

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
BOARD OF TRUSTEES  
REGULAR MEETING  
SEPTEMBER 6, 2011**

A Regular Meeting was held by the Board of Trustees on Tuesday, September 6, 2011 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, Village Manager Francis A. Frobel, Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto.

**ABSENT:** Trustee Nicola Armacost.

**CITIZENS:** Ten (10).

**APPOINTMENT**

**Mayor Swiderski:** One appointment to announce, to the Affordable Housing Committee. Arthur Riolo brings a knowledge of the local housing market and will recuse himself from any decision that he may have a commercial interest in. The committee has asked for that skill set, as well as two other skill sets. We are looking for anyone with development accounting experience. We will hold up on the other one.

**APPROVAL OF MINUTES**

On MOTION of Trustee Walker, SECONDED by Trustee Jennings with a voice vote of all in favor, the Minutes of the Regular Meeting of August 9, 2011 were approved as presented.

**APPROVAL OF WARRANTS**

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

Multi-Fund No. 16-2011-12 \$108,693.96  
Multi-Fund No. 18-2011-12 \$122,747.89  
Multi-Fund No. 20-2011-12 \$ 41,877.09  
Multi-Fund No. 21-2011-12 \$ 54,469.82

**PUBLIC COMMENTS**

**John Gonder, 153 James Street:** I wanted to talk about term limits, but since one of the Trustees is absent I would rather speak with the whole Board. So I will relinquish my two minutes, and I will get you next meeting.

**Tim Downey, 520 Farragut Parkway:** I would like to touch on the direction of this village in leadership. Watching the archives from June, July and August I was bothered by where this village is putting its energy, time, resources and money. Once again, we came back to the quarry condition. There was a great deal of discussion about monies and fund-raising, to eventually turn that into a park along with a connecting trail from there to the river. I see that as a valuable, I have stated many times in the past, piece of real estate that the Village might want to hold on to because of our declining DPW facility. In addition to last year's mold problems down there we now have a fuel storage tank problem. I have not heard any mention in terms of what is going to be the way of servicing the Village, or are going to have in-house service down the road. There was a brief mention about joining with Dobbs Ferry for trash collection. But outside of that, nothing more has been discussed.

There is a disproportionate and inordinate amount of time placed on recreation items. Paul Feiner addressed this in *The Enterprise* talking about the priority of infrastructure; we need to start looking at our infrastructure. Let us take care of the parks we have, the space that we have, and improve them. Dobbs Ferry is going to redo their riprap on the waterfront. We have a danger and hideous waterfront and nothing has been discussed in terms of putting valuable resources in money and energy into that.

There was a discussion of re-paving in the Village. We are going to be spending \$275,000. That is the contract cost. It is really going to cost us something more. No one on the Board picked that up because it is both cash and bond, which means we are paying debt service. Two-hundred-seventy-five thousand dollars, yet we do not have enough money to buy a roller to do maintenance and repair on the roads so they do not come to such disarray. We do not have money to buy a sweeper so that we can keep our streets clean, so that we can abide by the sediment and drainage regulations. We were treated to a very good report back in the springtime about what we should do to take care of our watersheds. One of the biggest things would be taking care of our streets and keeping them clean. Without a sweeper, the Village does not have the capacity to do that. The roads that are scheduled for re-paving are anywhere from 80 to 95 percent serviceable. They work. Yet there are people on Fenwick and Branford living in 100 percent fear every time there is a big rain because of the blowout, the problem with the engineering design of the drainage there. You have people on Circle who live in 100 anxiety when it rains because there is water jumping over the curbs. Our mode of infrastructure repair now is orange cones, sand bags, and barrier horses instead of taking the time out to plan: \$275,000 could probably go a long way toward handling the problem in Circle Drive.

So I am concerned with where we are spending our time and resources. Opposed to making parks, we should be looking at infrastructure. There are sewer systems failing, there are

sewer systems clogged, there are road areas collapsing. And we do not need to be spending, instead, painting and making fresh little blacktop on roads that are essentially 80 to 90 percent serviceable. We just simply hire a contractor for 40 or 50 grand. I know this type of work. They would be delighted to get a contract of that size, go out there in the summertime, patch up the roads, extend them for two or three years instead of milling up a road.

Incidentally there is a lot to be said on this topic, but the machines that you bring into the Village and build the roads are not designed to be used in village roads. They are meant to be used on highways and freeways. These enormous machines come in here, and they have taken up our blacktop, our binder coat and, in many cases, our trap rock underneath. As a result, we just put a little flexible layer of blacktop on it, on dirt. You can see this on Washington Avenue when it has broken up in the past, you can see it on Villard and other locations. We need to stop spending money on projects like re-paving when they are essentially in good shape.

The deer. I watched the recounting of how the meeting went in Dobbs Ferry. I have to agree with Mr. Mason. The Village is not being given fair and balanced reporting on this topic. I do not understand why it has taken this swing of the pendulum. Initially, Mayor, when you came into office you went out aggressively speaking to Irvington and to Greenburgh. We were all ready to choke these things to death and get rid of them. Now there has been this swing back to more gentler means. I have first-hand experience with something close to net-and-bolt and it is something I would never want to see the Village endorse. It is an horrendous act, it is not going to work. I do not know why the discussion of the bow and arrow has been downplayed in terms of its effectiveness and the math involved. I have spoken at length with the people who were at that meeting, both at the one that evening and since then. It should not be underplayed what the potential of using that form as opposed to just contraceptive or using both together would be.

I would the Village to explore in earnest, with the same kind of aggressiveness, that 150-foot reduction as they would with the immuno. The representation that the space in Hillside is about the size of this room is a bad piece of information related to the Village. I went to Hillside with a measuring tape and measured off houses. There is a lot more land up there that could be utilized. Will it solve the problem? No. Will it start a numbers reduction? Absolutely. Why do we not put this out first to the Village as a whole? Let us vote on it. You said it was the most contentious issue in the Village. Let us take this burden off your shoulders. It is not fair to you, the threats and everything else that has come on you with this. It can be a Village-wide decision, and Village-wide we can then take the outside forces and repel and push them back.

But before we do that, let us have an educational forum so Village residents understand the issue here more thoroughly. Up to this point, we really have not been presented with a balanced discussion. I have never heard Robert Radomsky or Diane Lowry from Dobbs Ferry ever ask for information. Yet time and again I will hear Ruppert and Barbara Stagnos. So there is definitely a leaning of advice of one way or another. It would only be fair to the Village residents to have a more expanded discussion on this.

**Susan Cooper, 378 Warburton Avenue:** I would wish that in posting of salaries it is not just the salary that is posted but the full value of the compensation including health care and pension benefits. Most private sector people are paying for their health insurance and probably, if they have a pension, it is defined contribution. Mayor Swiderski, when you say that you would like to make Village employees on par with private sector employees, when you add in that compensation, the total compensation is going to be far and above most private sector salaries. I would hope that, going forward, that could be made transparent to the taxpayers. I have been speaking to neighbors, residents in Hastings. One person, a businessperson in town, his Oxford insurance payment went up \$300 last month, to \$2,000 a month for his family. There is something shocking about that in contrast to someone not paying anything or next to nothing. There should be some parity there. You are asking people that live in town that are paying \$2,000 for their health insurance, probably do not have a pension, to pay taxes on a level that is not fair. I do not expect life to always be fair. I like paying taxes. It is good for society. But there is something out of whack here. Another woman I know is a single mother in town, an adjunct teacher. She is paying \$11,000 for her and her son.

This comes into the idea of labor. I know it was Labor Day. There are many different kinds of labor. Everyone wants to be protected. And there are different kinds of protections. Faith Evans, who you may have read the tribute in *The Enterprise*, was very active in this town. She was unpaid. She did a tremendous amount of community service. She had to leave because she could not afford to live here anymore. This is not a good reflection of a neighborhood that says we are a diverse, inclusive community. I have an article that was in the *Times* August 29, having to do with the deal that was struck with Governor Malloy and the Connecticut unions. It epitomizes the idea of shared sacrifice. That this has to be something that everybody takes on. We have almost 10 percent unemployment. Some people say it is 15 percent. This is not a time to be talking about putting small amounts of money here and there. I come to these meetings and I hear this refrain that it is just a little bit of money. A little bit of money, every time you add it up, it snowballs into a large amount of money. I am not a meeting person,. I do not relish coming to meetings and speaking. But I really feel for a lot of people that live here who are struggling and having a hard time and perhaps contemplating having to leave Hastings.

