

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**PUBLIC HEARING**  
**JUNE 9, 2011**

A Public Hearing was held by the Board of Trustees on Thursday, June 9, 2011 at 7:15 p.m. in the Community Center, 44 Main Street.

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

**ABSENT:** Trustee Jeremiah Quinlan, Trustee Nicola Armacost

**CITIZENS:** Three (3).

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 May 13, 2011 issue of *The Rivertowns Enterprise* to undertake review of the Proposed Comprehensive Plan under the New York State Environmental Quality Review Act

**Mayor Swiderski:** We are going to step through the full Environmental Assessment Form, Part 2, which speaks to the project impacts and their magnitude. Part 1 has been preliminarily filled in by our attorney and two Board members present. I will ask for any comments or additions to it. I would also like to take written comments, as well, in the subsequent week from both Board members present and not present. Is the input on Part 1 also open to the public?

**Village Attorney Stecich:** Yes.

**Mayor Swiderski:** If I were to get you changes by the Friday before the Board meeting, would you have time to incorporate them?

**Village Attorney Stecich:** The Friday for the Tuesday meeting? That is little time.

**Mayor Swiderski:** I want to give the public and Boardmembers a week.

**Village Attorney Stecich:** Maybe so, but I am gone that weekend. I have a summer house, so I do not work on weekends during the summer.

**Mayor Swiderski:** How about if I commit to making those changes myself, and passing them to you?

**Village Attorney Stecich:** If I had them by Thursday, June 16 instead of Friday I could do them on the 16<sup>th</sup>. If anybody has them now it would be helpful. I am not going to be redoing the whole thing on the 16<sup>th</sup>; I can make tweaks then.

**Mayor Swiderski:** All right. Meg?

**Trustee Walker:** Number seven: Is project contiguous to a site listed on the Register of National Natural Landmarks? The Hudson River is a national heritage site, but I do not know if it is a national natural landmark.

**Mayor Swiderski:** And would the Palisades qualify, as well?

**Mayor Swiderski:** We are assuming yes. I am going to imagine the Palisades qualify. We meet in the middle of the river.

**Village Attorney Stecich:** It certainly is substantially contiguous because you are looking right at it.

**Village Clerk Maggiotto:** I can do some research on this.

**Trustee Walker:** The historic one is checked because we do have the Aqueduct and others. Then: Do hunting, fishing, or shell fishing opportunities presently exist in the project area? I would say it is not advisable, but they do exist and we want them to exist in the future. Maybe check yes.

**Mayor Swiderski:** People fish.

**Trustee Walker:** People do fish. And also there is an experimental oyster bed right off of Hastings' shoreline.

Number 12: Are there any unique or unusual land forms on the project site? I was thinking of saying rock outcroppings, steep slopes, because those are some of the things that they are trying to preserve in the Comprehensive Plan.

**Village Attorney Stecich:** Yes, I had yes. I just did not know what things to put on.

**Trustee Walker:** Number 16: Lakes, ponds, wetland areas within or contiguous to project area. I was just going to add, after Hillside Woods, the vernal pond and Sugar Pond in Hillside Woods, not just Hillside Woods by themselves. Hillside Woods is 100 acres, and it does contain ponds and wetlands.

That is all I had for Part 1. There are some other yeses, but a lot of things are not applicable because this is not a specific project.

**Village Attorney Stecich:** Like total water usage.

**Trustee Walker:** Yes, you cannot measure most of this. It is not quantifiable.

**Village Attorney Stecich:** This form is made for everything from building a power plant ...

**Trustee Walker:** To a superhighway to a gigantic Ridge Hill development.

**Swiderski:** All right. So we move to Part 2.

**Trustee Jennings:** I had a question on Part 1. It is a little difficult the way the questionnaire is worded. It keeps referring to the project. When it refers to the area that the project applies to, then that makes more sense. But sometimes we seem to answer as if the project meant the document or the work that went into creating the document, and other times we answer as if the project might be many of the things envisioned as possibilities by the document. I have two specific questions. One is Part B, question three on page five. The big question, number three, has three A-B-C subparts. If you answer not applicable to three, I am not sure you fill in B and C as no's. Should you not leave it blank if you have said not applicable at the beginning?

