

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**REGULAR MEETING**  
**APRIL 17, 2012**

A Regular Meeting was held by the Board of Trustees on Tuesday, April 17, 2012 at 7:35 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

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

**CITIZENS:** Three (3).

**APPROVAL OF MINUTES**

On MOTION of Trustee Walker, SECONDED by Trustee Jennings with a voice vote of all in favor, the Minutes of the Organizational Meeting and Regular Meeting of April 3, 2012 were approved as presented.

**PUBLIC COMMENTS**

**John Gonder, 153 James Street:** The last meeting you mentioned Arbor Day proclamation day. That teed me off when I have to cut down a tree that is 18 years old because of deer. They ripped the bark off all around it. I bought over 38 dogwood plants in the last four or five years. I planted many cherry trees in Pulvers Woods. But the deer will eat each leaf. They will eat the tips of the plants, small dogwoods, and they will suck out the juices just like they do to hedges and azaleas and eat the tulips. But that is not our problem. It is also the deer ticks. You are supposed to be in charge of safety and health of this village. How many cases of Lyme disease have we had? One-hundred-seventy-two in Westchester last year. This year, you probably do not know about it because I call you city slickers. You all work in the city, I think. Last year, there were no acorns because of some problem early in the spring. Field mice y and a lot of squirrels have died. This year, there are ticks around. They are ready. And what are we doing about it? We are not doing anything in five years. You talk a lot but nothing has been done. There is not one place there are not any deer, and you have done nothing. You should be ashamed of yourselves.

**Tim Downey, 520 Farragut Parkway:** I would like to see more transparency with the bidding process. We do it with the parks and grounds with Ray Gomes, but we have embarked on that plan with the paving and the patching. The contractor that the Village started using, while he is an excellent contractor for storm sewers and smaller projects and I am friendly with him, he is not the best choice of a contractor for this type of task. And we do not want to fail on this task. We want to have the best-size contractor to fit this type of

job. The ones that come to my mind immediately are Tom Bucci or Pat Paving. We have used both in the Village. I am not sure why the Ricci Brothers contractor gets this, who incidentally is the contractor who squats down on Southside Avenue, and why we do not go with these other contractors who have a better fit in terms of their equipment and manpower. We can get more value. I want good value and I want good work done. Not to say they do not do good work, but the others are just better configured for this type of work.

One the budget discussion. I would like to see all the Trustees and Mayor become more focused and not have Trustee Armacost the one who carries the water most in this. It is an uncomfortable discussion at times. She looks like the bad guy, asking a lot of questions. I would like to see that workload distributed a little better. Last time the Mayor demonstrated concern with bonding and putting things in the bonds as opposed to paying for it flat out. I would like to see everyone pick up a little more so she is not doing all that work. Bruce picked up on something that was so glaring that it should never have gone this many years. We are paying a bonus for the sanitation to pick up recycles, when it is mandatory in the Village. You could probably hear me from Florida yelling. Then you finally said something. It is mandatory from the county, so why are we still having this bonus? Trustee Apel caught it and said let us kind of wrap this as part of their salary. But let us be more clear instead of parceling it out here and there.

Then I hear stories from within the DPW, and also my own eyes observing, I am not sure what their start time is: 6:30 or 7 when they are on the road. But I know they are rolling out there at 10:30, 10:45. It is a difficult job and I want the men to work safely and at a proper pace. I do not want people killing themselves and having strokes on the trucks. But at the same time, we should be able to reconfigure this so the recycling and the yard waste stuff could be part of their overall day if we just looked at the manpower. We are not doing the best job we could in terms of structuring that task.

The last meeting I posed two questions, and you have a month to consider. I would like an answer. I asked what plan B is if the merger issue with Dobbs Ferry does not work out. And I posed time and again, for several years now, this quarry thing. It is absolutely irresponsible and ridiculous, and I would hold the people in power accountable for it down the road. We make a flower garden out of the quarry. We get in a bind, we are given a good bid and offer for the land down there, and we do not have a plan B in place. I heard Fran discussing the \$30,000-plus that goes to Yonkers for handling our yard waster. I said time and again, I have researched this. We could take our yard waste, bring it into the quarry, and manage it. We used it as a dump. We have blacktop sitting there from years ago, a hard rock pile. It is ridiculous the way it was managed. You clean the site up, you bring the yard waste in, and you stockpile it. You bring a contractor in who grinds it down in the wintertime when windows are closed and people do not have to worry about dust and noise.

We could save half or better. We could put \$15,000 in our pocket every year if we just did it differently than taking it to Yonkers, waiting on lines, paying the fees. There is your police squad car, in three years, paid cash. We have to look at this more intelligently, and say we are going to have a park by the waterfront. We do not need another park. It is the last parcel of land we have. I would like to hear our alternate if the merger does not work?

Lastly, if we stockpile this material, ground it up and let it compost, we would be locally sourcing material for the waterfront later on. We are talking about the cap. Contractors are going to bring whatever crap they can, the cheapest they can get. Then we are going to be left with what can we plant in there. You are going to put a tree in two feet? Where is the anchoring going to be? Or we could create our own locally-sourced soil to ensure that we have quality material for the parks and plants down the road. We would save on that extra cost going to Yonkers. We would be doing the green thing because we are going to be trucking it upstate, or to Connecticut. We would be walking our talk.

