

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
BOARD OF TRUSTEES  
REGULAR MEETING  
JANUARY 8, 2013**

A Regular Meeting was held by the Board of Trustees on Tuesday, January 8, 2013 at 7:33 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

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

**ABSENT:** Trustee Marjorie Apel

**CITIZENS:** Fourteen (14).

**APPROVAL OF MINUTES**

On MOTION of Trustee Armacost, SECONDED by Trustee Walker with a voice vote of all in favor, the Minutes of the Public Hearing and Regular Meeting of December 18, 2012 were approved as presented.

**APPROVAL OF WARRANTS**

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

Multi-Fund No. 34-2012-13	\$ 100.00
Multi-Fund No. 36-2012-13	\$138,081.39

**WELCOME TO NEW HASTINGS BUSINESSES**

**Mayor Swiderski:** First is an introduction of a new business in town. Liz, if you could give us two minutes about what you do.

**Liz Farid, Owner, Yoga Studio.** I am opening a yoga studio at 45 Main Street between the bike shop and Bauer Optician. We are going to start classes on Saturday with a complimentary class. We are generally going to be open 7 a.m. to 9 p.m. every day. We have one class before the regular work hours, around 7:30 a.m., one class at lunch, and two classes in the evening. We have all kinds of yoga, some geared towards aerobic impact and several that are all levels, beginners and gentle. Our focus is more on meditation and contemplative yoga, so it is definitely not a fitness center. You will not hear any loud music. It is more about using yoga to calm the body so that the mind can settle and experience relief and the benefits that come with mediation. Some have claimed lowered blood pressure,

improved memory, better sleeping; the classic array of benefits that come with having a slower lifestyle. The Web site is up and running, [www.hohnyyoga.com](http://www.hohnyyoga.com). This studio represents a change in focus for me professionally. I was a DA for the first half of my professional career in Brooklyn, and then in public interest law, public policy mainly, with prison reform and prison reentry. This represents a change, but one that I am very eager for.

**Mayor Swiderski:** Thank you. Welcome. Good luck.

**Trustee Walker:** Welcome. We are so happy to have you here.

## **BOARD DISCUSSION AND COMMENTS**

### **1. Participation in Tarrytown St. Patrick's Day Parade**

**Don Marra, aide - St. Patrick's Day Parade:** My name is Don Marra, I live in Dobbs Ferry. I have been honored last year to be asked to be an aide to the grand marshal of the Sleepy Hollow St. Patrick's Day parade on March 10. It is probably one of the biggest parades in Westchester County. Tom Kennedy has been the chairman of the parade committee for the last 16 years. This will be the 17<sup>th</sup> parade. He asked me to join the committee because they want it more of a Rivertowns parade. I have appeared at the Ardsley, Irvington, and now the Hastings board meeting with Tom Kennedy to give you an official invitation to participate.

The aides are chosen not because they are Irish but because they have been active in their community. This year there are two Hastings residents, Bill Otivich and Patricia Lacy. So this year, as I said, we are all the Rivertown communities, and we hope that you join us. Official invitations have already been given to your fire department, police department and ambulance corps. If you have a volunteer group or anybody from Hastings who would like to participate we would like you to invite them. It is a parade to not honor only the Irish, but people who have been active in their communities. This is a growing event that you would be proud to be involved in.

## **PUBLIC COMMENTS**

**John Gonder, 153 James Street:** Thank you for the calendar. I use it quite a bit. Gateway to Hastings. That woman from Bosnia was here in June or July? The Mayor said this is one of our priorities in the Comprehensive Plan. Here it is 2013. When is the hearing? How come it takes us so long to get something accomplished? Another question, Parks and Recreation superintendent. Police chief we hire within, the Department of Public Works we hire within. Why do you not give the position to Kendra Garrison, she seems to

be doing a fine job, rather than going outside? Unless maybe she does not want the job. But it would save you a lot of time, and I think she is capable of doing the job.

Building 52, one of my problems with this village. I know the architects love it and a few of their friends, but why do you not consider getting a vote in March for information from the citizens. You would get an idea of what people think about 52. When you had that last meeting for the roadways, I learned a lot. It was very well presented. It looks like half of the land will not be eligible because of parks and other things that will be there, and the roadways. That means four acres of a building versus maybe only 14. That's almost 25 percent or whatever, I did not calculate it. But that is one big building that is going to take a lot of the vacant space.