**Norman Luetters, 21 Chestnut Drive:** I am under extreme anxiety right now to return to my house to put sandbags in front of my driveway because the water is pouring down by hundreds of gallons as we speak. We have been living here since 1981. My wife before that was a graduate of Hastings High School. I have photographs here that show what I know is an unusual weather condition, Hurricane Irene or Tropical Storm Irene. It shows a condition in front of my drive that has existed since the re-paving of the road some several years ago where the crown was not properly done. The water does not drain properly on either side and, in fact, crosses the street in great volume to collect in front of my driveway. Why does it not drain off? Because, again, the curb was not incised properly to achieve the crest of the hill and allow the water to drain. Therefore, I have a pool of water which you can see in the photos. I can submit them to you for your review, to illustrate what I am dealing with.

I have been given, under the kindness of Mr. Gunther, 12 sandbags which helped greatly to reduce the flow to the backyard. He is aware of the situation, and knows it needs to be addressed in some fashion. In addition, my neighbor has water in his basement, as I do, partially from this condition. It is an emergency situation for me. I would not expect anyone to have to put sandbags in front of their driveway on a regular basis, but this condition has been recurring with every major rain storm for the last several years. This year it has become intensified to the degree where it is totally intolerable. In fact, it is a threat to my very residence. And I am afraid of its condition and the foundations, as I see washouts in the backyard. I would appreciate your consideration in any fashion to deal with this. Again, I appreciate the work that Mr. Gunther has done, also, to address other issues.

One other issue is the deer problem. I have been the first resident in my neighborhood to raise six foot deer fencing. Their netting has been inadequate. They have punched through numerous times. I have had two baby fawns born in my backyard, one on the back steps. I have had seven deer living at one time when I decided I had to put the fence up. But the fencing is inadequate. I feel betrayed and unsupported. I do not know where to turn. I was with Mr. Swiderski at a hearing which, in fact, turned a deaf ear to the issues of southern Westchester. I feel a great disappointment in our government that it is totally inadequate to deal with this problem in an effective manner. My wife also had Lyme disease, an excruciating experience, and I do not wish it on anyone. We also constantly have to watch for the deer crossing. In fact, I have almost gone into them numerous times.

I am waiting, also going back to the issue of the drainage, when someone will get hurt with the broken sewers at either end of Chestnut Drive, one in which there is a hole at least two feet deep. It is open, it is ready for a child to break their leg, it is ready for a car to break their axle. It is going on towards almost a year. I do not understand why no one can address the issue. Perhaps, with your somewhat gracious authority, you can extend the invitation to

address this situation with the appropriate people before we have a serious situation, with medical and other serious injury involved as well. I thank you very much for your time.

### **VILLAGE MANAGER'S REPORT**

**Village Manager Frobel:** A few weeks ago a resident suggested that we explore the feasibility of a Village-wide alarm system for tornado notification. I have spoken with the fire chiefs and the police department to see if that is achievable. We have, on the roof, a siren system different from the one you hear for rescue or fire. It is an old-fashioned windup sound, more like an air raid siren. We tested it. It does work. The problem, as Chief Gunther pointed out to me, is that in Uniontown and some other sections of the community they would not hear it. Further research revealed that at Uniontown there was a separate system which was like a repeater. The alarm would go off here at Village Hall. It then would repeat at Uniontown and cover that portion of the community. So we are going to work on that. We think it is something that we should have available to us on the outside chance there is a tornado nearby and offer some notification to residents. Once we get the mechanics worked out, then I will work on the notification so that people understand when it goes why it going off.

**Mayor Swiderski:** The horn we hear, three for ambulance or five for fire, could conceivably be set to go for 60 seconds repetitively.

**Village Manager Frobel:** It could. But that siren is so piercing that I feel bad for the people that would be in this building when it goes of.

**Mayor Swiderski:** They would probably be grateful if it was an incoming tornado.

**Village Manager Frobel:** True. But if we can work on some repeater system. If not, plan B would be to have this system in a different pattern, which we will work on.

Two weeks ago we received notification that the state was revamping their methodology of awarding grants. The two applications we had prepared and received your approval for were set aside; the deadline of September 1 was not held. Now we have received notification that the state has unveiled their plans for evaluating grants in a comprehensive fashion. They are inviting applications for the two grants that we have prepared, and we will be submitting that to the state sometime at the end of October. We do not have all the details. It essentially involves an evaluation which is a little different than what they have done in the past. It seems to be a more comprehensive state-wide review of the many applications that are received for a variety of programs. A regional council will be evaluating rather than paid staff.

The Board was made aware of the loss of Fire Chief Sarfaty's vehicle in a fire. We have since received our insurance settlement which fell short of the replacement for a new vehicle. We expected that. It was depreciated. We have explored with the State of New York the acquisition of surplus property. The New York State Police offer their vehicles, after they have used them for their life, to municipalities. So we are going to be evaluating them. The chiefs are, too, looking elsewhere for used vehicles, and a neighboring fire department is looking to sell one of theirs. So we have a couple of options. I am pleased that the chiefs have realized that we are not in a position to make a full replacement for a new vehicle, but rather, we will explore a good used vehicle to get them along. I have also indicated to the Chief that the 1992 Suburban, which is also driven by a fire chief, is in very poor condition. I have mentioned that during my budget process. So if I can pick up even two good used vehicles for the chiefs I would like to explore that possibility, as well.

## **BOARD DISCUSSION AND COMMENTS**

### **1. Draper Property Lease Agreement**

**Village Manager Frobel:** This is property leased by the Dawkins'. They own the home, but lease the land. They are looking to make a modification to that land lease. I have asked them tonight to be here present to answer any questions. In advance of their presentation, I asked Mr. Dawkins to prepare a written memorandum which would summarize the history and what their request entails.

**Kevin Dawkins, 126-128 Washington Avenue:** Thank you for the opportunity to bring this to the Board once again after a hiatus of several years. We have what we think is a simple and direct request. The initial intent of the Village in creating this structure of the lease and the houses upon them, and auctioning them, was not antiquarian but pragmatic to help the Village and the future residents of Draper Park chart a secure future for the property. So there is clearly a vested interest on the part of the Village as well as the leaseholders.

**Mayor Swiderski:** Kevin, if I could just stop you for the public. What we are speaking of are the three buildings as you turn onto Washington headed toward the river, on your left.

**Mr. Dawkins:** There are actually four of them. There is a building on the other side.

**Mayor Swiderski:** Two cottages on the left that are charming, historical parts of the Draper estate and are leased to the owners for a 99-year lease.

**Mr. Dawkins:** Correct. And the residents of the other house behind us, the Formans, are here, Bob and Yvonne. And Barbara Thompson from the Historical Society, one of our neighbors, is also here and available to speak on this.

We are asking that the 99 years be restarted from the date that we purchased the house and were assigned the lease, which is a matter of seven years. But we think it has more long-term implications that benefit not only the leaseholders and the homeowners, but the Village, as well. One of the things that occurred to me when we were talking with Neil Hess about this is, if you were the person who only had a few years left on the lease, and you had a significant repair or improvement to be made, replacing a roof, for example, you would not necessarily be incentivized to undertake that if, in a few years, as the lease requires, you would hand the property back to the Village. That seems counterintuitive to the notion of preserving the buildings for the enjoyment of all the residents of Hastings.

So for the individual homeowners, the advantage is that if we were to look to refinance or for a home equity loan to do improvements, having a longer lease makes that lease a more valuable piece of collateral that a lender would appreciate having. Similarly, if we were to sell the house and the purchaser were going to look for a mortgage, if they had 99 years it makes it much more appealing to a lending institution than if they had 40 or 50 years left. So we think there are benefits that the Village will receive from this, as well as the individual leaseholders. We would ask you to consider this request and restart our lease. The two accompanying documents: one has that quote that I read; the other one was minutes from the Board meeting in May of 2004, where both Village Manager Neil Hess Mayor Lee Kinnally looked upon this favorably. We hope that you do also.

**Mayor Swiderski:** Are there any Board questions?

**Trustee Walker:** The initial lease was established by the Village for all four houses. Why was it determined that this lease would be an ongoing lease no matter how many owners there were? None of them restart, correct? If any of them were to be sold, the clock on the 99-year lease is still ticking.

