everyone. And free balloon rides.

Of course, there are many examples of these kinds of projects done around the country and around the world. This is a project that was done in a building which is very similar to Building 51. This is the Vancouver Roundhouse Community Arts and Recreation Center in Vancouver, Canada. There are more local examples that we are all familiar with: the Irvington waterfront, the Dia:Beacon Museum, and the Yonkers YoHo Lofts on Nepperhan Avenue. Of course, these places have different conditions than we have here in Hastings.

So that raises the question, can we save Building 51 and still clean up the waterfront? We believe the answer is yes. The reason is that Building 51, as has been discussed tonight, is actually two buildings. The eastern half of the building was constructed first, and the western half was constructed later. This is significant because all of the soil contamination that has been found is located under the western half of Building 51. The Waterfront Preservation Committee has never proposed anything except preserving the eastern half of Building 51. We have never considered it feasible to preserve the whole building.

Is Building 51 safe? That is the million-dollar question and what brings us all here this evening. Clearly, the fire chiefs have noted some significant problems that cannot be denied. The roof in the eastern half of Building 51 is made of wood. The wood has been there for 100 years. It is not surprising that it is collapsing in several areas. That wood will have to be removed under any scenario. They also noted significant loosening of the brick in multiple locations. However, it should be noted that most, if not all, of this deteriorating brickwork is in the western half of the building, which is going to come down anyway.

I would like to second one thing that Inspector Drumm said earlier. There has not been sufficient attention to doing a detailed engineering study of this building to date. And last week, for the first time, several local architects and engineers, some of whom you have heard from tonight, were able to take a walk around the building. I am neither an architect nor an engineer, but I do want to make a couple observations from a layman's perspective. The floor in this building, the monolithic concrete slab which is 100 years old, does not appear to have a single hairline crack in it. If you have ever been shopping in the Palisades Mall you will know what an extraordinary statement that is. This building has stood for 100 years and there does not appear to be a single crack in this floor.

The other important point that I would like to bring up was mentioned in the fire chief's report of significant corrosion in the steel-bearing columns; we looked at the building with a particular eye towards observing this phenomenon. At least in the eastern half of the building there were no steel columns exposed. They are all encased in brick. So I would humbly suggest that that is a question that needs to be looked at very carefully before we make a decision.

As I said, I would like to second what Fire Inspector Drumm was suggesting earlier. We had not had a comprehensive engineering study of Building 51, and it is something that the Waterfront Preservation Committee has been urging that we do for several years. The reason is quite simple. It will answer all these questions. It will settle the matter once and for all. If an independent engineer looks at the building and says it is unsafe we will stand down at that point and the demolition will take place. If an independent engineer looks at the building and says it is safe, then we will know to look at the next steps, whatever they may be. But this is something that needs to be done. If it were determined that the building was safe and we had to take minimal steps to preserve it during the remediation process, there are temporary stabilization or mothballing methods that can be used like throwing a tarp over the building, cross-stabilization, sidewalk shed, et cetera.

We believe that we need to keep our options open. We need to follow the recommendations of the LWRP and Comprehensive Plan Committee. Major changes like this are easily made, but they cannot be easily undone. We need to ask the right questions: have we done our due diligence? What more would it take for us to be sure? How is the cleanup schedule affected? When is remediation under Building 51 scheduled to begin?

And these following two recommendations. Number one, a fully-funded comprehensive engineering study to determine the structural viability of Building 51. If we had authorization to perform such a study, it could be done within six weeks. Boom, this question is answered and we can move on. We have been asking for that for a long time and it has not happened. So this is what we are prepared to offer tonight. We are requesting a one-year stay of execution for the building. In this time, we will seek to find funding to do a comprehensive engineering study. We will also seek to find funding to do temporary stabilization of the building through the remediation process. If after one year we have failed to achieve these two objectives, let the bulldozers roll.

**Trustee Armacost:** You said that the building is already listed in the registry. Is it listed? The documents I have suggest that it is eligible to be listed.