The budget is coming up. I always hope you would make swimming for all the children that go to our school system free. I know you will not, but at least I asked for it. You know we need more police. Trustee Armacost told us that 30 percent of our calls are from Graham School. That concerns me, especially with Newtown. I am not afraid of anybody being crazy in our school system, but I am afraid of what we have in Graham School, if they are mentally ill or something. Somebody can do a lot of problems. Plus the traffic that we have in this village. You need more police. I thought three, but you need a half a dozen. The police force does a good job for the amount of people we have. They are the greatest police force and dedicated people we have, but we need more of them.

Deer. I have to bring this up Mr. Mayor because I read an article. Westchester would not look into it. They do not like your idea. The DEC does not like your idea. Deer vaccine may help. May? I want the sure thing, Mr. Mayor. Taxpayers' money is going out, my money and all the other people here. We want a sure thing to eliminate the deer, and I am afraid you are not going to do it. When the DEC recommends this is not going to work, they say culling would be the best.

**Tim Downey, 520 Farragut Parkway:** Trustee Walker, I am glad to see you. I have not seen you since October, and I hoped to see you in one of these meetings. I have been absent, I missed some, so the timing has been off. Some new information has come to my attention that has strengthened and fortified my position on the quarry and how we handle our organic waste. I have been surprised by the number of people that agree with my position. They just do not come here and speak on the topic themselves. At the end of November I attended, at the county center, a Sustainable Hudson Valley meeting. They love LELE idea that was born here, leaves in place. But they went on to say, too, exactly what I have been saying: our material needs to stay in the footprint, not only from the environmental downside of shifting things around, whether it be invasive vegetation species or invasive insects, that is part of this movement process. Today at the Yonkers race track there was the New York

State Turf & Landscape Association meeting. People from Cornell and other institutions were there speaking on this topic. It is a very serious thing. Now, we do not have it here. But we do not know if the vehicles that come from these far away distances could have some of these borers on them. It is only a matter of time the stuff is going to get here, but we do not want to be part and parcel of that. There is massive money savings to be found if we were to do a proper facility. It is very simple to set up, would not look anything like what happened in the past. We have something right on our doorstep we could begin tomorrow. Instead of our DPW men shuffling material back and forth in Zinsser, turning a parking lot into a dump for over two and a half months, we would touch it once it once in the facility, and then we would bring in the proper crews to take care of it. Now the way we are doing it we are exporting money out of the community. We could be saving money. We need that money for another issue, the enormous amount of tree work that needs to be done. Part of what creates a saving is how can you quickly handle it from point A, trees on the side of the road, to a disposal point B. First, it is the extra cost of Yonkers or triple-handling it and. I would like to see if we can work together. I know, in the past, you have said you feel like I do strongly about it. But you have to step forward and we have to hammer this out and move this in the right direction. Just talking about and not doing anything is not getting us forward in the sustainability that we preach and talk about.

Instead of shuffling material up there, we could be filling potholes. Instead of our boom truck two days after the storm putting up Christmas lights , let us use that resource and get that boom truck out there on some of the tree branches and things that we can safely manage. There are certain ones that need specialized equipment and crews. But there are certain things we could be doing in-house that we are not. Our focus is not as sharp as it could be.

Mayor, I would like to address you on the deer. To me it feels like there is a propaganda campaign going on. I know you are not a part of it, but we have this gal from Dobbs Ferry getting in the *Journal News*, leaning on the Hastings sign and making this connection. She has her beliefs, and she is entitled to those. But the language they are using of how it is going to work. Different residents come up here and say just whack them on the head or shoot them. I would like it to be done in a humane method, but if the residents, we, the people, if that is the way we feel why are you going against the tide of the community? Why do we not put it to a referendum so it takes the pressure off you and have the community support you. If it is that big a deal, it deserves discussion in the community. You did acknowledge one time saying I can be a part of that discussion, but, based on what I read the decision has been made. It seems like we are not keeping our word about meeting and discussing. The last thing I would ask is if you could put out your emails before the night of the meeting in case anybody wanted to speak on it.