**Mr. Dawkins:** We are requesting just to have our situation considered. But it could serve as a guide for future boards if other similar situations come up.

**Trustee Walker:** But was there some reason that 99 years was determined to apply to an indeterminate number of owners?

**Mr. Dawkins:** Not having been there, I do not know.



**Trustee Walker:** It does not say anything in Draper Park bylaws about it.

**Mr. Dawkins:** No. But the Formans were involved in the discussions from a very early point before the houses went up.

**Trustee Quinlan:** Did any other house turn over besides yours?

**Mr. Dawkins:** No.

**Trustee Quinlan:** Can anyone think of a reason why we should not do it? I hear reasons why we should, from Kevin, which makes sense. But I cannot think of a reason why we should not do it. There is a strong argument that once you do it for one person you should do it for the next applicant and the next. But can anyone think of a reason why we should not do it?

**Mayor Swiderski:** The reason I could imagine not doing it is that the current owner is simply not taking care of the property and it is in decay, in contravention of the purpose of the lease, in which case, I would imagine unless there was some sort of legally binding requirement that the property be cleaned up you would not necessarily reward that property owner with an extension of the lease. With that said, I did join the Draper Committee in the last walkthrough and looked at all the homes. Mr. Dawkins' home is in excellent repair and fulfills the spirit and criteria that is required. So what I am saying is, I do not want this to set a precedent that everybody gets it. I would like to say that there be some consideration of the care of the property in a renewal of this sort. I do not know if I am asking something legally untenable, but I would imagine it eliminates an automatic right. I would like that to be part of the consideration because anything that encourages a current good behavior to continue I would love to do. But I would not want to extend it as an automatic right if we encountered a case where it was not so.

What do you say, Marianne?

**Trustee Quinlan:** Maybe I can answer it, Marianne or me. You could make it part of the resolution, but it is pretty subjective. But it would be some language about granting an extension based on the fact that the property was in good condition, or whatever. I did not mean to interrupt you, but we are just thinking off the top of our heads.

**Village Attorney Stecich:** Except that using the line of reasoning, the person who is going to ask for the 99-year lease is not the person who is not maintaining the property but the person who bought the property from that person, because the person not taking care of it is not going to be here in however many more years left, let us say 93 years left. So I am not

sure, logically, it works if Kevin's reasoning is that if you have a longer lease you have an incentive and you are more likely to get the financing to allow you to keep it up. But it would be helpful to know, and I have not been able to find it in the minutes, why they decided on 99 year leases. If they all have a 99 year lease, they all come up together. Presumably, in 99 years the Board could decide whether we want to do it with this piece of property. But now, if every time somebody takes over a lease it is extended 99 years, it is all going to be out of whack, and there is going to be no point at which the Village has all of the property, the leases ended on the property. That may not be a bad thing, I do not know. But not having been there when the mode of ownership or leasehold was decided, it is hard to say.

Was Sue Smith not involved in that?

**Mr. Dawkins:** Yes. Sue could not be here tonight, which is why Barbara is here. When we first brought this up to Neil, and this is anecdotal and, of course, cannot be verified, I said to Neil why not. And he said because one of the things we wanted to do was to have all the leases expire on the same date. I said, Neil, there is only four of them, and 90 years from now, if somebody curses you out for not having them all fall on the same day ...

**Village Attorney Stecich:** Yes, but it is just not that they are not falling on the same day. The thinking is that every time there is a transfer, the new person who takes the property gets a 99 year lease. Because otherwise, how would we distinguish this situation from any other situation?

**Trustee Walker:** In other words, the point is that in 99 years the Village would be able to reconsider the entire arrangement, could, in fact, terminate the leases. Well, they would be terminated anyway, but not renew the leases and decide to do something else with the property. Having all four terminate at the same time gives them the opportunity to look at it as a whole.

**Mr. Dawkins:** One of the things you have consider would be the Draper will as to what the disposition of the property is intended to be. I believe it is a memorial park in perpetuity. So there might be limits. There are also limits on putting commercial endeavors in there, and things like that. I think this current arrangement meets that vision.

**Trustee Jennings:** You own the house and lease the land. So in 99 years, even if we stick with this scenario, the Village is going to have to buy four houses, presumably, or condemn them at market value or whatever is fair value, right?

**Mr. Dawkins:** Actually not. At the end of 99 years the property and the premise, which is a house, get turned back to the Village and there is no compensation for the owners.

**Trustee Jennings:** Then you do not own it.

**Mr. Dawkins:** We do. We have a bill of sale for the house. Technically, up until the 98<sup>th</sup> year and 364<sup>th</sup> day we could jack the house up and remove it. There is nothing in the lease that binds the house to the land. It is one of the anomalies of the lease, of which there are several. But we do have a bill of sale for the house. We do not have a deed.

**Trustee Jennings:** So when 99 years pass and the property reverts back to the Village, so do the structures.

**Mr. Dawkins:** Right. The property is always in the possession of the Village.

**Trustee Jennings:** It does seem that, feasibly, something could be done at the end of 99 years, therefore the rationale to keep them together, and also the rationale not to reset the clock every time the house changes hands. If you reset the clock every time somebody sells and buys one of the houses, in effect the 99 years never will run out. It is very unlikely that a single owner is going to keep it for 99 years. So it is almost as if, not legally but de facto, whoever owns the house owns the property also because every time you sell it you get 99 years. It is interesting.

**Trustee Walker:** I understand the point. As soon as you are in like 40 years of the expiration of the 99 years it is going to be harder and harder to get a mortgage or to get construction loans.

**Trustee Quinlan:** Or even get a buyer.

**Trustee Walker:** Or even to sell it, right. And then you are stuck with it and you cannot maintain it.

**Trustee Jennings:** So this is a recipe for relatively rapid turnover. Do not keep the house for too long.

**Trustee Walker:** If the Village's goal in this, as Kevin pointed out, is to preserve these houses, then the 99-year lease expiring runs completely counter to that goal. There is no incentive then for them to maintain the houses or for anybody to buy them and put any money into them as the clock runs down.

**Trustee Quinlan:** So let us just say in 99 years all four houses come up. We cannot look into the future, but what do we want to happen? Do we want to knock down the houses and

expand the park, or do we want to keep the houses? My understanding is that the houses are part of the history of the park, and we want to keep the houses.

**Mr. Dawkins:** The houses also generate the maintenance costs of the park, as the Draper Park fund. Our lease payments and I do not know what the exact term is for the other payment. It is taxes, I guess. Whatever taxes the Village has to pay to the Town of Greenburgh we reimburse our share. In addition, we have an annual lease payment. The funds from the four houses are dedicated to the maintenance of Draper Park. That was part of the original formula.

**Trustee Quinlan:** Do you pay Village taxes?

**Mr. Dawkins:** Technically, I do not know. How exactly does that work?

**Bob Forman, 383 Broadway:** We pay taxes to the Village on the house. We do not pay taxes to the Village on the land. However, our land lease is quite substantial at this point. We pay taxes on the house and taxes on the land to Greenburgh. Our school taxes are both on the land and the house, so our tax load is higher than we were expecting.

**Trustee Quinlan:** Assume that 80 percent of your taxes are school taxes. You pay the full school tax?

**Mr. Forman:** We pay the full school taxes, yes.

**Trustee Quinlan:** You pay just the taxes to the Village on the house, but not the land.

**Mr. Forman:** Right.

**Trustee Quinlan:** And then what else do you pay?

**Mr. Forman:** The land lease, at \$5,000, on our house. It goes up every year.

**Trustee Quinlan:** And that goes to Draper Park maintenance fund?

**Mr. Forman:** We make it out to Draper Park Fund, but I do not know where it goes.

One of the things that has been frustrating about all this is that when we moved in, in good conscience, we moved in with several verbal understandings and these were not written as part of the contract. The first was that we would not have to pay taxes on the land to Greenburgh. That has ended up not working out to our advantage. Second, it was explained

to us that the lease agreement was to last for 99 years only because the Village Board at that time felt that it was not empowered to do anything that would bind future boards. So if they created a land lease in perpetuity, in effect it would be doing something to every board thereafter. So that is why the 99 years was arranged. But this business about the rollover of the leases was explained to us as when the first house sells that lease will be started again. So we moved in with the understanding that this would not be a shrinking ownership because that would affect our land values enormously. I fully agree with Kevin, that if the Board says this thing is going to end it is going to get harder and harder to sell these things and harder and harder to get mortgages.