**Mr. Cadenhead:** It is eligible to be listed, yes. It was determined eligible by the New York State Office of Historic Preservation. It is the first step towards getting it listed. To actually be listed the owner would have to agree to have it listed.

**Mayor Swiderski:** Thank you. That was as coherent and well-formed a case as I have seen.

**Robert Kornfeld, 47 Summit Drive:** I am an architect and a member of the Architectural Review Board and the Waterfront Preservation Committee, and also a senior associate with Thornton Tomasetti. I had the opportunity last week to tour Building 51 on two occasions, both with Bill and with Abba. I spent more than 20 years investigating and repairing masonry walls. I prepare condition surveys and reuse feasibility studies for many buildings, including about 20 buildings at the former Yale & Town Lock factory in Stamford, Connecticut, which were comparable to Anaconda.

Pretty much all of them were in worse shape than Building 51. Most of them were demolished, but several are being rehabilitated and really have a very good prospect of success. I have performed building assessments of heavily damaged buildings such as the ones adjacent to the World Trade Center, including Deutsche Bank, 90 West Street, the American Express Tower, Winter Garden, and others, prepared immediate stabilization and repair requirements, and followed up with permanent restoration of several of the buildings. I have performed Local Law 11 examinations, such as Bill mentioned, of many buildings in the city, including high-rise buildings and some major masonry such as the Con Edison generating stations at 59<sup>th</sup> Street and East 74<sup>th</sup> Street. When you look at that number of buildings all the time, large-scale masonry buildings, and see the types of problems they have, the problems of this building do not seem that radical. When you walk through the streets of Manhattan, there is stuff going on over your head that is scarier than this building almost every step you take. I am not trying to alarm people who commute.

Regarding Building 51, it is a steel-frame building with brick infill walls. The steel frame was evaluated by visual observation only. The frame appears to be in good condition. There is surface corrosion throughout, but I did not observe buildups of corrosion that would suggest the section of the steel was reduced in a way that would reduce its capacity. When steel corrodes, it expands to seven to ten times its size. So steel can produce a sizeable amount of corrosion product without really much section loss. I did see a buildup a buildup of corrosion in any of the members. The roof trusses appeared level, and I did not observe any deflection or deformation or signs of distress. With binoculars, I did not see any buildups of corrosion on the truss cords or the connections.

The steel columns that are typically encased in the brick piers are not visible, but there is no indication that there is corrosion damage to the steel columns. The walls are plumb, and I

did not observe any indications of distress in the structural sense. The brick masonry infill walls are generally in good condition and plumb, with no indication of structural movements. There are a number of conditions typical of walls of their age, particularly considering they have not been maintained for 30 years or more. The overall character of the walls is that there are open mortar joints due to weathering. There are a number of routine step cracks and other conditions that are due to weathering and freeze-thaw.

There are similar cracks I observed that had been repaired probably 30 or 40 years ago with mortar and have not moved since. If the current cracks were repaired I would not expect them to continue moving and opening. I did not see cracks where the brick on both sides of the crack had moved suggesting it either moved this way or moved this way. It seemed like routine cracks that you maintain in buildings. Some of the cracks result from volume changes. It is a very long structure. It was built in an era when control joints and expansion joints were not typically used. These cracks appeared in front of the columns typically, and centered on the column where a control joint would be located today. Sometimes buildings make their own control joints, and then can rout them out and seal them and it is not a sign of instability. There also could be corrosion expansion of the outside face of the column, which is a typical condition in buildings of this type and not really a sign of structural failure, just something that requires maintenance. There are local conditions of loose brick, such as Bill mentioned, in the northwest corner of the building and several of the relieving arches. The parapet wall did not look so good on the west end of the building. But these could be addressed with a small amount of repair work or with temporary stabilization measures.

Of course, most of the conditions are on the western part of the building, which is not intended to be preserved in any scenario. At this point, the current campaign of demolition work for the surrounding buildings is complete as far as I can see, and the vibration from the vehicles and the demolition did not cause any additional failures in the Building 51 masonry. So it seems like it is entering a period of more stability rather than less.