**Mayor Swiderski:** The e-mails are not coordinated with the meetings. They go out whenever they go out.

On the deer issue, we are not in a position of are we going to do one or the other. We are proceeding with the immunocontraception. So it is a question of implementation this year and moving forward with it. It is not, by any means, a guaranteed result. But there is a reason why, when you look in Westchester or Long Island or New Jersey, there simply are not many, if any, communities, as dense as ours that are carrying out culls. When you commit to that route you commit to something that has to go on annually. There may be 70 percent of this community that thinks they would have no trouble with it. But it would be divisive and hard to guarantee we could commit to it year in, year out. So it is not an if-we-are-going. This is what we are doing. We are not going to have a panel to talk it and have a referendum. The decision has been made. We are going to try it. If it works, we have given thousands of other communities a tool that is currently not available. And if it does not, we can then have, as a community, a realistic discussion about whether we are going to take a route very few communities our size have taken. It is incredibly divisive, easily disrupted, and not nearly as successful as those who believe a hunt works think it is.

**Mr. Downey:** Both methods are going to require an annual effort.

**Mayor Swiderski:** Yes. But it is going to be hard to stir up a lot of outrage over immunocontraception. So annually, we will not face the sort of division that we would over a cull. That is why, when you look at communities our size who have tried culls, they have not tended to do them year in, year out because eventually the divisiveness of the cull causes the communities to stop.

**Mr. Downey:** I don't know if that represents the true temperature. You see the anger with which some people come up here to the mic. There is divisiveness right there. And one other point that has never been brought up with this, let us say it were successful. We are, in essence, almost like those venture capitalists. We are taking risks. We are putting money out there. I am sure Dr. Rutberg might benefit from this thing greatly. What is our stake in it? Since we are taking the risk, is there a potential besides the deer reduction reward if this thing were to blossom up and down the East Coast? Monetarily, would we have an opportunity to be benefactors of that income?

**Mayor Swiderski:** No real financial incentive to the Village.

**Trustee Walker:** As the pioneers, we could possibly get grants from the state, resources that others may not get in the future.

**Mayor Swiderski:** We have secured \$12,000 in funding. We are more likely to secure early funding that partially defrays the cost of the experiment. But ongoing it is not likely to be terribly expensive because you are paying for darts and the initial purchase of a rifle.

**Mr. Downey:** I would like to know when the program gets going will there be the transparency that was lacked a little in this dialogue because we were waiting for the approval, that we are doing it. We never got a communication on that.

**Mayor Swiderski:** We are still waiting for all those approvals. All of it is contingent upon the EPA and the DEC.

**Mr. Downey:** The *Journal News* doesn't say that. They say it is a done deal.

**Mayor Swiderski:** I am always surprised at the number of errors that seep into the media.

**Trustee Walker:** Mayor, can I address the quarry issue? Mr. Downey, I wonder why you direct your comments at me because I do not personally have anything at stake in turning the quarry into a park. I simply was asked by the Board to help with writing the grant proposals to get money for design and, potentially, construction funds. We were not successful last year. But I am representing the rest of the Board. I think we are a united front on this. That is not to say that we do not want to entertain discussion about what it can become. I think we are going to see that we are not going to be successful in the future getting large amounts of grant monies. It is very competitive, and they are looking at projects that promote economic development, that create jobs. I do not see that necessarily happening with creating a park.

That said, we put a lot of effort, and many members of the community have put a lot of effort, into thinking about this as a park and what it could be. So I think it is a discussion that we have to have about its future. I do not want to rule out anything at this point, so it is important that we all talk about it. Probably other Boardmembers would agree with me that we should open the discussion.

That is a good point about keeping the composting-mulching facility in town. I would only hope that there would be some savings in looking at equipment or other kinds of purchasing that we could do with the other villages if we are all moving in the same direction. Would you be interested in showing me, and maybe other Boardmembers, some of the facilities where it is small, clean, efficient so we can picture what you are talking about.

**Mr. Downey:** I love that. The first place you can go is Stone Barns. I do not mean to single you out. The only reason I speak to you is, you seemed to have been the representative voice on that one task.

**Jim Metzger, 427 Warburton Avenue:** I want to thank everybody in the Village who worked tirelessly through the storm. It was an absolutely incredible effort. I was one of the fortunate ones: I lost power for six hours. But we did have people up to charge cell phones and offer showers and those sort of things. But the information coming from the Village and the work that was being done was extraordinary.