**Trustee Walker:** But it was never clearly stated.

**Trustee Quinlan:** Unfortunately, that is historically kind of the way things happen in Hastings, in the past anyway. Not saying whether it is true or false or anything else like that, but people say things. That is why you have to get them in writing. My feeling is that if we want to preserve the houses and Draper Park in the way it is now, then I cannot see any reason to not extend the leases if people want them extended.

**Trustee Walker:** And restart them?

**Trustee Quinlan:** Restart them. Maybe they were worried about the rule against perpetuities when they came to 99 years. We will not even try to describe the rule against perpetuities, but it is an unexplainable rule. You cannot have a lease forever. That is basically it. But as to the Mayor's point, as part of the history or underlying reasoning, every Board should consider the condition of the house when, and if, they decide to extend the lease as a condition. Now, 90 years from now or 50 years from now, who is going to go back and look at the minutes to figure that out? I do not know, but I think it is logical. The point is that it is going to be the new owner that is going to want to do it. I cannot think of a valid reason not to do it. I do not care about them all coming together in 99 years. Who cares?

**Yvonne Forman, 383 Broadway:** I am married to Bob. I have to go back and read through all the documents again myself because I have gotten fuzzy on exactly what is in writing. But I think it will be substantiated in the documents that we are required to maintain the houses and that we understood that they would be inspected on an annual basis, and that we were to cooperate with that, to ask for permission any time that we were going to change anything. For any of the houses that are not complying with that, you would have a clear measure for when a person was in violation of the agreement that we had entered into when we took the houses on.

**Trustee Quinlan:** I think you are right. Has that issue not come before us before about an owner not taking care of their house? Not that I was on the Board, but I recall being in a meeting.

**Mr. Dawkins:** I do not know if there was ever a discussion that came before the Board about that issue.

**Trustee Quinlan:** There was something about a driveway, or some owner.

**Mr. Dawkins:** That was the intermission between 2004 and now that was around that issue. Yes, an earlier request that we had made to create a parking area with gravel took a good deal of time and discussion to get done.

**Trustee Quinlan:** Why did the then-mayor and the then Village Manager and the then Board take no action?

**Mr. Dawkins:** The discussion was pretty much what was in the minutes. The request was one of two requests we made. The second request was to improve the parking area. That became a three-year odyssey and we never got back to this issue. Then Neil took ill and, unfortunately, passed away. We wanted to wait for Fran to get comfortable in the Village before we came back to him about it because it is a very unusual situation.

**Trustee Quinlan:** Do you mind if we hear from the Draper Park representative?

**Barbara Thompson, 26 Dorchester Avenue:** We have no objection to what has been proposed for the extension. It seems very logical to us.

**Trustee Quinlan:** But is it fair to say, as a member of Draper Park and history and all the thinking that goes behind it, the idea is to keep those houses there as part of the land?

**Ms. Thompson:** Oh, absolutely. Absolutely they are a treasure for the Village as a whole. It is a real part of our history.

**Trustee Walker:** How does the Village enforce the maintenance regulations? And they are considerable. It is the plan for the maintenance of the Draper Park buildings. It was written by architect Steve Tilly, right?

**Mr. Dawkins:** It is called the Protection Plan.

**Trustee Walker:** Thank you, the Protection Plan. There are certain requirements that everybody has to conform to. Does the Draper Park Committee enforce those regulations?

**Village Manager Frobel:** I would say yes. As the Mayor mentioned, I, too, have gone on the annual inspection with Sue Smith and had an opportunity to view the homes. And as far as I know, they do their level best to enforce those standards.

**Trustee Walker:** Because it is really about the exterior.

**Village Manager Frobel:** Right. We view it from the outside.

**Mayor Swiderski:** Right. But level best, unfortunately the enforcement mechanism is a valid question. I think it is persuasion more than punishment.

**Village Attorney Stecich:** I am not certain because I was not involved in drafting this lease. But I think, based on some questions people asked me, there may not be a provision in the lease to penalize someone who does not follow the Protection Plan. I would have to look at it. If it is not in there, I would suggest that any lease extension or revision of the lease, however you decide is the best way to do it, include as a condition of the lease that it would be a violation of the lease not to maintain the property in compliance with whatever the Protection Plan is so then you do have some enforcement power. It seems to me that it works because the whole point of granting the extension is to encourage the maintenance of the houses.

**Mr. Forman:** As I understand it, our lease lasts for 99 years. I have never been under the impression that I have to renew my lease every year in order to stay on that piece of land. So if you are talking about renewing the lease at 99 years, that is a very dull instrument to do what it is that you are hoping to do.

**Village Attorney Stecich:** Maybe you are going to stay there forever. But there is nothing we can do about a lease that already exists. It is already a contract that was drawn, and either the provision is in there or not. But it would be a condition of any new lease, any lease extension.

**Mayor Swiderski:** Let us say the original lease Mr. Dawkins signed does not have that provision. How would it work in his case?

**Village Attorney Stecich:** Just say one of the conditions of our extending this lease to 99 years is that you agree that any failure to comply with the Protection Plan would be a violation of the lease.

**Trustee Quinlan:** And if it is, and if there is a failure of the Protection Plan, then you could move to terminate the lease. Get it in Village court.

**Village Attorney Stecich:** You have got whatever remedies you have.

**Mayor Swiderski:** Do you know if there are termination clauses in the lease?

**Village Attorney Stecich:** I do not know, not having reviewed the lease. If it is in the lease it is not a problem. If it is not in the lease I would suggest that this is a good opportunity to include such a provision.

**Mayor Swiderski:** I would agree. I think it may provide, finally, what we have lacked.

**Village Attorney Stecich:** Or may have lacked, I am not sure.

**Mr. Gonder:** I hope the Board does not rush into any quick decision like a lot of times you do, and then you have to correct a situation. You should give it a lot of thought, go back to the will, look at all the minutes and everything else, and not make a quick decision.

**Mayor Swiderski:** Thank you. It sounds like we have a salient idea to run with here.

**Village Attorney Stecich:** We have gotten all the minutes there are on this. Those minutes were distributed to the Board, so the Board has reviewed the minutes from when this discussion came up.

**Trustee Quinlan:** And, Mr. Gonder, I want to just say that it has been my impression, at least for the last five years, that we have not rushed into many decisions. As a governmental unit, in fact, I think it is the opposite. We keep delaying them and delaying them until hopefully they go away or something. I hope this one does not disappear.

**Mr. Gonder:** I got four things I could disagree with you.

**Mr. Forman:** You are trying to encourage the current leaseholders to maintain their houses. If you stop the lease from being turned over, that begins to sound like you are penalizing future holders of the lease, not present holders. You want to think of a way to encourage the present holder of the lease to keep up the land. The only time you are going to renew the lease is when the current holder sells the lease. So you are trying to figure out a way to get the current leaseholders to keep that piece of property up, I am not sure that penalizing the future holders is going to do it. But if I knew that I could not transfer the lease I think that



might very well have an effect on me to keep up my land. That might be the weapon that you are looking for.

**Mayor Swiderski:** Tell me the difference? I lost you.

**Mr. Forman:** I am trying to mull this over with you, so forgive me for my own lack of clarity here. You are trying to say to the current leaseholder we are not going to allow you to transfer that lease unless you keep up your piece of property. What you do not want to do is penalize the future holder, but you do want to encourage the current holders. There is something in there that I am encouraging you to think about.

**Trustee Jennings:** There are two different issues here, are there not? There is transferring the lease to somebody who buys your house. But then there is resetting the clock with the new buyer. And we do not reset the clock for you. It is only the new buyer that gets the reset. So we have no leverage against the present owner, we only have leverage against the future owner, right?

**Village Manager Frobel:** Unless he wants to. It is if the Dawkins want to reset the clock now.

**Trustee Jennings:** Right. But assuming that going forward this is going to come up only when the property changes.

**Trustee Quinlan:** He only wants to set it back to the date that he bought the lease.

**Mayor Swiderski:** Right.

**Village Clerk Maggiotto:** While we are looking at lease and since it has already been established we can add things that may have been overlooked, I do not believe there is anything in the lease that enforces the payment of the ground lease. There is certainly no penalty for late payment, and I do not know what recourse the Village has if the owner simply does not pay the ground lease. Perhaps that is something else that we could look into.