Has anyone ever said, to the right ears at the waterfront, we have the quarry which needs development. You need a lot of rock and dirt. Would there be any benefit if we were to work with you? Roll the dirt down the hill instead of bringing it in. We could work a deal where could we get our site work done very cheaply. Has that idea ever been approached to the people on the waterfront, and what is our plan B should Dobbs Ferry not work out.

**Mayor Swiderski:** There has been no formal discussion privately on a plan B. It is not a discussion we could have privately, and we have not gone there yet. We have not even let out the contract for the consultant to look at the merger. Regarding sourcing local materials, it is an interesting idea. I do not know if it works or not, given the time frame we are talking about. The point where we would be capping the BP site is fairly far into the future. We could raise it with Exxon, which intends to cap their site early next year to see if they would be interested in some of the fill. We have not brought it up, but it is not a bad idea.

**Trustee Walker:** I would just point out that we do not need to get rid of fill at the quarry. We need to bring fill in. We are going to need a significant amount of fill and topsoil, because we are required to cap the landfill there.

**Mayor Swiderski:** I thought it was topsoil.

**Trustee Walker:** It is both. It is 18 inches of fill and 6 inches of topsoil.

**Mr. Downey:** The problem with the quarry has always been traversing the Aqueduct. That has been the battle with the state. I proposed one time we come in off of Washington

Avenue, we cut right underneath Draper. We have all this dirt in the way. There is our dirt for down the river. We cut a clean path in, reconfigure the parking to not eliminate or lose any spaces on Washington. That earth that is in the way right now that would enable a new entrance into that space; instead of coming across the Aqueduct we come in directly over Washington. Cut that hill out, cut that stone out; save enough to create an attractive berm and landscape around there so it maintains a quiet profile, being respectful to the residents.

There is an abundance of material. I have taken a tape measure there. I would love to be part of a discussion, walking with an Exxon guy with a hardhat because I can speak this language. What if we cut here, here? How many yards would this be? Would this work? Not looking to take any material that you folks are thinking of for the park. I am looking at it in terms of the waterfront, where we are going to need materials, and could we save on trucking issues and length of time.

**Trustee Armacost:** I think there is merit to this if there is a possibility of doing it in a way where it is reasonable, where, obviously, BP is interested in doing it, or whoever else.

**Mayor Swiderski:** It is worth looking at.

**Mr. Downey:** But the big question is, is it a potential site for the DPW or a smaller highway department? Or is it a park? I say we do not need any more parks. Let us enhance the ones we have. We are so constricted on our resources it is irresponsible to make another park.

**Trustee Armacost:** The park issue is a separate issue for me. But the issue of the soil I think is very relevant. The problem with the quarry is that it was a dump zone. I do not know the toxicity issues, and whether moving whatever is there defeats the purpose.

**Trustee Walker:** But we are not moving it out. We have to bring soil in to cover it.

**Village Manager Frobel:** Preliminarily, indications are there is not enough surplus soil on the quarry site, and the fact is we have to bring fill and topsoil in to complete it. There is not surplus soil there to use. What is there we will use, and we have to bring in more.

**Trustee Walker:** No, Tim is talking about putting a new road into the quarry site from Washington Avenue, through woods below Draper Park.

**Mr. Downey:** Where the teardrop goes down to the site, and just take it right out to Washington Avenue.

**Trustee Walker:** Which would be a pretty significant cut, though.

**Trustee Apel:** But you would use whatever you have in fill. The engineers would probably know the cost ramifications, and that is something they would have to look into. What is the time and cost in bringing it down, or just leaving it up there to use it for the area itself. An engineer would need to give that opinion. I applaud you for the creativity. It is great to think about the resources that we have, to see if we can use them to our advantage. I agree we should be looking into it. Thank you for that idea. It is really good.

**Trustee Armacost:** It depends also on the ultimate design. The original quarry had a lake. It was stunningly gorgeous, which obviously is not in the plan now. But quite a lot would need to be removed if that was going to be part of the vision.

**Trustee Apel:** But what is in there was garbage.

**Mayor Swiderski:** What is in there?

**Trustee Apel:** We do not know what is in there.

**Trustee Armacost:** You can go past the side and it is pretty clear some of the stuff in there.

**Trustee Apel:** Yes, but there is a lot underneath that is oozing.

### **APPOINTMENTS**

**Mayor Swiderski:** We have two: Ron Cascone to the Conservation Commission, and Bret Schneiderman to the Tree Board. Thank you for your service.

### **29:12 AWARD OF BID – CHEMICAL CONTROLLERS FOR CHEMKA POOL**

**Village Manager Frobel:** At our last meeting we explained that the chemical dispensers at the pool had become unreliable. After eight years of service, it was time to replace them and, given the financial strength of the pool fund, this might be an opportune time to do so. We prepared specifications, we opened the bids last Thursday. We were able to attract three bidders. The apparent low bidder did not meet the specifications. What he has provided us does not do the job in the way we intend it to. We are recommending tonight that it be awarded to the second bidder. The high bid was \$18,880; the \$14,100 is less than we had originally come to you with, an informal quote, which was around \$15,000. By bidding it formally, we were able to secure some additional savings and address a need, and to acquire some hardware that we need.