**Village Attorney Stecich:** Will disturbed areas be reclaimed? That is not applicable. Oh, you know why? Because there was no way to get an N/A in there.

**Trustee Jennings:** If there is nothing about reclamation it is not applicable. Then you do not have to bother with A, B, or C.

**Village Attorney Stecich:** Fine. I will just take it out.

**Trustee Walker:** The N/A is general, for the whole question.

**Trustee Jennings:** On page eight, number 25: Approvals required. I was under the impression that some other level of government had to sign off on this eventually. Is it just us?

**Village Attorney Stecich:** It is just you. You send it to the county. The county may have comments. In fact, the county did indicate that they wanted to comment. But they do not have an approval.

**Trustee Jennings:** How about the state?

**Village Attorney Stecich:** They do not have an approval. You file it with them.

**Trustee Jennings:** But they cannot reject it. All right, fine. That is all I had.

**Mayor Swiderski:** Before starting Part 2, the quandary here is that the Comprehensive Plan is not a project, but rather a set of strategies and objectives, not necessarily explicit mandates to carry out rezonings, but rather a suggestion of areas to look at where it might occur. And then much that has nothing to do with the physical character of the Village, but rather fiscal impacts and an improvement of the environment, if anything, to focus on the parks and on the physical infrastructure of getting to and from school, or use of the transit ways. But it is a collection of ideas, so we are trying to puzzle through how to deal with these various sections in terms of whether there's a negative impact, or not. It is a process of stepping through and trying to figure that out. It is not easy.

**Jim Metzger:** A quick question on zoning and planning information, does the proposed action involve a planning or zoning decision? One of the items is new, or revision of, master plan. And obviously, this is a new master plan. In page eight, under zoning and planning action, it asks [off mike]...

**Village Attorney Stecich:** ...should be answered yes. Yes, that is a good point.

**Mayor Swiderski:** Will the proposed action result in a physical change to the project site, which is the entire Village, and the adoption of the Comprehensive Plan result in a physical change to the project site? When we speak of small to moderate impact and potential large impact, we are speaking of something that is negative, right?

**Village Attorney Stecich:** Yes. The form is not really well-designed so you have to understand what it is getting at. And, in fact, it is in the process of being reworked with the state. But yes, you want to focus on any physical changes that would be negative for the Village. That is what you are looking at: negative impacts. For instance, there could be a positive impact that is potentially large, but you do not check this on here because it is positive. You only check the negative ones.

**Mayor Swiderski:** So you have small to moderate, and potentially large, impact. You have got construction on slopes as examples. Construction on land where the depth to the water table is less than 3 feet; construction of a paved parking area of 1,000 or more vehicles; on exposed bedrock; construction that may last more than one year. Any input from the Board?

**Village Attorney Stecich:** No mining? Excavation for mining?

**Mayor Swiderski:** Some of these are just not applicable.

**Trustee Walker:** Even though we are not proposing any particular type of development on the waterfront, we are talking about a range of development. It does have high-water table, a portion of it. Even if it is a park or a roadway it is construction. If we are talking about just access roads to the waterfront, it is still construction. So it is in a floodplain, and it does have a high water table. But because we are not talking large construction right now, I think you would say small to moderate impact in the floodplain.

**Mayor Swiderski:** I would probably agree because you are not resulting in a condition that provokes a worse event. You are not digging deeper. First of all, the remediation is going to raise the entire level of the waterfront. Whatever we do will be on top of what already exists. I am inclined to agree, but it is an interesting wrestling here.

**Trustee Jennings:** To read impact and negative impact helps to clarify. The second point is that there are so many different types of projects that are envisioned as possibilities by the Comprehensive Plan. If we assume that any particular project that goes forward in a concrete way will have to pass scrutiny of this same kind in the future, it seems reasonable for us to make a general, broad judgment that everything mentioned in the Comprehensive Plan is likely to have a positive impact rather than a negative one, but that they will all be scrutinized to make sure that the particular details do not have negative impacts. Or, if they do, we will deal with that when the time comes. It seems, to me, impossible for us to imagine all of the potential possible negative impacts that might be out there. But I think this is a process where the Village is safeguarded against negative impacts both by the Comprehensive Plan, which intends only positive ones, and then by the project-by-project scrutiny that is ongoing that protects us from bad effects of any particular details of any particular project. That is the way I am thinking about this.