**Trustee Quinlan:** Is that the \$5,000?

**Village Clerk Maggiotto:** Yes. I am not suggesting that it is not paid, because it certainly is paid by the Dawkinses. But we have had issues.

**Trustee Jennings:** Can we not put a lien on the house?

**Village Clerk Maggiotto:** It is not a tax. And I do not know that the lease provides for a lien on the house.

**Trustee Quinlan:** That is a good point. We can clean up the lease, too, at the same time.

**Village Attorney Stecich:** I do not have the lease, so why do you not get me a copy of the lease and I will take a look at both of the issues.

**Mayor Swiderski:** This is Marianne's time on a private matter in terms of the expense involved. Is it a Village expense, or should this be charged back if the lease is rewritten?

**Trustee Quinlan:** I think that was discussed before in the minutes, and the minutes decided that the property owner should pay for the cost.

**Mayor Swiderski:** If we rewrite the lease. But do we take this as part of the work on the rewrite of the lease, this investigation?

**Village Attorney Stecich:** Oh, no. I think the understanding was that they should pay for the reworking of the lease. The other stuff would come out of my retainer.

**Trustee Jennings:** It is also a policy question because we are figuring out what we want to do with all of the resets going forward.

**Mayor Swiderski:** Correct. That is fair enough.

**Village Attorney Stecich:** But I do think that you should make it on any extension of the lease or whatever. It is not going to be a big deal because I think there was a draft in there anyway.

**David Skolnik, 47 Hillside Avenue:** I am curious if this situation is, in terms of the Village, unique. At some point, you are referring to property owners. But I am not sure I understand that they are property owners, since they are leasing. I am not clear as to the houses. I would be curious to understand more fully how different particular situation is from the more standard property owner.

**Mayor Swiderski:** It is something you more typically encounter in London. It is unique in Westchester.

**Village Attorney Stecich:** I have never seen it.

**Mr. Dawkins:** When we were looking for a mortgage, we were told the nearest comparable at that time was the World Trade Center; that this was the only comparable in southern New York. So it is unique, yes. Very unusual.

**Trustee Walker:** But that seems odd to me, because it is not an unusual situation for a municipality to own property and lease it, for example, to a developer for all kinds of purposes. Maybe it unusual around here. It is not unusual in other parts of the country.

**Mayor Swiderski:** . No. The privately-held dwelling, it is in London, England you run into that.

**Village Attorney Stecich:** Yes, but the World Trade Center was not a dwelling.

**Mayor Swiderski:** But it was a structure.

**Mr. Dawkins:** There was an example in the *Times* today. People who built houses on leased land from the federal government in Chatham, Massachusetts, their islands off the coast, that is one situation. We also came across some housing developments in Maryland where the people own the houses but it is a government entity that owns the lease.

**Village Attorney Stecich:** The town I have my house in is all through this national seashore. Two-thirds of it is owned by the federal government, but people have ground leases. The leases were maybe 30-year or 50-year leases. When Kennedy was president he created this thing. And they have come up and nobody knows what to do with it. But it was far enough in advance that people were not thinking about it at the time. It is a difficult situation. You own the land, you can figure out what makes the most sense.

**Trustee Jennings:** Do the folks on the Draper Commission agree with the proposition that the current residents could, in fact, pick the building up and take it away if they did so before their 99-year lease was over? Is that actually the case? If it is, it flies in the face of the notion that these cottages are an inherent part of that property and a resource for our village.

**Ms. Thompson:** I have no idea, to be perfectly honest. But they are very old houses, and they might fall apart if they were moved. That would be what I would consider to be a major objection to moving them. But I really do not know.

**Ms. Forman:** A very good lawyer might be able to find a little tweak in there to support that. But we entered into these agreements when we bought the houses on the property in good faith. The understanding was that these houses were historically registered and that they were being monitored very carefully. And we had a responsibility to maintain them as such.

So the idea of moving them I think would be totally out of the spirit of what we had entered into. I would like to add that in this good faith agreement we also put some trust in the Village government to enforce the preservation of all the houses. We bought into a collective arrangement. It is painful to me that the houses are not all uniformly being maintained. At some point that needs to get addressed,

**Village Attorney Stecich:** Well, I will certainly look at that when I am looking at the lease. So are you asking me then to draft an extension for the Board to look at?

**Mayor Swiderski:** Drafting an extension would mean taking a look at enforcement mechanisms, deciding if they were adequate or not, deciding on whether the lease extension would be a place to tuck that mechanism, writing up that mechanism, and including it. Unless something is afoot we are not aware of this does not sound like it is hyper-pressing, right?

**Mr. Dawkins:** We have some 70-odd years. In our lifetime, if the day comes we want to retire to someplace warmer, and drier.

**Mayor Swiderski:** I am thinking more like maybe you are looking for a second mortgage to fix up the joint, and you want to do this tomorrow.

**Mr. Dawkins:** No, we do not want to do it tomorrow. But that is a possibility in the future, and I think also goes to the preservation principle.

**Mayor Swiderski:** Before pen hits paper on actually drafting, why do you not come back with what you found and suggestions for how to proceed.

**Village Attorney Stecich:** OK.

**Mayor Swiderski:** Is that all right?

**Mr. Dawkins:** Yes. Hopefully you will understand, after seven years we would like to have as quick a resolution as possible. But due diligence is a good thing to do.

## **2. Clustered Zoning**

**Mayor Swiderski:** I have this here because I do not want it to die. The discussion at the last meeting left it hanging. I wanted to agree on a way forward. I know that we were provided the rule in Irvington. I wanted to look at what would be involved in modifying one of the current cluster zones. I wanted some feedback from the Board on how you would like to see

this discussed and taken to the next step. I dumped one of the current zones into a document ready to tweak, but I thought it would be presumptuous of me to do so before getting some feedback whether that makes sense or not in comparing and contrasting the two approaches. I am looking for guidance.

**Trustee Walker:** You mean comparing Irvington's with just tweaking one of ours.

**Mayor Swiderski:** Right.

**Trustee Walker:** It is more than "just." I would like to take a look at them and make some comments. If you want to wait until the next meeting I could do that for you.

**Mayor Swiderski:** The recent cluster zoning is on the Board agenda here because I do not want us to forget this issue. But I did not want to presume how to proceed on this without feedback from the Board. Where we left it as the last meeting was two possible approaches: modification of one of the existing cluster zones, or the approach taken in Irvington.

**Trustee Quinlan:** What is the approach in Irvington?

**Village Attorney Stecich:** In Irvington, the planning board can consider a cluster approval for any subdivision. In addition, if somebody came in for a conventional subdivision they could require a cluster if they thought that a cluster would better preserve architectural or historical or environmental features.

**Trustee Quinlan:** My understanding is that we have two cluster zones, both created by the Board of Trustees in response to a developer's application. So they are unique.

**Mayor Swiderski:** Each is tightly tailored to the specific features of the site.

**Trustee Quinlan:** The question is whether we want to continue to do that type of zoning management with cluster housing, or whether we want to follow Irvington's and draft something where the Planning Board has more of the lead agency role.

**Mayor Swiderski:** There is a sub-flavor of the first option, which is perhaps a cluster zone that is not as quite as site-specific, but I do not know it can be generalized enough to apply to any plot or the large plots.

**Trustee Quinlan:** My initial reaction is it worked the way we were doing it in the past. They both work, and my understanding is both projects are fee simple. The average taxes, at least a couple years ago, for Hastings Landing] was about \$18,000 a unit. To me, that is the

most important thing; we are generating some tax. What I am afraid of in cluster housing is they are either going to be condos or co-ops, at which point we have a big problem in terms of tax revenue. I do not know if that is true or not, but that is a danger that I want to avoid for Hastings. What we have to do if we are going to have cluster housing is generate the taxes that a fee simple unit will generate.

**Village Attorney Stecich:** Let me clarify this. A cluster does not necessarily mean attached houses. You can have a cluster of detached houses. A cluster just means that there might be smaller setbacks and smaller lot sized.

**Trustee Quinlan:** And common land.

**Village Attorney Stecich:** There is nothing inherent about a cluster being attached.

**Trustee Quinlan:** I agree. The point I am trying to make is, my initial reaction is that I would rather have the Board of Trustees have control over that because it is very important to keep the fee simple concept.