The roofing of the side roofs is decayed extensively due to failed roof membrane and, in particular, large areas where the roof membrane has been removed for a number of years, exposing the wood decking. The wood deck has failed in these areas, creating a fall hazard for the interior of the structure. I am certainly sympathetic with the fire department's concern about safety. I would assume if there was a fire in that building, and there are not contents or occupants, there is nothing to burn. But you certainly would not want people entering the building in any case. It is not a safe building. I wish the code could have been enforced more in these buildings over the past decades. Nonetheless, this should not be interpreted as a structural failure or collapsing, as it is the roof decking and not the structure of the roof or the walls that is collapsing it. If the building were preserved, the side roofs would have to be replaced anyway 100 percent. So it is not a meaningful loss if the building were preserved. I

would recommend retaining an engineer to study the building and develop a scope of work to mothball the building safely for a minimum cost. It can be determined. Funds can be raised privately to perform the work.

In summary, the building is not on the verge of collapsing but has serious issues. Ultimately it is a cultural decision, including the economic life of the building and the site. To me, it is a cultural artifact that is worth saving, or at least worth serious consideration. I think there is not really a choice between demolition and spending \$3 million. It is hard to get someone interested in developing a building when they have no idea when they will have access to it. No one wants to open a store 10 years from now. It would be a prudent approach to see if funding can be raised to mothball the building and stabilize it to make it safe, and then see what that would take. It is not going to be 100 percent of what it would cost to restore it.

**Danielle. Goodman, 28 Ashley Road:** I was, as a citizen, one of the people that advocated strongly for the formation of the Waterfront Preservation Committee. They have done an incredible job under adverse conditions. I attended some of their meetings, and I do not know how they got their work done because citizens arrived who were against what they were doing. Stuart and Douglas and the other members were always polite and always accommodating, and they always took the time to explain the what's and the whys.

I in no way mean any disrespect towards the fire department. They are our local heroes. They are our armed forces, and they are on the front lines always. I heard Stuart ask for a comprehensive engineering study regarding the structure so I never leave home without a copy of my consent decree. I am wondering if, on Page 13, 5.10, "Assessment of Potential of Preserving Certain Site Structures," there is not an obligation for ARCO to do a study. If there has been a change in conditions, and I am hearing now for the first time about wind and seismic forces, I have a few questions. One, if there has been a change of condition and a change in the building, then cannot we trigger funding towards a study by ARCO? That is number one, Page 13 on the consent decree.

Number two, because the buildings are married in form and function, I am wondering what is the effect of the takedown of 51 if you choose to do so. Is there a plan to protect 52 so that in a month we are not back here in the same position? If there is not a plan to protect 52 in the demolition plan, is there a better way to do the takedown to protect 52? I noticed on the platform, and it was visible on the pictures, the two buildings are tethered with a steel beam. I am not sure why or what that means, but if you decide that demolition is appropriate I am wondering about the effects of the takedown of the one building on the other, the last one that we would seek to preserve.

Number three, Building 51 serves as a cap over the pollution. So what is the plan to protect our health as we stand on the train platform and anybody who is in the area? Number four, I have asked these questions when the metal buildings came down so I just was able to get out my notes. From issue to issue, it stays current. What are the tax consequences? Does ARCO have any intent to seek a reduction of taxes because now those properties are not income-generating. We saw on the south end, with Uhlich Paint, there was a tax proceeding and we are probably still paying them back, or, as of last year, we owed them money.

It is a lament on my part that we did not foresee the threat to the buildings. It has been 20 years since these sites were found to be Class II hazardous sites. Class II means there is a significant threat to public health. When the DEC was here, they admitted that the site is leaching. So it is like a dog chasing its tail. Twenty percent of our tax base is in the waterfront. It is still off-line. I am hoping that buildings coming down means something is going to happen. Forgive me for being cynical, but as I have been a citizen here I have watched from south to north destructions of buildings. Every time the heat gets a little bit on ARCO they take down a few buildings. The procession goes right up to the buildings that we are looking to preserve.