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

**WHEREAS,** the Mayor and Board of Trustees authorized the Village Manager on Mar. 20, 2012 to request bids for chemical controllers for Chemka Pool, and

**WHEREAS,** a request for bids was advertised as required by law, and bids from three bidders were opened at the Municipal Building on Apr. 12, 2012, and

**WHEREAS,** two bids met the requirements of the bid specifications and one bid failed to meet the specifications, now therefore be it

**RESOLVED:** that the Mayor and Board of Trustees award the bid for chemical controllers for the Chemka Pool Norco Ltd., Garden City, NY in the amount of \$14,100.00 to be paid from the Pool Fund.

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
Trustee Bruce Jennings	X	
Trustee Marjorie Apel	X	
Trustee Meg Walker	X	
Trustee Nicola Armacost	X	
Mayor Peter Swiderski	X	

**30:12 FARMERS' MARKET – APPROVAL OF USE OF MUNICIPAL BUILDING PARKING LOT**

**Village Manager Frobel:** It is that time of year again. We are looking forward to it. We are looking to use the parking lot for the Farmers' Market beginning on June 2 and running through mid to late November.

**Sue Smith, Farmers' Market:** Fifteenth year. Pretty amazing. How time flies when you are having fun. The memo that I sent you gives you an idea of where we are currently at. I figure there is an average of a little short of 1,400 people a week. It depends on the weather and the holidays, but that comes out to be an average over the last couple of years. Sometimes it has been up to 1,600, sometimes it is a lot lower. But we certainly have been well-patronized and supported by people in the community and in the villages around. We

did not do the rapid market assessment this year. We did it last year, and do it generally every two years. So next year, presuming we might be back here again, we will have some more specific data that you could compare with past years.

We have continued to accommodate handicapped shoppers, and are doing all the things we said we would do. We will be moving one of the handicapped spots, at the request of the Village, up farther into the lot so it is on a flatter surface. We will continue to have three handicapped spots in the market. We have signage, we have people helping people park, and we see more and more handicapped people using the market, which is great. I think we are on the map as a good place to come for that purpose. There are spots also in the street, and also they can use the library entrance for pedestrians.

We have a traffic control person at Maple and Spring until about noon, all the busy hours of the market, restricting the right turns and helping people cross. When you have a family, and your hands are full of bags, that is a nice thing to offer.

A new thing this year, we are going to start to accept food stamps, also called EBT, electronic banking transfer. It is a wireless system, which is made possible through the state Federation of Farmers' Markets. It is a federal government Department of Agriculture program, but it is encouraged by the state. Mount Vernon and Ossining are the only ones in Westchester that have food stamp capability at a farmers' market. We hear the stories about people in Hastings who are having hard times, and also certainly all around us that is true. In spite of being a fairly prosperous community, there is certainly another less-seen piece of the community these days, maybe always, just worse now.

So we are excited about that. Considerable administrative effort has to go into it, but we are mature enough as an organization that we can take that on. We are excited to be branching out. It is a new customer base, but also we feel it is an important public benefit. If you think that people should eat fresh food, and eat locally, then this is what we should be doing. Our advertising will be showing that new feature.

I conclude by saying that the market is so well appreciated for the diversity of vendors and products, and for the kind of atmospheres. We have one vendor who cannot come back this year, who will remain nameless until the time comes because it will upset a lot of people. But they are not able to continue the farming that they had been doing and support so many markets. She said if I could choose to be in any market it would be Hastings. There is just no place like Hastings. The spirit, the people are different from any other place that we go. She had tears in her eyes because she cannot be here.

Aside from what the shoppers think, that is the way the vendors feel about Hastings, which is really wonderful. It is a win-win all around. I also left out an important word here: that we could not do it without your support and with the library and the police department, who have been very cooperative and supportive of us. We appreciate it. The library has so much business on market days. Everybody is bringing their books back and taking them out, and all the market bags, they are very tolerant of us. So once again, we hope that you will approve our being there. It is a great spot, it is beautiful. There is nothing like grass and trees and a beautiful view.

**Trustee Jennings:** I am glad to hear that you are able to do the food stamp electronic system. That is wonderful. I would like to say a word about the refuse and the crowds of people who, fortunately, do come to the Farmers' Market. We want to make sure that we have adequate containers for the material that people dispose of. In particular, we are trying to increase awareness and increase recycling so people do not put bottles and cans into the garbage containers. We want to make sure that we have signage, and we want to have the number of containers that will make it possible, and easy, for people to do that. I hope the leadership of the market can work with the DPW and others in the community to manage the recycling activities there. It has come to my attention that sometimes they were not enough containers available or they were not well marked. We want to make sure that we have everything we need for the customers. If you put that on the radar screen for the leadership of the Farmers' Market, and take the necessary steps to work with the Village Manager and the DPW I would appreciate it.

**Ms. Smith:** We will be happy to. It is something that we have been very aware of and that we struggle with also. There are new containers which have bigger holes for recycling and cans. I think we talked about better signage. It is important that the DPW picks up on Friday and we start with the clean slate. If that has not happened, then we are behind the 8-ball from the start, we cannot catch up. We do try to have, and they are not gorgeous, a big bucket for things. But it does not deal with the separating the recycling out. Hastings does recycle pretty well, and I would hope that people at the market have their heads in tune. I think we will need more for trash than what those new containers have.