**Mayor Swiderski:** I would agree if that is something that was baked into the zoning, or is it a separate negotiation.

**Trustee Quinlan:** A separate negotiation. If you want the approval, then these have to be fee simple. That is basically what happens. That is not an unreasonable condition to put on, and we have put it on in the past. Even recently I had that discussion with Ginsburg when we met privately and I told him how I felt about that. One of the reasons we are discussing cluster housing is because of the sale of the church. That is not private, this is public. This is the sunshine law, and it is a sunshine village. So the question is do we want that to be cluster, do we want it to be commercial. What do we want it? Right now it is zoned as residential, R-20. I think we should keep it the way it has been done in the past, period.

**Trustee Walker:** I thought the purpose of addressing cluster housing at this point was because of not just the fact that one of these properties is for sale, but it is the beginning of implementing of one of the most important recommendations in the Comprehensive Plan, which is about how to protect environmentally sensitive land on the large tracts. That is the big picture. There are a lot of smaller pieces in there, too. But one of the strongest recommendations in the Comp Plan was you have got to do something soon about the R-20 zoning because it is not appropriate for those big chunks of land. We know that property like that is being subdivided all over the county. It is going to happen sooner or later, and we need to have a plan for it. We do not want to see it divided up into half-acre parcels because it would destroy the character and the environmental integrity of the property.

**Mayor Swiderski:** That designation of the cluster zoning should happen prior to formal development proposals in these properties because otherwise it feels like you are saying that has to be versus others. I would rather designate a range of R-20s as cluster zone-required.

**Trustee Walker:** Or there is an overlay on the R-20, something like that, that is a cluster requirement. I do not know which language to propose for it, but the point is we are not waiting for somebody to come to us to ask.

**Mayor Swiderski:** That is right. And I want that overlay, or however we term it.

**Trustee Quinlan:** Well, you are going to change the zoning.

**Trustee Walker:** You do not necessarily need to change the zoning. You can do an overlay.

**Trustee Quinlan:** What do you mean "overlay?" You have R-20, so you overlay cluster. What does that mean?

**Trustee Walker:** It means that the same density from an R-20 standpoint, like half-acre per unit, will stand. But there are certain other requirements, whether it is preservation of wetlands, preservation of woodlands, preservation of steep slopes, views, and so on. And setbacks from major corridors, scenario corridor protection, those kinds of things that also come into play. We are encouraging the protection of the land. The design, whether it is attached or not attached, is not the point. The point is that these important other considerations and environmental considerations are first being met. We do not necessarily need to say it has to be such-and-such a density or it has to be such-and-such a housing, but at this point, it is more the protection of the land. They have to do two different proposals, one showing a conventional R-20 zoning and how many units they could build. It may be reduced due to certain roads and environmental features, and so on. It may not be exactly dividing it by half-acres, dividing it by two.

**Trustee Quinlan:** So we have cluster zone overlays already, as I look at the zoning map.

**Village Attorney Stecich:** Right. It was like those were done by overlay.

**Mayor Swiderski:** But the overlay was done after the proposal came in, right? Or were they not?

**Village Attorney Stecich:** I think it was a proposal. And yes, I think there was already a proposal on zoning.

**Trustee Quinlan:** But the other thing comes in, too. We are just philosophizing for a second, and we can move on if you would like to. But let us just take the southern part of the Village that we are talking about, with the church and with Andrus.

**Mayor Swiderski:** Graham-Windham.

**Trustee Quinlan:** And things like that. Those are zoned R-20 or whatever they are. So some people talk about cluster. But I think, and I am not sure and would have to look at the Comprehensive Plan, there was a lot of discussion about whether they should be commercial.

**Trustee Walker:** That is the second question.

**Trustee Quinlan:** So the initial question is, if we are going to rezone or overly or whatever, you can overlay cluster but we would have to decide what, in fact, the Board wants to do in the future. Second of all, what about the other alternatives, like commercial, like Executive Boulevard. That is what they were thinking about in terms of taxation. They were thinking about how are we going to get the biggest bang for our buck for those properties if they ever turn over. That is an initial consideration.

**Mayor Swiderski:** The word that I am going to grab on is "initial." The initial consideration is the density issue. And the consideration of rezoning away from R-20 into other issues is a parcel-by-parcel discussion likely to be complex, probably heated, and possibly prolonged. The agreement overall, probably rapidly unanimous, that R-20 in its standard form is inappropriate for these sites and easements that preserve critical features would be preferred is something we can probably arrive at much faster to at least protect ourselves on these sites before we engage in the likely robust discussion over commercial versus whatever. The thought on cluster zoning was something that applies to the R-20s, to the large tracts, and especially the gateway areas that preserves their character so that we are not hitting ourselves in the head because a year from now we are still arguing about commercial and Andrus has sold off 15 acres, where a developer saying as-of-right make a quick 15 homes there. I am trying to forestall that scenario by having this discussion about clustering so that at least we are protected ahead of the more robust discussion.

**Trustee Jennings:** I have never been comfortable with deciding on the zoning after a proposal was in play and tailoring the zoning to the proposal. I would much rather try to do advanced zoning in a more generic fashion, and then let developers and proposals adapt to our zoning rather than the other way around. Politically, I also do not think we ought to



leave it up to the discretion and the negotiation with the Planning Board. If we are going to come up with new zoning for the large tracts we should, and not make it a procedural decision-making process to the Planning Board. Therefore, I am left with what you refer to as the "third option." We have been discussing some of the substance of what that third option might look like, and my view is that the relationship to whatever is built and the landscape, and the conditions of the site and the way in which the site has a corridor effect on the larger surrounding Village, those are the principal considerations and the principal goals that I would like to achieve in the large tract rezoning.

As Marianne said, I do not think it has to necessarily at this point get down to the specifics of usage and precise architecture. It is not a question of detached or connected. But whatever is put there needs to have certain kinds of features that make it compatible with the ecosystem, compatible with the road system, the site, the view system. Years ago we talked about the large tracts in this way. We do not want McMansions, their front yards right against Broadway. Whatever is built on that should be clustered, as it were, and then there ought to be barriers, trees, shielding it from the main arteries and the neighbors. Is that limited to residential use? I do not see why, in principle, it has to be. But again, I do not want to get bogged down in the commercial versus residential debate and not do anything at all. But even if we were to opt for allowing commercial development on these sites, we would not want them to build it the way they have built Executive Boulevard. We would want to put other kind of values in conformity with the considerations that are in the Comprehensive Plan about how these large tracts should be handled, whether it be residential or commercial.

So I would like to see a new kind of zone developed for these few properties that we are calling the large tracts, and do it in a generic way ahead of time, and send a signal to the developing community and to the owners when they sell that this is the kind of thing we would want in the future if it does sell and get developed. And not just anything goes.

**Trustee Walker:** I agree with Bruce. I do believe that the consideration now is the environmental one and the scenic and view preservation, and not so much the use. However, I do not think we should completely skip the opportunity to start talking about use because it has an impact on, of course, taxes, revenues and also traffic and Village character.

**Trustee Jennings:** The zoning is not the only lever that we have for trying to control the relationship between new building and the rest of the site. We are considering that as a part of the building permit process in the green amendments to the building code. Part of those provisions that I have seen indicate that the builder must take into consideration some of the orientation of the planned building in relationship to the site and the landscape and the natural features and the drainage, and even the orientation toward the sun for solar energy

purposes. So not just zoning, but now also building code considerations will limit the kinds of things that can be built for environmental purposes.

**Trustee Walker:** But it does really impact. If someone's idea is to do a conventional subdivision that completely changes the direction of, let us say, a conventional development process; doing cluster is not at all a conventional subdivision. So right out of the gate, they have to look at it very differently.

**Trustee Quinlan:** Everyone is against R-20 and R-10 and R-7.5. But everybody that is against it lives in it. So the question can be, are these zones that we have created in the '50s and the '40s and the '60s and the '70s really evil. We all live in developments, do we not?

**Mayor Swiderski:** Not all of us. Some of us live in Riverpointe, some of other places.

**Trustee Quinlan:** Not all, but everybody here does on the Board. Are the traditional developments that we all live in, are they evil, are they terrible, are they anti-environmental? Depends on how you plan them and what the Planning Board requires when you build roads and setbacks.