I know you have a difficult decision to make, but I hope that you try to get answers to some of these questions because I think they are relevant. When 51 comes down, what about the wind and the seismic forces to 52? These two buildings are a unit, as were the metal buildings. Now we are finding out it was all interconnected in some way so they have existed in their own ecosystem. I hope we can find a way to keep the health and safety of our fire forces and police forces at the forefront while protecting the building. Please try to find a way.

**John Gonder, 153 James Street:** I have listened to all these architects. They have a lot of reasons for saving the buildings, and I have a few reasons for taking them down. I worked in a lot of those buildings over 18 and a half years. It is a time that Anaconda is gone, and those buildings should be gone, 51 and 52. Atlantic Richfield is just asking for a demolition permit. Who is going to pay for all these engineering things? The architects here, or Atlantic Richfield, or the Board or the Village? I can see a lot of problems, delays, delays, delays. Twenty years, I will probably be dead before it is cleaned up. But I hope maybe I will see something down there. Atlantic Richfield: BP-British Petroleum owns Atlantic Richfield. They have a request for the Board to knock something down. It will save them some money because they have that heavy equipment there. I believe in the fire department, all of these volunteers and the inspector. That building should come down. I understand the architects. They want business. Sure, we can shoot to the moon, we can go to Mars, we can do anything. It costs money. Who is going to pay for it? Taxpayers, the architects? We

have to do something today. I hope you do not delay this. Get that one building down, and then I hope you take the sawtooth down.

**Tom Rinaldi, 315 8<sup>th</sup> Avenue, New York:** I am here tonight partly because I am the co-author of *Hudson Valley Ruins* with Rob Yasinsac, the cover of which featured one of the buildings from the waterfront in Hastings that is not around anymore. I grew up in upstate New York in Poughkeepsie, Dutchess County, and have for the last 10 years not worked as a licensed architect or a registered architect, but worked in architecture in both the private sector in Washington, D.C. and then, since then, for the New York State Office of Parks, Recreation, and Historic Preservation as a project manager in construction administration tasks, and also for the Central Park Conservancy in New York. Now I work with Kornfeldt at Thornton Tomasetti, pursuing also a masters in science and historic preservation in the graduate school of architecture at Columbia University.

I want to add my thoughts to what so many people have said here tonight in support of thinking more critically about how it is possible to keep Building 51. It would be great to keep Building 51 and Building 52. You see so many places, you travel around this world. You do not have to travel far. You can go to Irvington. But you could go to places like London, you could go to Buenos Aires, you could go to all kinds of waterfront communities in this world and see fantastic old historic buildings that have been adaptively reused in a way that generates money for reinventing and reinvigorating waterfronts that have fallen on hard times. If you look just around here in the Hudson Valley you see some of these. Cities like Beacon and Kingston around Poughkeepsie, cities that have been hard up for quite a long time now and have started to turn around, were starting to turn around right up until the recession that started in the last couple of years. The areas where economic vitality was really starting to manifest itself, and these communities were really starting to reinvent themselves were those areas that had not been clear-cut during urban renewal, that had not been wiped away, where there was the appeal of history, of heritage.

One of the reasons I do not live in Washington anymore and I live in New York City is because I wanted to be close to the Hudson Valley, to this place that I grew up. A great place to grow up, great place to live. One of the reasons it is a great place to live is because of the heritage and the historic buildings we have. The City of New York has recognized that tourism is now the number one industry, the number one moneymaking business here, especially in the Hudson Valley. That has a lot to do with the heritage we have, the heritage that you could see and touch and experience in the historic buildings we have. If there is any way you can keep a building like Building 52 on the waterfront in Hastings, it would be great. In the long term it would make money for the Village. It would help to stimulate interest in a successful revitalization of the waterfront here. That is why I came up from the city tonight to add my two cents to what the others have said.