**Trustee Jennings:** We can bring special containers on market day. I am sure the people who come to the market are aware of this issue, and I am also sure they would appreciate having the containers available.

**Trustee Apel:** I understand we have bike racks. But when I was in Santa Monica I thought it was very entrepreneurial that they have valet parking for bikes. I do not know if they pay them or not. It is a great encouragement for people because they know their bikes are safe and there is someone there watching them.



**Ms. Smith:** We have something a little simpler. We do not have as many bikes, but a lot of people come up the driveway with their bikes. Our tent is there, and often they park their bikes close to where the tent is and near the back door to this building. So there is somebody who has some oversight there. They use that more often than the bike parking at the library.

**Trustee Apel:** They might like valet parking.

**Ms. Smith:** But there is somebody to watch their bikes, and that seems to have worked out fine. Often the whole family is biking, which is great. They have all kinds of things to carry their food home, fancy ways to do it.

**Trustee Walker:** Maybe we should give them extra coupons or something if they ride their bike.

**Trustee Armacost:** I want to reiterate what Bruce said about the innovative food stamp concept. That is creative and thoughtful vis-à-vis people who need to use stamps to give them options to use it in that context. The market is amazing. My son, Cole, is a huge fan. All of us are, but he in particular. Congratulations.

**Ms. Smith:** It is lots of people working together that has made it happen. Thank you for your support.

**Mayor Swiderski:** Thank you. It is amazing that it is 15 years already. It has really become a vital part of the Village, and is only sustained by the work of volunteers.

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

**RESOLVED:** that the Mayor and Board of Trustees approve the use of the Municipal Building parking lot for the 2012 Farmers' Market on Saturdays beginning June 2, 2012.

**ROLL CALL VOTE**

**AYE**

**NAY**

Trustee Bruce Jennings

X

Trustee Marjorie Apel

X

Trustee Meg Walker

X

Trustee Nicola Armacost

X

Mayor Peter Swiderski

X

**31:12 SCHEDULE SPECIAL MEETING – ADOPTION OF 2012 – 2013 BUDGET**

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

**RESOLVED:** that the Mayor and Board of Trustees schedule a Special Meeting for Tuesday, Apr. 24, 2012 at 7:30 p.m. for adoption of the 2012 -2013 Village Budget.

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
Trustee Bruce Jennings	X	
Trustee Marjorie Apel	X	
Trustee Meg Walker	X	
Trustee Nicola Armacost	X	
Mayor Peter Swiderski	X	

**VILLAGE MANAGER’S REPORT**

**Village Manager Frobel:** Our Village Tree Board is embarking on another initiative involving a street tree inventory. They have fashioned a program whereby volunteers help in inventorying trees that are on the public right of way. Interested persons can turn to the Web site for more information. I think it is a terrific idea. It will give us an idea of what we have in terms of species, size, and location of street trees. The group sees it as part of a comprehensive review of the trees in our neighborhoods. They even see possibilities for some grant funding, once this inventory is completed. The Tree Board is of the opinion that the data can be very important for other purposes.

**Trustee Armacost:** Fran and Meg, a few people have put their names forward to volunteer recently. Maybe we should reach out to them. I was thinking of Friday Night Live, but also this initiative, as two options that they might make good on that offer for.

**Trustee Walker:** The tree inventory is a really big job. I wondered if there was something the tree committee could give to volunteers. The Tree Board is made up of professional arborists. They are landscape architects and people with professional backgrounds in this so they need to make the decisions. But perhaps there is some work that could be given to volunteers who are not as well-trained. There is going to be a lot of paperwork, there is going to be a lot of visiting. They are going all over the Village.

One of the Tree Board members was on my street looking at some trees that were not in such great condition. We talked about the possibility of an adopt a tree program. When a tree is taken out or falls down, often the property owner wants to replace it, and is willing to incur the cost. However, over time the property owners come and go. The next owner may not realize that the previous owner put the tree in and maintained it. They do not know they are supposed to be maintaining that tree. All of a sudden it goes back to the Village. I wondered if other municipalities have a program like this, where you could put it in writing so if the property changes hands the new owner knows that they have to take care of that tree. Otherwise, it is back on the Village's shoulders again. It can be an expense to maintain them, to water them, to prune them. But often property owners want to help do that. There are liability issues and a whole host of issues that I am sure we could get into. But there must be programs out there. I know New York City is doing something like that.

**Village Manager Frobel:** I can mention it to the group. Part of this program is that it is driven by volunteers. They are going to have to go in for training. They have got a work sheet that they will ask the volunteer to fill out, based on his observation. They know it is not scientific, but the group will work from the data they provide to the experts.

**Trustee Walker:** Oh, good. So they are looking for volunteers then.

**Village Manager Frobel:** That is what it is all about. Right now, it is all about volunteers helping our Tree Board start to compile the data, knowing that these volunteers are not trained in recognizing the different types of trees.