**Mayor Swiderski:** That is a clear way to analyze it. Public input?

**Mr. Metzger:** If we are talking about the adoption of the Comprehensive Plan, then everything related to construction is, in fact, not applicable. There is no impact until, as Bruce said, we actually effect what is recommended in the Comprehensive Plan. At that

point, a new environmental study would be required. From a construction basis we are not affecting anything. We are adopting a document, not effecting any physical change.

**Mayor Swiderski:** That is an even more useful clarification. I think that that is a good way to think about it.

**Trustee Walker:** Right. Except that we made a point of saying in the document that we wanted to work with ARCO to get infrastructure and roads during the remediation phase.

**Mayor Swiderski:** Yes, but that is not a negative impact.

**Trustee Walker:** No, but it is just construction where the water table is high, just the floodplain.

**Village Attorney Stecich:** Then on that one I would, for the construction on land where the depth of the water table is less than three feet, answer small to moderate. But overall, it can be answered no.

**Trustee Walker:** Overall, it is really low. It says construction in a designated floodway. That is different from a floodplain, I think. Floodway, what do you think? It is a funny term.

**Village Attorney Stecich:** I think that would be floodway. So we will just do small to moderate on those two. And e clarify that any specific project is going to have to be reviewed.

**Mayor Swiderski:** The next question, to me, is t more cut and dried, which is: Will there be an effect to any unique or unusual land forms found on the site: cliffs, dunes, geological formations, et cetera. I think there it is clearly no. If anything, the Comprehensive Plan makes a point of saying those should be protected, so there is only a positive here.

Number three: Will the proposed action affect any water body designated as protected? Examples would apply to column two: something that displaces a protected water body; dredging more than 100 cubic yards of material from channels of a protected stream; extension of utility distribution facilities through a protected water body; construction of a designated freshwater or tidal wetland. Again, it is similar to the other one, number two, in that the Comp Plan makes a point of protecting exactly those sort of wetlands.

**Trustee Walker:** Wetlands, and enhancing our stormwater management.

**Mayor Swiderski:** Right. So there it is fairly clearly no, as well. Agreed?

**Village Manager Frobel:** Definitely, yes. Clearly.

**Mayor Swiderski:** Number four: Will the proposed action affect any non-protected existing or new body of water?

**Village Attorney Stecich:** That is the question about the wetlands because the wetlands are not protected right now. It is really the same thing.

**Mayor Swiderski:** Same thing, and no.

Will the proposed action surface or groundwater quality or quantity? Examples here are would it propose something that requires a discharge permit, or use of a source of water that does not have approval to serve proposed action, or require water supply from wells, or contaminate a water supply system, or affect groundwater, et cetera. Once again, this is in keeping with three and four. It seems clear there is an entire section devoted to protecting water supply. I am going to say this is an unambiguous no.

**Trustee Walker:** I think it would be unlikely that even things that are proposed would not require an additional waste treatment plant or exceed our ability to deal with the sewage, for example, or the water runoff.

**Mayor Swiderski:** Things proposed would have to protect groundwater and stormwater runoff.

**Village Attorney Stecich:** Actually, this was written before the state stormwater regulations that do not allow it anymore anyway.

**Mayor Swiderski:** Will the proposed action alter drainage flows or patterns, or surface water runoff? Thematically, the similar answer, I think, here is no.

**Trustee Walker:** No.

**Mayor Swiderski:** Will the proposed action affect air quality? There is an emphasis on encouraging walking, encouraging carpooling, and environmental quality in a positive way. So again, if it has an effect on air quality it will all be positive.

**Trustee Walker:** Right. The only thing that is a concern when it comes to traffic is the potential for commercial development if we rezone residential to commercial. That would require an EIS. And we do not know. It is just a proposed investigation. It is not a proposed use.

**Village Attorney Stecich:** It is not a proposed rezoning. It does not recommend rezoning, it recommends thinking about rezoning in different ways.