**Rob Yasinsac, Westchester County:** I am the co-author, with Tom Rinaldi, of this book, *Hudson Valley Ruins*. I am a lifelong resident of Westchester County. I grew up in Tarrytown, went to schools in Irvington, and for the last 15 years Tom and I have been traveling up and down the Hudson River visiting just about every town and every river landing, and witnessing all the changes. In many cases it has been unfortunate, as we see with the cover shot. The building is no longer here anymore. We are seeing many of the same stories up and down the river, often indifference to callous disregard for our past and not preserving it for our future. But there are some bright spots, as we have heard. Beacon has preserved an old docks factory which is now Dia:Beacon, an art gallery. Irvington has the old Burnham Boiler and Greenhouse Factory, which is now offices and commercial space. Even places that had been neglected for well over 30 years, like Kingston's old city hall, a huge, massive masonry building, have been brought back to life because city leaders have realized that to invest in the future means protecting the past and investing in what is there already.

These kinds of success stories have happened all around the countries I have been traveling around. Last April I went to Birmingham, Alabama, a city that is not the least bit shy about its industrial past. They have preserved the great old Sloss furnaces, where there are now theatrical performances inside spaces not too dissimilar to the buildings here in Hastings. So it is definitely an investment worth making to protect these buildings for the future. It will generate interest in the waterfront. These buildings are unique assets that can be protected. Hastings would be better off being recognized as one of the few places that protects its architectural heritage, rather than joining the large list of places that have town down all their buildings. That is the message we wanted to carry on and, hopefully, that message gets passed out and some of these buildings do get preserved out there.

**Steven Siebert, 113 Hamilton:** I am not an architect or an engineer. In fact, my graduate training is in philosophy, which is completely irrelevant to the discussion tonight. But I want to speak to the process. It seems to me we are faced with making a decision about something that has lasted 100 years and could last another 100 years or longer. We are being asked to make a decision based on some very last-minute information. If you weigh the risk of making the wrong decision versus the risk of waiting that the preponderance of good public policy is to wait and give people the time to try to preserve these buildings to such a point in time when the Comprehensive Plan Committee or the LWRP, the people who have thinking about these buildings in the context of a future for Hastings, be given the chance to have something to work with at that time.

About two months ago four fire people were in our house at one in the morning because my wife smelled smoke. Very competent, very generous of spirit. Many of them got out of bed.



I do not want to denigrate their contributions to this debate. But as the Chief said, the decisions about the evaluation of the building were based on size-up procedures, what you use when you are fighting a fire. It seems to me that the decisions about the structural integrity of the buildings need to be made in a more relaxed and time-sensitive manner, not something that has to be decided right now. We are being asked to make a decision about the future of our Village, how we are understood in terms of our valuing of the past, our hopes for the future, what kinds of public spaces we want, and how we want to honor the tradition, our history, and our future in a very short period of time, when it is completely unnecessary to do so.

It is true that ARCO has additional cost by bringing back the equipment. I know that ARCO, because of the merger or acquisition of Anaconda, have incurred significant expenses. They had to pay about \$187 million in a Superfund cleanup in Montana. They are paying a lot of money here to clean something up. Their hopes for the Anaconda acquisition basically evaporated when the notion of extracting oil from shale did not lead anywhere. So they have ended up with significant costs for something that they did not cause. I do not wish to bring any additional expense on them. But if you weigh the added benefits they have, the amount of money they will save by being able to do the demolition now as opposed to waiting until this can be decided in a reassessed manner when all the people have a stake in this, including the people who have been working on the Comprehensive Plan, the LWRP, the other people in the Village who have dreams for our Village based on how these buildings might be reused, it seems to me that it is prudent and good public policy, good social policy, good cultural policy to make decisions that have such import on a more reasoned basis.

**Bob Zahn, 24 Crosbar Road:** It has already been stated that the western end of Building 51 has PCBs under it and would need to be excavated and capped. One of the major decisions about the structures of the buildings has to be considered after a report comes in from the New York State Department of Environmental Conservation, because what is under the buildings is really what is important. I am not saying the buildings themselves are not, but it is going to determine how the buildings, or the area, is going to need to be remediated. I wanted to mention that, not thinking structurally but of the land itself.