**Trustee Walker:** So are we putting out a call for more?

**Village Manager Frobel:** We are. That is what this initial e-mail blast was about.

**Trustee Jennings:** Since we are going to have people out looking at trees, since they have some structured notes they are going to be taking, would it wreck the whole idea if we broadened it and asked them to make notes on bushes, other kinds of plants and vegetation, large plants that are in these areas? We have an opportunity to get a body of information about the biodiversity in Village rights of way. If it would not be too much trouble for them to do it, and I do not think it would, we might get more information that would help us manage that aspect of the Village. I would also like to see notes about where the bushes seem to be blocking the view, where there might be a hazard. There are places around the Village where you cannot see when you pull out into a cross street from a stop sign. The Village ought to know about that, and it ought to be part of the DPW to make sure the trimming is done properly, or the property owners trim, so we do not have that safety hazard at our intersections.

**Village Manager Frobel:** Let me pass it on to the group.

**Trustee Apel:** We might as well use modern technology. Google Map, can we not take a virtual tour of the Village? I do not know how recent those photographs are. If they are constantly updated, we could take a ride through the Village online, and see all those trees and bushes.

**Village Manager Frobel:** They are going to have maps for the volunteers, and a designated area that he or she is to survey. I do not know the basis of those maps. It could well be the Google maps.

**Trustee Walker:** In fact, if we had a GPS positioner you could locate them on our GIS maps. They could do that, could they not, Raf? If we had the equipment.

**Trustee Apel:** t I am just saying you could do it virtually.

**Village Technology Director Zaratzian:** They say they are copyrighted.

**Trustee Apel:** But if a bush grows between now and then you would not know. I am just saying why do we not use some of this modern technology and, if we can, map it. Then we know where the potential trees are. There might be a tree that looks fine now, but we know it is going to get big and we can X it and say we better look at that next year or in two years.

**Trustee Armacost:** It also depends on the time of year. Summer, it is very clear what is dead and what is not dead; in winter it is hard to tell. But the bush issue, I think you would be able to tell very quickly if you are coming up to a curve which is a dangerous curve.

**Village Manager Frobel:** I received a phone call from the county executive's office, Mr. Astorino, indicating that Hastings-on-Hudson, and our Conservation Commission in particular, is going to be recognized by the county at the Earth Day ceremony. Our efforts in our Love-'em and Leave-'em program is worthy of recognition. They feel the efforts made Village-wide to reduce the amount of yard waste that is handled is important. There has been a lot of good work done, and they would like to recognize that effort. That program is e next Sunday. We will put this on the Web site to invite the community. Certainly the efforts of the Conservation Commission, having been revitalized of late through Bruce's efforts largely, have yielded some benefits already. I am pleased to tell you that we are getting some recognition for the work they are doing.

Our Village-wide cleanup day is this Saturday and Sunday. People are urged to contact Lisa O'Reilly at the Community Center, although it is not important to necessarily be on a sign-up sheet. The main thing is to participate. There is a cleanup luncheon at the VFW Saturday noon to 1:30.

**Trustee Walker:** There is a tremendous amount of trash along the Metro-North platforms. I don't know if we are allowed to go in there clean it up.

**Village Manager Frobel:** I often have youthful offenders and I will send them down there to will pick up along the river street side. But I was going to contact Metro-North because there is a lot of litter between the platform and their fence. They have their crews that are responsible for their property.

A final note, at long last we indicate where we have some LED street lights installed. There are some on Fairmont and Glenn Place, Jordan and Branford. They are in bunches as we continue to replace our incandescent. Jim Sugrue was nearly done the last time I spoke with him.

**Trustee Walker:** You said they are in bunches so you might see how many together?

**Village Manager Frobel:** You might see two on opposite sides, and then the mercury vapor, and then you will see an LED again. From what I understand, they are noticeable and the comments have been very positive, with the exception of one, and even that individual I think has come around to better understand what it is about. Deven is working with him as to what this program is about and what it can mean to us long term.

## **BOARD DISCUSSION AND COMMENTS**

### **1. Buffer Zones**

**Mayor Swiderski:** This is out of the Comprehensive Plan. The first initiative we sought to tackle was the approaches to the Village gateways at the south, north and east of the Village. I am going to turn it over to Marge and Meg to talk about.

**Trustee Walker:** We met with Sanja Koljancic. She is from Banya Luka in Bosnia, and is returning next week. She is, unfortunately, out of town this week so she was unavailable to come to this meeting. She was really disappointed. But when she gets home, she is going to watch this online. Is that not funny? The idea of watching our discussion from Bosnia? At any rate, she has done a terrific job. Just to catch everybody up, what we wanted to tackle was looking at one, and maybe two, recommendations in the Comprehensive Plan. This is

under the large tracts, the section about protecting and enhancing gateways into the Village and the downtown. Also, tangentially, we are looking at an objective that followed that one, which is protect and enhance the environmental quality of the Village through preservation of environmentally sensitive areas. There is a little overlap in these two, but we are primarily looking at that first objective about the gateways. We were lucky to have a planner who was visiting and looking to do some volunteer work. More than an intern, she has got three or four years of experience as a planner working in Bosnia. So she is a professional, and she wanted to find out more about planning in this country and how municipalities operate and comprehensive planning and so on. So we put her to work on this. We gave her a broad brush to come up with her own recommendations about buffer zones along the major thoroughfares at our gateways.