**Mayor Swiderski:** Will the proposed action affect any threatened or endangered species? I think there is a reference, again, in the Comp Plan to protecting, but certainly nothing that would endanger. Right?

**Trustee Walker:** Yes. If anything, we are hoping to preserve habitat, for example, in wetlands.

**Mayor Swiderski:** Does the proposed action substantially affect non-threatened or non-endangered species? There was no reference to deer, right?

**Village Attorney Stecich:** No, I do not think so.

**Mayor Swiderski:** And I do not think there is a reference to any other animal control.

**Village Attorney Stecich:** I do not think so. It also asks about removing mature forest and, if any, it would recommend protection of trees and things.

**Mayor Swiderski:** The next one is irrelevant: Will it affect agricultural land resources? No. If any, it encourages community gardens if you wanted to stretch the definition and include community gardens.

Impact on aesthetic resources, number 11. Will the proposed action affect aesthetic resources? Would proposed land uses or components obviously be different from or in sharp contrast to current surrounding land use patterns, whether manmade or natural, or proposed land uses or project components which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource. And project components that will result in the elimination or significant screening of scenic views known to be important to the area. Here it is fairly clear to me. I think of the waterfront. Ultimately, development will screen views, but the Comp Plan dedicates considerable paragraphs to concern about sight lines and view corridors.

**Village Attorney Stecich:** Which is an improvement over the current zoning.

**Village Manager Frobel:** It will enhance your access to the river.

**Mayor Swiderski:** It will enhance our ability to protect those perspectives.



**Trustee Jennings:** Reading many of these examples, it is almost as if the writers of the Comp Plan took these sentences and put do not on the front of it and made that a statement in the Comprehensive Plan.

**Mayor Swiderski:** Did you have access to this document?

**Mr. Metzger:** We did not have that discussion, but the overriding feeling of the plan was to do only things that we felt would be beneficial to the community and that people from the community told us they felt would make the community a better place to live. So if somebody had said, the way to make Hastings a better place to live is to put an enormous industrial development on the waterfront, we would probably be having a different discussion now. But nobody proposed that as something that should be investigated. So it lines up because we are thinking in the same direction.

**Mayor Swiderski:** It is almost funny. There are sections here that almost look like they were verbatim. So that is a no.

Will the proposed action impact any site or structure of historic, prehistoric, or paleontological importance? Again, there is a specific reference to try to retain Building 52. There is a reference to preservation of history in the downtown, prehistoric and paleontological, I think there is some discussion of Indian history but nothing that survives. There is no loss there, so again here I think it is a pretty clear no. Is that agreed?

**Trustee Walker:** Yes.

**Trustee Jennings:** Yes.

**Mayor Swiderski:** Will the proposed action affect the quantity or quality of existing or future open spaces or recreational opportunities? It is sure hoped so and, in all cases, positive. It is seeking to preserve open space and improve parks. I do not recall, again, any negative impact. So no?

**Trustee Walker:** No.

**Mayor Swiderski:** Fourteen: Will the proposed action impact exceptional or unique characteristics of a critical environment area established pursuant to subdivision, and there is a citation?

**Village Attorney Stecich:** You should know, the Hudson River is a CEA.

**Mayor Swiderski:** Again, every reference is an attempt to enforce stormwater or respect runoff, or otherwise improve. The impacts are all positive, and I cannot see it being negative.

**Trustee Walker:** Right. Especially when you compare it to what was there.

**Mayor Swiderski:** Right. Or was not there.

Impact on transportation: Will there be an effect to existing transportation systems? Again, back to Bruce's point, there is a whole chapter attempting to improve that, not affect it negatively. I think that is a fairly clear no.

**Trustee Walker:** Right. And the only action that could result in more traffic, as we mentioned before under the air quality, was if we rezone to commercial. In that case, we will do a thorough study of the traffic impacts.

**Mayor Swiderski:** Right.

**Trustee Walker:** And that is a big if because we do not know.

**Mayor Swiderski:** Impact on energy: Affect the community's sources of fuel or energy supply. I do not know if this much applies. There is a reference to renewables, but that is only positive and we do not have any geothermal, hydrological, or hydrocarbon sources. So no.