**Elisa Zazzara, 68 Southside Avenue:** Thank you, Steve. That was very lucid, and I wholeheartedly back that up. I am not an architect, do not know about the PCBs. But it seems to me that a building, after this extensive kind of investigation of it, is found to be stable, what is more sustainable than keeping a building that is already structurally viable? The opposite, tearing it down and building a new building, goes against everything that sustainability speaks to. The Village, as we have heard from residents as well as from you all up there, we want to move to Hastings being the sustainable Village. If it is structurally viable, then let us keep it.

**Jeff Alterman, 156 Villard Avenue:** I have been in the former Alexander Carpet Mills, and there are numerous businesses there. I think it is possible to have a similar thing in Buildings 51 and 52, providing that the buildings are cleaned up first.

**Steve Pecylak, 17 Jordan Road:** I would like to speak to the audience as opposed to the Board, if you do not mind. I am a lifelong resident of Hastings. Forty-seven years I have lived here. I remember Anaconda when it was a fully functional site, where the staff there was going three shifts, 24 hours a day. In 1979, when pretty much the last employees left, studies were conducted. In the '80s studies were conducted. In the '90s studies were conducted. Today, I read through three reports, engineers' reports and studies, and I notice another one dating back to 2006. The opportunity has come many times to take action on these buildings and to come up with funding for this. This building is deteriorating. The east wall, which we are making reference to, every engineer's report here states the brick is crumbling. That east wall is crumbling. If large enough chunks fall off and shatter, and they affect the commuters, even if somebody loses an eye, God forbid, or something worse than that, who is responsible, who is liable.

ARCO wants these buildings down. They are requesting a building permit. Do you think they are going to sit and invest millions to try to save these buildings? I do not think so. You have not heard from them in I do not know how many months. Well, I do not want to say you have not heard from them, but you have not seen much action on the issues that the preservation committee has requested.

I think it is time that building 51 comes down. The preservation committee should be focusing on building 52. That building is deteriorating. It is deteriorating as rapidly as 51, and you are going to have these problems two or three years down the road. I have seen buildings in Maryland, there is a powerhouse building, an old converted power beautiful building. Can it be done? Yes, it can be done. Anything can be done with the right amount of money. I have seen this community change. I can safely say, looking around the room, that there are not many other residents in this room that have been here in this community as long as I have. I strongly recommend, due to the safety reasons, that Building 51 gets demolished.

**Fred Yaeger, Community Relations Consultant, ARCO:** We have been working very closely over the years with the Village on issues regarding building preservation as well as building demolition, and we continue to do so. We want to be guided by you, and whatever decision is made this evening regarding Building 51 we will go along with. We do have demolition experts and crew on-site. It is an opportunity. But whatever decision is made by the Trustees and by the Village, we will go along with. I want to make that perfectly clear.

And we want to continue to work very closely with you to move forward on the remediation efforts.

**Trustee Walker:** Fred, is there a possibility that the Village could work with ARCO to come up with a mothballing plan for the building?

**Mr. Yaeger:** We want to work very closely with you. There are always those kinds of possibilities.

**Trustee Walker:** Whether paid for by ARCO or by a fund-raising campaign on the part of our valiant committee.

**Mr. Yaeger:** We are open to all suggestions. We want to move forward on what is going on. It has been a long delay over the years. We, like you, want to move quickly. But whatever the LWRP decides, whatever the Mayor and the Trustees decide, we will look forward to working with you on it.

**Trustee Jennings:** Could you throw some light on the thinking of several months ago: why was this current phase of demolition undertaken without including Building 51, not even the western portion of Building 51? What was the thinking that had ARCO stop at that point several months ago?

**Mr. Yaeger:** Because the people in the Village and the leadership wanted to preserve Building 52, which we certainly agreed to, to continue to keep it and make it safe given all the remediation that is going on. And there was no real decision to be made regarding the water tower or Building 51. But with the new information regarding the fire department's findings, there are different additional issues. If you want to keep it, it is up to the Village to decide on what you really want to do. We are here. We took down the tent structures and did it very safely. We will continue to do the remediation efforts around Building 52 and, depending upon what is decided about Building 51, we will continue to do the remediation.