**Trustee Walker:** It depends on what you value. The Comprehensive Plan Committee, and I think we have agreed with them, has looked at the Village as it stands now. We value our residential neighborhoods like yours and mine, but we also value these large tracts not because of their potential to become residential neighborhoods but because of their natural beauty and their environmental features and their views and their steep slopes and their rock outcroppings and their wetlands. Fifty years ago, a developer would come in and just run a grid of streets over them, and would have done away with all those features. Now we have a different set of values.

**Trustee Quinlan:** But we do have steep slope laws and we do have view preservation zoning.

**Trustee Walker:** But a conventional subdivision would basically wreak havoc with a lot of that if you just put a conventional subdivision on any of those properties. We do not have a wetland preservation law, for example, so they figure out a way to fill it. We do not have any way of protecting old stands of trees, so those would go. So right now, we are trying to figure out a new way of looking at it which is much more environmentally sensitive and ecologically sensitive. It is a new way of valuing what we have.

**Mayor Swiderski:** In the interest of taking it to the next step, the sense seems to be not to leave this for the Planning Board, but to have zone-specific, rezoning overlay-specific.

Marianne, what would you suggest in terms of the next step? Are there models out there we can look to?

**Village Attorney Stecich:** If you want to do it the way you have done it, the model of the CCH-1 and CCH-2 you have. It is not an easy job. It is not one I could do. You would need a planner to look at sites, because each of the sites is different. What is it on each of those sites you want to protect, and how should that be legislated? I am pretty good at writing up laws if I know what needs to be written up. I could not begin to take that on.

**Trustee Quinlan:** The first thing is to decide what parcels we are going to look at. We have a lot of lot of large land tracts. They are all over the Village, and they are all different.

**Trustee Walker:** Are we just talking about R-20, are we talking about others?

**Village Manager Frobel:** Would it help to have the woman who helped the Comprehensive Plan Committee advise us? Maybe a workshop with her to begin to identify some of these sites that you think deserve some special attention.

**Trustee Quinlan:** Well, we have the sites identified in the Comprehensive Plan.

**Village Manager Frobel:** But some of the features. Do you see where she could help out with some of this?

**Mayor Swiderski:** What we do is have the sites identified, and an indication of where the gateways are. We could quickly narrow it down. I will bring the list to the next meeting.

**Trustee Quinlan:** What happens there then, Fran, is we have to pay her. Right?

**Village Manager Frobel:** Oh, definitely.

**Mayor Swiderski:** I quail at site-specific for a dozen sites. I wonder if there is not something more generic, view line or setbacks preserved.

**Trustee Walker:** I agree. I think there is.

**Village Attorney Stecich:** There are different tools other than a cluster overlay. You can have a Broadway buffer that says you cannot build within the first hundred feet of Broadway. That is the problem. If you are going to do a cluster the way you have done clusters, they do have to be site-specific. But there are other tools besides a cluster overlay, like creating borders.

**Trustee Walker:** And many of them are mentioned in the Comp Plan, in fact. The important thing to do is to identify what our goal is and take a look at the Comp Plan language again. Maybe we become more specific with that language. Marianne is right. Sometimes you jump to a solution first before you look at what is you really want to do. Clustering is a very useful tool, but is it the right tool for what we want to do. We have to be clear about what it is we really want to do, first.

**Mayor Swiderski:** Then in the interest of propelling the discussion, why do I not summarize into a short memo for the next meeting what the Comp Plan says, what the properties are, and at least fire off the discussion that way so we can agree. We passed the Comprehensive Plan. We are, in theory, behind some of the general recommendations there.

**Trustee Quinlan:** There are a million things we have to do about the Comprehensive Plan. But maybe one of the most important, if not the most important and at least in the top five, is large land tracts. Let us tackle it as a start.

### **3. Implementation of the Comprehensive Plan**

**Mayor Swiderski:** So we have got a document 136 pages long with several hundred proposals in it, some of which are pie in the sky, some of which will cost money, many of which do not and are entirely practical, some of which are good for grant proposals down the road. But it is intended to be a plan, so let us talk about beginning to implement that plan. What are some ideas for the Board on how to tackle this? I had originally thrown out a Saturday session per substantive chapter for prioritization, open workshops where we work as a Board and try to figure out what we are going to do. That may not be the most efficient. What is the role of the public in the prioritization project? Any thoughts, please?

**Trustee Jennings:** I have a thought which is based on the experience of working on the sustainability action plan with the Conservation Commission. First of all, we have to create some kind of a structure, some kind of an ordering of the many ideas and proposals before we can engage the public. You cannot throw it out there. It would not be productive and a good use of the public's time. What we tried to do with sustainability was to identify, based on several factors like cost, the time it would take to accomplish the suggestion. We tried to divide it into the things that we thought could be accomplished in the next year, the things that we thought might take three years, the things that might take five years. By putting it under a temporal grid we were able to buy ourselves enough time to, down the road, get grant monies or other outside funding that we could not generate from our own budget to do some of the more expensive things and to achieve some progress, some sense of momentum, early on so that it gave people encouragement and continued to build commitment.

That approach seems to make logical sense. It could embrace the entire Comprehensive Plan. It would require that someone sit down with all those proposals in there and begin to sort them out in that way. We need a list of criteria for what we would put in the quickest category and what we would put in the furthest away category, and begin to shuffle the deck. Eventually you come up with a spread sheet. Then you have something to talk to the public about. It takes some work.

**Trustee Walker:** That is exactly what I was picturing: a matrix, and you identify these criteria like six months, one year, two year, five year. And then who would tackle these things, and what outside assistance will we need; which are the ones where we need to hire a consultant, which can we do completely on our own, which are low-cost and which are going to require coming up with some money. Yu can prioritize them that way.

**Trustee Jennings:** You could do it chapter by chapter or topic by topic. You could do several matrices.

**Trustee Walker:** Yes, a matrix for each chapter. W look at it, and we put our prioritization on it. Then we show it to the public and get their feedback on it. Some of the things are objective because we know they are going to cost money and they are going to take time or whatever. But some of the things are subjective about what is most important and who is going to tackle it, for example. That would be good to get feedback on from people.

**Trustee Quinlan:** This is an overwhelming task. The easiest way is to do it the simplest way. You come back next meeting or the meeting afterwards, and everyone says this is what I think is the most important thing we should do first. And if two people out of five come up with the same idea, then we tackle that one. We could talk about matrices, but just take the large land tracts. One of the simplest things you could do, and I have to go back to the Comprehensive Plan but do you want to talk about something that is simple and easy and will have no political ramifications, and we could do it, is right now as I understand Reynolds Field is zoned for not a park.

**Mayor Swiderski:** It is R-20, or R-15, or -10.

**Trustee Quinlan:** So you want to talk about something simple, you talk about those very easy things to do. Like Reynolds Field, rezone it. Does the Village own it, does the school own it?

**Trustee Jennings:** The school owns it.

**Trustee Quinlan:** But make it into whatever it is. Not R-20. It is never going to be R-20, it never should be R-20.

**Trustee Walker:** But it does not make any difference because it is owned by the school.

**Trustee Quinlan:** No, it does not make any difference. But you know what? It is wrong.

**Mayor Swiderski:** If it was sold it would make a difference.

**Trustee Walker:** You have to determine what it is you want it to be if it were sold.

**Trustee Quinlan:** Do the simple things. That is one of the things that stood out for me in the Comprehensive Plan. What could we do to make the common sense changes that are simple? That, to me, would be number one.

**Trustee Walker:** But it is not so simple because you have to talk about what you want it to be if it is no longer a school property. And then the neighborhood starts to talk. Do you want it to be a park? It might be another housing development.

**Trustee Quinlan:** If you think you want Reynolds Field to be a housing development, then go right ahead and say it now. But I think Reynolds Field should be a park, and it has been a park and it should be a park and it is going to be a park and everybody wants it to be a park.

**Trustee Walker:** It is not simple.

**Mayor Swiderski:** That would involve reading through the 135 pages and set prioritizations.

**Trustee Quinlan:** You asked me, and I think everyone should pick their favorite topic for change and see if we can agree to prioritize one, two, three, four, five.

**Trustee Walker:** I volunteer to take one chapter and try doing a matrix to see what it looks like.

**Trustee Quinlan:** You have got somebody who wants to do some homework. I am not doing it. I do not even know what a matrix is.