Will there be objectionable odors, noise, or vibration as a result of the proposed action?

**Trustee Walker:** I do not think so.

**Mayor Swiderski:** No. Briefly, in a stretch, if there was composting. But in a stretch, and that is going to be small. So no.

**Village Attorney Stecich:** Does it encourage composting?

**Mr. Metzger:** I do not know if it was specifically mentioned. But I believe that somewhere we were discussing the fact that it would be a good thing to encourage to reduce impact on landfill. So I believe it is in there, and my guess would be that Carolyn Summers probably got that in.

**Village Attorney Stecich:** Well, that is too small. But I will double-check.

**Trustee Walker:** Was that individual, or as a municipality?

**Mr. Metzger:** I think it was individual.

**Village Manager Frobel:** Composting, if done properly, has no odor whatsoever. The key is to do it properly, and you will have no problems with it. I have run some major composting facilities, and we had no odor problems whatsoever.

**Mayor Swiderski:** Will the proposed action affect public health and safety? Again, we hope so. In transportation, there was a focus on positive effects on safety, and public health as an indirect byproduct, the hope would be positive. But there was really no public health.

**Village Manager Frobel:** Walking, hiking, trails.

**Trustee Walker:** Yes, biking.

**Mayor Swiderski:** Right. It encourages behaviors that improve public health. It encourages behaviors that improve water quality. It is all positive. Another unambiguous no?

**Trustee Walker:** Yes.

**Mayor Swiderski:** Will proposed action affect the character of the existing community? That is the whole point.

**Mr. Metzger:** That is the one that I think we have a lot of yes impacts to. The way these questions seem to be phrased is, even though the impacts will not be negative the impacts still need to be studied.

**Village Attorney Stecich:** That is not how it works, Jim.

**Mr. Metzger:** Then in that case, we are good.

**Village Attorney Stecich:** In fact, Jim, even though it would have a large positive impact you would check it.

**Mr. Metzger:** OK.

**Mayor Swiderski:** Every one of these is a clear and positive impact, I think.

**Village Attorney Stecich:** Actually, it would answer no to most of those things. Would it conflict with officially adopted plans, replace structures of historic importance?

**Mayor Swiderski:** No. It is all no. And that is it.

Is there, or is there likely to be, public controversy related to potential adverse environmental impacts?

**Village Attorney Stecich:** Whenever we go through this it is an automatic yes in Hastings. And this time it does not need to be.

**Mr. Metzger:** I really believe we have done our due diligence. I am speaking as a member of the committee. I do not believe we have had any major public controversy in the three-plus years that we have been doing this. There has been a lot of commentary, but no real controversy. So unless you have received letters during the public comment period that I am not aware of, I would say that is not an issue.

**Mayor Swiderski:** Not one.

**Trustee Walker:** Mr. Gonder, you think there is going to be controversy?

**Mr. Gonder:** There could be.

**Mayor Swiderski:** There could be but, again, that will be factored into any subsequent environmental impact statements that would have to be done on anything that would have a negative possible impact.

**Village Attorney Stecich:** I see what you mean. But we are talking on the Comp Plan, not on anything that might happen.

**Trustee Walker:** Right. Because we are not talking about specific actions. There will be controversy about actions. That goes without saying.

**Mayor Swiderski:** So it is a resounding no on all of these. I am inclined to say that we are unambiguously prepared to ask that Marianne prepare a negative declaration for the next meeting. And we will discuss it then, but I do not see anything here. The plan is almost deliberately designed to result in a neg dec.

**Trustee Walker:** Right. Definitely lower environmental impacts. In fact, have positive environmental impacts.

**Mayor Swiderski:** It is interesting because I could imagine a plan that would encourage industrialization of open land. In reading this through, trying to visualize a plan appropriate for Hastings that would result in a positive declaration, it would have had to recommend strongly things it did not.

**Trustee Walker:** I am in agreement about a neg dec.

Hearing no further comments, Mayor Swiderski asked for a motion to close the Public Hearing.

**CLOSE OF PUBLIC HEARING**

On MOTION of Trustee Jennings, SECONDED by Trustee Walker with a voice vote of all in favor, Mayor Swiderski closed the Public Hearing at 7:55 p.m.