**Mr. Siebert:** May I ask you a question?

**Trustee Quinlan:** Peter, are we going to turn this into a trial?

**Mayor Swiderski:** No, it is just one question here and then we wrap it up.

**Mr. Siebert:** At what point will ARCO be in a position to decide what they intend to do with the land? As somebody on the Waterfront Preservation Committee, it has been very difficult to even think about raising money or talking about it because it is not our building.

It is your building. Our vision has always been to interest ARCO in the possibilities of building. BP being interested in green technology, the southern slope in terms of photoelectric cells, there are a lot of possibilities for a company like BP that is shaping its identity around green issues. But it is very difficult for us, as a waterfront preservation committee, or anybody in town to be able to say we want to raise money, here is a building that is worth preserving, when we do not own it. At what point will ARCO's plans for that property become clear are so we can think about proceeding?

**Mr. Yaeger:** The plans for ARCO are to do the remediation efforts to clean it up, to make it safe, and to work with the Village leadership here, who will decide on how it is going to be used in the future. It is our property, but the property will, at some point, be turned over, be sold. The plan for BP or ARCO is not to remain once everything is cleaned up, but to clean it up where it can be used in an effort where the LWRP decides on how it should be used. It is not our decision on how you should use the land. We are going to work with you to decide, and remediate it so you can have it the way you want to have it.

**Dave Skolnik, 47 Hillside Avenue:** I am trying to get a sense of what ultimately the issues are. I have heard there are structural issues, differing points of view on the basic structural questions. Though the question about the east wall and the dangers that that poses seems to stand apart from the more general structural issues. To wit, if you feel that that poses an imminent danger then, clearly, that has to guide a lot of your decision, whether that means the whole building comes down, or it means that there is something there that has to be addressed immediately. That represents one urgency I sense. The other was the availability and the cost, the difference between possibly doing it now and waiting. I was not clear whether that cost is a cost to ARCO or a cost to the Village, and if it is possible to assign some figure to make it more tangible as to what that would be.

**Mayor Swiderski:** It is a public comment period, and not question and answer. But the answer to the first is, if you stick around for Board discussion around the resolution you will, hear the Board's thinking on these issues. And the answer to the second, I do not know what the cost is associated. I did not mean to imply that that was the driver for our decision-making, but rather that the marginal additional cost of bringing down a structure where all the mobilization has taken place is much smaller than wrapping up again, and likely to involve another budget allocation and process which involves, given how corporations work, a nine-month delay. So the issue around the cost to ARCO, which is of a rounding error in their bottom line, is nominal. I do not really care about that. But the point is, it will result in a delay because of the way any company works allocating money for projects of this size and magnitude. There was a concern that we would have to wait another nine months, a year or more with open liability during that period of time.

**William Bogan, 72 Pinecrest Parkway:** I have some experience working with preservation-based marketing, for instance with the city of Charleston, South Carolina and the Spoleto Festival U.S.A. in 1999 and 2000, and have seen the enormous economic benefits that can come to municipalities by effective preservation-based marketing. I am so happy that so many of the players in town have begun to take this in as part of the vision for the waterfront. It seems that that survives.

Since districts have been so effective at marketing beyond the scope of a single building, the more of a district you can keep, maybe ranging from the train station down through a couple of the buildings, including maybe even the water tower, that gives you more to play with. I understand that there are costs and the safety considerations that I cannot speak to. But I do believe that if there is a vision to keep 52, then it probably needs to be an expansive vision. I do not see why that vision could not include also 51.

**Mayor Swiderski:** Any letter or email received, for or against, will be read into the record. There was at least one, including one from Stephen Cuppek today on the subject. We did receive a memo from the Building Inspector earlier yesterday in support of the Fire Inspector's findings. That also will become part of the record.

### **CLOSE OF PUBLIC HEARING**

On MOTION of Trustee Quinlan, SECONDED by Trustee Walker with a voice vote of all in favor, Mayor Swiderski closed the Public Hearing at 9:10 p.m.