**Trustee Walker:** Spread sheet.

**Trustee Quinlan:** I have never done a spread sheet in my life. I hire people to do spread sheets.

**Trustee Walker:** I love spread sheets.

**Mayor Swiderski:** I love spread sheets.

**Trustee Quinlan:** I hire people to do them.

**Mayor Swiderski:** Oh, boy.

**Trustee Walker:** And maybe the answer is somewhere in between.

**Trustee Quinlan:** I totally agree with you. If you want to make a matrix and spread sheets, go ahead.

**Village Manager Frobel:** What Bruce was referring to was very helpful because it gives you the action item, then the responsible party. That way, I use it as a road map because I know these things staff has to work on, I have to work on. It is very clear. It helps boil that document down to something manageable.

**Trustee Walker:** Particularly the short-term and long-term. There are some things that we will just not be able to get to for years; other things that many of us think are really important. But we have never really talked about it. Except for the large tracts we never talk about, well, what do you think is most important, what do you think is most important to do next? So in one respect Jerry is right. We need to come up with what *we* think is most important, then hear what the public thinks.

**Village Manager Frobel:** A set-aside workshop would be very helpful, though. Not to have it on the tail end of a meeting. Do you not agree, Mayor?

**Mayor Swiderski:** I agree, but I am still fighting through chicken/egg and structure here. Does a matrix breed the prioritization, or does the prioritization breed the matrix?

**Trustee Walker:** It is such a big document.

**Mayor Swiderski:** There are so many ideas in it.

**Trustee Walker:** That if you threw it open to the public ...

**Mayor Swiderski:** Oh, forget that.

**Trustee Walker:** It is not impossible.

**Trustee Quinlan:** The public created the document. Now we have to deal with it.

**Mayor Swiderski:** That is the loudest voices win. I am not going to go the loudest voices win route.

**Trustee Walker:** Then I think we have to do some work before we throw it to them.

**Mayor Swiderski:** Absolutely. That workshop is one among us, not the public.

**Trustee Walker:** But to begin with, you have to be able to see it systematically, whether it is a list, or a spread sheet.

**Mayor Swiderski:** OK. Let me call Liz. I thought I saw this in spread sheet form at one point. Let me check with her.

**Mr. Skolnik:** What it is you want from the public would be important for you to clarify from the beginning. Either what you are looking for, as I listen, is a public approval of the priorities you evolve, or you are looking for some formative input.

**Mayor Swiderski:** The former. Public buy-in on a proposal. That was my reference to the loudest voices. We will have 10 people in here who have a strong opinion on something. If we went on public input it would shove something that we all up here intrinsically know is not that important to most of the community up to the top of the list just because the 10 or 20 people who show up in the workshop insist on that because they are well-organized. I am not willing to do that. I am willing to take that input at the tail end of the cycle on a prioritized list of proposals. We have had the public input on the document. The document represents a heck of a lot of that. It is now ours to try to figure out how to implement that document, and I shudder at the thought of a public process on prioritizing it.

**Mr. Skolnik:** I am a little leery. There ought to be some room in between what you seem to be proposing and the other extreme that you dread. Once you work through your priorities there is not an openness to the public input. It would have to be a highly organized objection for you to change your mind at that point. I am suggesting that you think about what might allow you to retain control, but still allow even at this date some of the public input that did not make it in.



**Mayor Swiderski:** OK. I can visualize ways of doing that. Onwards.

#### **4. Consideration of Revaluation Presentation**

**Mayor Swiderski:** I would like to put that off to the next meeting. That was something that Niki had a strong sentiment on, and I just do not have it.

**Trustee Walker:** But it was just to invite to do a presentation.

**Mayor Swiderski:** Right. It is probably non-controversial. But I would rather talk about it when I have the energy to address it.

#### **5. Waterfront Update**

**Trustee Quinlan:** We had a meeting August 23 between Riverkeeper, the Village, BP/ARCO, and the DEC. We met in Riverkeeper's offices. The meeting lasted about two hours, and the topic was could we find common ground with the revised feasibility plan that was submitted by BP/ARCO to the DEC. There were some positive things about the meeting: the fact that we were all together and we were discussing it, and the fact that I do believe that, at least from my takeaway from the meeting and this is reading between the lines, there is some consensus being built in the DEC between the remedial division and Fish & Wildlife. That consensus is being pushed and helped and moved along by the new administration in Albany, the new administration at the DEC, the new commissioner, the governor. I think he has some interest in it. We have had a lot of help by our consultant to move that along so that at least they are building decisions so that they can issue the preliminary remedial action plan which I think is going to happen this fall.

Having said that, I think that there are still some big divisions. It will be interesting to see what the preliminary remedial action plan is. There will be a public meeting on that. We have not seen it yet. It is due in October. I think BP/ARCO might not be too happy with some of the proposals. I am almost positive that Riverkeeper will not be too happy with some of the proposals. But it will start a public process to keep the momentum going on the waterfront, which we really need.

I do not want to get into the timelines now because even though we had a long discussion on the timelines I think there were too many gaps to really talk about timelines. But we are talking about realistically having maybe completed by 2020, and that is without things completely falling apart. I think there are some issues that have not been resolved yet.

**Mayor Swiderski:** I am not sure we should say anything more.

**Trustee Quinlan:** Without getting specific, the point of the matter is that I think we are getting together, we are talking. Everyone is at the table.

**Mayor Swiderski:** And everybody understands our urgency on this.

**Trustee Quinlan:** We were clear at the meeting that Hastings is looking for a solution that is environmentally protective and technically sound, but that we need it done sooner rather than later. We do not want a lot of back and forth and more litigation. We were crystal clear on that and, hopefully, we were heard. Fair, Peter?

**Mayor Swiderski:** Fair, and representative of what happened.

## **6. Pace University Grant – Affordable Housing**

**Mayor Swiderski:** Pace had received a grant to work with communities affected by the county settlement on affirmatively-enabled affordable housing, the term that the art is now. They have met preliminarily with our Affordable Housing Committee to brief them on the eight or nine model statutes that the county has come up with to implement, on a village level, the recommendations in the settlement. We have some of it in our books, some not at all. The next step is to go into that in more detail and more broadly. I would like to invite Pace back to speak not only to affordable, but to zoning and to planning since any changes generated would affect their work, as well. Have them hear what the settlement requires and the possibilities we have for implementing components of that settlement. I am going to reach out to Pace and ask them to come at a time mutually beneficial to the Affordable Housing Committee and members of the Zoning and Planning. The public will have a chance to attend. In the format of a seminar they will tell us what they understand, what sort of things we might look at, and opportunities for questions.

Out of that, I would seek the Affordable Housing Committee to come up with recommendations on modifications to our affordable housing law, and we would begin the process of vetting that among ourselves with Planning and Zoning, and pass those modifications. They are not insignificant. I would call them, and I am generally biased in favor of affordable housing, palatable, but they are not small. I am asking for your support.

**Trustee Walker:** Absolutely, yes.

## **7. Other**

**Trustee Walker:** We have, a week from Friday, our Friday Night Live Yellow Jacket Jam, which is a reunion of professional musicians who were all taught or inspired by Peter DeLuke who was, apparently, an incredible music teacher at Hastings High School. It is going to take place in Boulanger parking lot. We are going to have a stage set up and seating, closing down a portion of Main Street from Whitman to Warburton and having food tables. It is an opportunity to also raise funds for a music scholarship fund that the Hastings Alumni Association is sponsoring. Also, current Hastings High School and Middle School jazz musicians will be involved.

### **EXECUTIVE SESSION**

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

**Mayor Swiderski:** A word of thanks to the Village Manager, his staff, the DPW, the police, and the fire department in a storm that largely spared us last week, but required work nonetheless around the clock out of a large number of people who knocked themselves out on our behalf, whether paid or volunteer. The firemen were on 45 calls in a 24-hour period. The DPW, there were men working around the clock, as were policemen. It was a tribute to how well they ran it, given how few problems we had and how quickly we bounced back. Fran, thank you, and extend our thanks to everybody involved. There were external entities that were helpful, as well, including the Andrus Home that opened its doors, and others that we are reaching out to thank.

### **ADJOURNMENT**

On MOTION of Trustee Jennings, SECONDED by Trustee Walker with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 9:45 p.m.