We are going to post this report on the Web site because we would like to get comments from folks. This is just the beginning of the discussion. But it is a great beginning because it gives us something substantive to work with. She identified five areas, some really large areas, but they have all been highlighted by the Comprehensive Plan as important gateways and scenic corridors. Beginning on the north end, we have Broadway coming in from Dobbs Ferry, she calls that Gateway One, from the border of Dobbs Ferry down through Zinsser Park. Gateway Two is along both the Saw Mill Parkway and the Saw Mill River Road. We may decide not to look at the Saw Mill Parkway, but she thought it was interesting to look at the scenic qualities along the parkway. I thought that was enterprising of her because I would not have gone out there. But she photographed it along the entire length of Saw Mill River Road within Hastings. There are some particularly important areas to look at: the private property at the north end owned by Ginsburg Development. She has some proposals of how buildings and structures could be set back from Saw Mill Parkway there. But looking at the entire length, even though most of it is owned by the county there may be structures or parking lots that the county would like to put in there. In fact, they are thinking of one to expand parking for the South County Trailway. This will help us in siting something like that and screening it and landscaping it.

The third area is the gateway off of the Saw Mill Parkway onto Farragut Parkway. That is mostly state-owned, but there is some private property there, as well, as you get further into Hastings. That is quite beautiful. You come in and you have got meadows, you have got wetlands, you have got forest. She has recommendations how to preserve that open space.

The fourth is the biggest one, which includes Broadway coming in from Yonkers from the south. Andrus Children's Home, the Graham School, Andrus Retirement Community all the way up to the Burke Estate, including both old and new Broadway as it goes around the Andrus Home. She also includes a stretch of Farragut Parkway along the Burke Estate just south of the high school which is a beautiful edge. We decided it was important to look at it

as an important, if not scenic, at least natural resource. We also looked at Tompkins along the Andrus Children's Home.

The fifth gateway is Warburton Avenue coming in from Yonkers. A lot of the area she identifies there where we could have a buffer is Village-owned, but some of it is Graham School. There might be a little private property there. Then we thought it would be important to identify our goals. We looked at the Irvington law, which Marianne gave us a copy of. It is very helpful. But mostly, they are just preserving open space along a couple of important corridors and giving a setback, and then how it is going to be enforced, and if somebody wants to build within that setback the procedure they go through.

Sanja and I discussed how it is important to also highlight why we are doing this, put out goals in the zoning ordinance, and identify some of both the natural resources and scenic resources we want to preserve. It is not just about open space. It is open space, but what is in there. There may be historic stone walls, important old growth trees, beautiful landscaping, wetlands, meadows, views, rock outcroppings, things like that we may want to identify as important. She goes into that a little in each one of these areas. We may want to highlight them more. But she has a good beginning as to what is important on each of these properties. Then she has recommended different setbacks for each one of these gateways: some more, some less, depending on the properties that are there. Sometimes there is a line that has already been established by existing buildings. So she is giving some buffer zones, and taken a lot of pictures and tried to identify what is important there, and then shown in aerial photographs where those setbacks would be, and given the distances. It establishes a good beginning so that we as a Board can go out and look at this, residents and property owners can check this out, and we can have some discussions about these ideas.

**Trustee Apel:** One of the lengthy discussions we had was about who takes precedent over some of the land. While we may want to set these zones back, you will have to tell us, Marianne, if an area like the Andrus Children's is getting a grant from the state. That that supersedes our law saying we want the setback to be here, and they will say we can do whatever we want because we are getting this grant from the state. We want it to be more than a recommendation. If we are going to through this process, and this is what we want, we do not want to then tell us forget it, we are going to build what we want where we want because we get this grant. We are going to need some assistance to find out where we are with that.

I was very impressed by the work she had done. It is very thorough. Her analysis, her decision as to how far to go back, the difference between the property line and the buffer zone and what is there. She took a lot into account as to what is there already. The photographs you will see are without leaves. That is a little different than the group we want

to send out to check the trees now. So you are able to see more clearly through the property here because there are no leaves on any of these trees. Even though there are no leaves, the Village is beautiful. It is quite amazing. As a beginning I think this fabulous. And once people start looking at it we can make some headway on doing the buffer zones. We should be considering doing that relatively soon. There were some concerns about possible future development coming in before these are set into motion so we should be getting on this soon.

**Mayor Swiderski:** What are the immediate next steps?

**Trustee Apel:** We are going to need a committee. We have talked about having a committee for the Comprehensive Plan, but we should definitely have one for this sooner than tackling the whole Comprehensive Plan because this is in place and we can start looking at this.

**Mayor Swiderski:** What would the working group do?

**Trustee Apel:** The working group would review what we have done, and perhaps take a look and walk around, and then come back and say yea or nay on what they have seen. Then we would have to turn that into a law.

**Trustee Armacost:** Are there budget implications? We are making a law that the area is protected, or are there other improvements that are implied that cost money?

**Trustee Apel:** The only thing you might want to consider is that if you are making a buffer zone, and moving it further in, how does that affect the landowner and will that increase the value of the property.

**Village Attorney Stecich:** I am trying to imagine how it would increase it. That is where you are going to get push-back.

**Trustee Apel:** What we are going to be looking at is vision and what we want the community to look like in terms of down the line. Or are you going to want to have everything built right up to the edge of the property. If we do not want our community to look like that, then your tradeoff is that you are changing the zoning of the property for some reason. It did talk about the character of the Village in terms of sometimes there were walls, and whether we would want to encourage people to put back the walls or to maintain them. Or further down the line, would we want to install more walls because we want our village to look a certain way. But that would be part of the whole Comprehensive Plan. That is not the buffer zone in terms of moving the buffer zone to a certain point.



**Village Attorney Stecich:** Creating a buffer zone is saying within that buffer zone you cannot build, or whatever restrictions you want within the buffer zone.

**Mayor Swiderski:** What do we gain with a working group versus, say, you and Meg?

**Trustee Apel:** Oh, no, we are happy to walk around. The implications for the other things, the legal things and the financial things, I am not an expert on that.

**Trustee Walker:** We can work with Marianne on that.

**Mayor Swiderski:** In terms of aesthetically determining this, what do we gain through committee-izing it?

**Trustee Armacost:** What do we need the public to add beyond what we have here? I am not clear myself what they would add. It seems like the plan exists. Do we need someone else to endorse it in order to accept it ourselves? I do not know.

**Mayor Swiderski:** No, I would trust your recommendation and then a public hearing, vetting your recommendation with the public. I am not looking to lock the public out. I am just looking for what value added we get from the laborious process of selecting a committee, only to have them make a decision.

**Trustee Walker:** No, I do not think it is necessary. But I do think it is important to get public input, both informally and formally. Informally, if we put this on the Web site to get comments. I throw it open as a question: how can we engage the property owners in this discussion? How could we engage them early in the process, rather than waiting for a public hearing and notifying them? Can we do something more informal, and have a discussion with them? It is important to get their input. Also, Irvington's law has procedures for appealing. If a property owner wants to build something in that buffer zone, there is a procedure in the Irvington law about how to go about asking for approval. In this book put out by the Land Use Law Center at Pace, "Local Environmental Ordinances," there is a good example also from Somers of scenic corridor protection and natural resource protection that goes into more detail than the Irvington one. So it is another one to look at, but they too have an appeals process.

**Village Attorney Stecich:** It would automatically be appealable to go to the Zoning Board if you put this buffer requirement in the zoning code.

**Trustee Walker:** Although it is interesting, Marianne, because in the Somers law they have the planning board doing it as part of site plan approval. They put it in the site plan.

**Village Attorney Stecich:** Yes, but there is a problem because in Hastings we do not have site plan approval on many properties. Most properties would not be subject to site plan approval.

**Trustee Walker:** So you could not force the issue by saying if it falls under this? I only say planning board because they are more accustomed to doing this kind of design issue.

**Village Attorney Stecich:** What you could do is require site plan approval for properties within the buffer, and then it would be the Planning Board that would review it.

**Trustee Jennings:** It seems that we are talking about two different things, but I am not sure whether or not we are. I am not understanding the term "buffer zone" to be the equivalent of a setback requirement within a zone. We are not talking about rezoning the large tracts. We are talking about creating a new kind of zone that the Village has not had before, and designating certain physical boundaries of those properties that are subject to this new zone. The new zone will place certain restrictions on every property owner that falls within that area. Those restrictions will have to do with setbacks, with not constructing anything too close to whatever. So this is not large tract rezoning. This is creating a new kind of zone.

**Trustee Apel:** Yes.

**Trustee Walker:** It is not officially an overlay.

**Village Attorney Stecich:** It is not an overlay, no.

**Mayor Swiderski:** You are not rezoning the property.

**Village Attorney Stecich:** No, it is an additional area requirement. Like within any zoning district you have certain setbacks, certain heights. This would be an additional requirement of a buffer. If you have property within that area, let us call it the Broadway buffer, if your property is within the Broadway buffer whatever you say, which is most likely you cannot build within the buffer, or pave or whatever. Buffers are a little different from setbacks. But you would have to define exactly what you can and cannot do within a buffer.

**Trustee Jennings:** Inevitably there is going to be a line. So that I am in a zone for residential housing and my neighbor is zoned for residential housing, but my neighbor is in the buffer and I am not. Therefore, I can build my deck closer to the street and my neighbor cannot because my neighbor has this additional buffer requirement because we have decided that that far along the street we want to keep it looking a certain way.

**Trustee Walker:** Or let us say they can build a deck, but whether it is the Planning Board or the Zoning Board, and this is why I think it would be better to have the Planning Board, they talk about how it could be screened, for example, or what kind of shrubbery could be planted. Something like that so that when it is in the buffer zone it is a visual barrier.

**Trustee Jennings:** Visual barriers would be a way to meet the requirement.

**Trustee Walker:** Yes, possibly.

**Trustee Jennings:** But inevitably there is going to be a line because we are not talking about the whole length of Broadway.

**Trustee Apel:** If you look on the maps it is very clear where the line is.

**Trustee Jennings:** What struck me on the map was this is a bigger area than I have associated with the word "gateway."

**Trustee Walker:** But the language in the Comprehensive Plan identifies scenic corridors on Broadway and Route 9-A, and then considers similar treatment for Warburton Avenue. Then it even mentions, which we did not get into, Metro-North rail line, South County Trailway, Old Croton Aqueduct as also gateways. So they have created this larger definition. It is up to us to define it.

**Trustee Jennings:** No, that is fine. It is just a matter of wording. Scenic corridor I think fits the physical thing here better than the word gateway. I do not want to quibble about the concept, just so long as we are all clear on what we are talking about.

**Trustee Walker:** You are right. Because when you get into the area, for example, on Farragut across from the school, on the Burke Estate, that is not really a gateway anymore. That is right in the heart of the Village, but it is a scenic corridor. So yes, we will have to work on our language. The other thing we need to think about is are there certain elements, certain scenic features, that need to be preserved in certain buffers. For example, view sheds or views of the Hudson River or views of the Saw Mill River, are those important features that we want to highlight.

**Trustee Armacost:** The other part that struck me is that we do have some places where there is a lovely sign saying welcome to Hastings. And then there are other places which are entries into Hastings, like Cliff Street. I do not know whether you call that a gateway or not, but it is quite difficult to get on. It is a very tricky little road. You are slipping into Hastings.

It is not treated as a gateway. I had raised that at some point just because it happens to be a gateway I use fairly frequently. But there are a few places where you are not aware that you are entering Hastings because it is perhaps not the typical way that people come in. Some of those other places might be worth it. Another place is the transition along Villard into Dobbs Ferry. I do not think there is a sign that says welcome to Hastings up there. But that is a gateway, in a way.

**Mayor Swiderski:** That is a budget implication.

**Trustee Armacost:** That is why I raised the issue are there any budget implications to this. Almost always these things have budget implications. The other thing that came up for me was whether any thought has gone to the number of properties that are affected. It is worth knowing in advance whether it is a conversation with two or three people, or with 400.

**Trustee Walker:** The way it is drawn now it is a significant number. I asked Sanja to go for the maximum and we will pull back. There were certain areas along Farragut, for example, where I think we would pull it back, and along the southern end of Warburton where we might not want to affect private properties.

**Trustee Armacost:** My theory about it is that people have no problem with buffer zones as long as it does not involve them. If they are going to be restricted as a result of this change, it may not be as popular among that group of people as it might be outside of that.

**Trustee Walker:** Yes. Ultimately, I think we are talking mostly about large tracts. In her report, she included a lot of smaller parcels. We may want to think about that; maybe it is restricted to large tracts.

**Trustee Apel:** This is just a start. Is there a legal problem if we do buffer zones by pieces?

**Trustee Walker:** What do you mean, piece by piece?

**Village Attorney Stecich:** Whichever one you think is the most important you do that first.

**Trustee Apel:** Would that not be spot zoning?

**Village Attorney Stecich:** No, it is not spot zoning. Spot zoning is an overused term. Spot zoning means zoning that is not consistent with planning. What you are doing is consistent with planning, so there is not a problem. They are very different. Some of them are only one side of the street. Some are much bigger than others. As a practical matter to do them all at once would be very difficult. If you focus on them one at a time the public hearing is going

to be more meaningful, too, than if you are going to have people from all over. It is going to be impossible to deal with. So let us say you took the most important one, which is probably the one on south Broadway.

**Trustee Walker:** And possibly 9-A.

**Village Attorney Stecich:** Do that, and draft what you want for it. It can also be in your text, how it works. People will raise things, and you say we did not think of that. I imagine after the first public hearing a lot of issues will get raised that you did not think of. I would bite off one piece at a time, take the most important one. I think that is what you had in mind in the first place.

**Trustee Apel:** Yes, those are the two areas that we are interested in. But again, we need the legal implications of these places.

**Village Attorney Stecich:** You cannot answer it in the abstract.

**Mayor Swiderski:** With all due respect, I do not mean to cut off discussion but tonight is actually budget night.

**Trustee Walker:** This will only take two seconds. The issue that Marge was talking about was when the Graham School came to us about two years ago about a building they wanted to build that would have been within the buffer zone. They said they would not fall within our jurisdiction. So just to raise that, and we can talk about it another time.

**Mayor Swiderski:** The takeaway request here is by the first meeting in May if, through a discussion with Marianne and your own considerations, you could come up with an idea of how this would be tackled.

**Trustee Walker:** Narrowing the focus?

**Mayor Swiderski:** Focus and steps. We lay out when we will have the public hearing, this is how the process will unfold, so this becomes concrete and real. I do not want it to linger.

## **2. Update on the Waterfront**

**Mayor Swiderski:** Jerry, our Board representative on the waterfront, met with the representatives from Exxon and Chevron today to discuss what is going to be happening on those two sites. He met with Mark Stella, who is in charge of the Exxon site, and Bill McCune who is for Chevron. They laid out the steps over the next year and a half. The

water treatment system, if it is approved by the DEC, will be installed this summer on the Chevron and Exxon Mobil sites. This fall, the cap will be placed on the Exxon Mobil site after the trees are removed. Then next spring the cap will be installed on the Chevron site, if everything goes well. The cap is defined as two feet of clean fill. The current plan is for that clean fill to be brought in by barge, not by trucks through the Village. So over the course of the next year and a quarter the southern third of the site is going to be rendered remediated, which is remarkable. Given access issues that the bridge at the south cannot be used and the site cannot be traversed via the BP site, it is a little abstract because we cannot get at the property. But it will be clean.

Also, this Thursday we are meeting with BP to begin formal discussions about the disposition of that site.

#### **ADJOURNMENT**

On MOTION of Trustee Armacost, SECONDED by Trustee Walker with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 8:50 p.m.