But I also wanted to thank Sue Maggiotto on a separate topic. We have five or six new trees on Warburton Avenue. They are tiny but they are already making a difference in the streetscape. It is something I have been hoping for for many years, as our larger trees have come down in storms. There is a real benefit to the way the neighborhood presents itself when the Village maintains and brings in new trees. So to everybody who was involved with that project, getting the grant, figuring out where the trees went, I wanted to thank them also.

**Dave Skolnik, 47 Hillside Avenue:** I had a thought with regard to comments about the deer. Even though the decision has been made, it feels like some discussion is still needed. I saw what happened with the way that it was dealt with before. By trying to remain open and transparent something that is this divisive suffered. If there is a way that the conversation can be had that is limited to the community, and possibly not even filmed, I am asking you to think about it, and maybe discuss it. If there is a reason why that cannot happen, that that is that. But it is the one thing that would allow for some honest exchange without the cameras and all the effects, and from outside voices.

**Mr. Gonder:** Mr. Mayor, I just have one question. I did not hear any motion on the immunization of deer. The Board never took action. Can you do that just by some decision, without a hearing or whatever? At least a vote on it? I never saw a vote. I remember you were going to go for the culling, but never a vote on this and never a vote on culling either.

**Mayor Swiderski:** I will examine the record, as well.

**1:13 APPROVAL OF LOCAL LAW NO. 1 OF 2013 WITH RESPECT TO THE SET-ASIDE OF HOUSING UNITS AND LOTS FOR AFFORDABLE AND WORKFORCE HOUSING**

**Mayor Swiderski:** There is a fairly lengthy document that describes what we have gone over in detail before. Does anyone from the Affordable Housing Committee want to speak to this, or any questions from the Board? Are we prepared to vote?

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

**RESOLVED:** that the Mayor and Board of Trustees hereby adopt Local Law No. 1 of 2013 amending the Zoning Code of the Village of Hastings-on-Hudson, Westchester County, New York, with respect to the set-aside of housing units and lots for affordable and workforce housing.

AS ATTACHED

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

**Sue Smith, Chair, Affordable Housing Committee:** I want to thank you, and also express my thanks for Village Attorney Stecich, who was really on it all the time and helped us mind our P's and Q's and legal language. I appreciate that very much. It is nice that we have a meeting so we can be here as our witnesses because they have all worked really hard it for a long time. It was definitely a committee effort.

**Mayor Swiderski:** A committee effort, and we turned you around on some of the things as well and gave you even more work. We appreciate the fact that you responded to that and came up with something that I am proud to pass and to see it as pretty progressive for Westchester in terms of the limits set and what we are asking for. It is something we can proud of as a community. It is now the letter of the law of the Village, so the next application before us for any sizeable unit has to abide.

**Ms. Smith:** Eight units and above, yes.

**Mayor Swiderski:** You had mentioned there is work underway on one development on Washington Avenue. Could you describe where it stands?

**Ms. Smith:** There is not active work on the site, but we have been working hard in preparation and planning for it. The county has accepted it as a three-unit project that would count toward their quota, which is an important ingredient. They will be funding it, and we hope that we will be purchasing it before the end of this month. We will start demolition



soon after. It is a renovation, pretty much a gut rehab, because it has been much abused in the interior. But it is a sound exterior. On the first floor is a two-bedroom unit, and the two upper floors are divided as duplexes and they are three bedrooms each.

**Mayor Swiderski:** That is exciting. It is nice to have something real in the works. Thank you very much, and thank you again for all the work put in over the last couple years on this.

**Trustee Armacost:** Thank you, and to the committee also thank you.

**Mayor Swiderski:** I was speaking to you collectively.

**Trustee Jennings:** The plural "you."

**Trustee Walker:** It was nice to have that audience. Thank you so much.

## **2:13 DESIGNATION OF VILLAGE ELECTION DAY AND ELECTION DISTRICT**

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

**RESOLVED:** that the Mayor and Board of Trustees designate Tuesday, March 19, 2013 as General Village Election Day, for the purpose of electing one (1) Mayor and two (2) Trustees for a term of two (2) official years each, and be it further

**RESOLVED:** that the polls are to be open between the hours of 7:00 a.m. and 9:00 p.m., and be it further

**RESOLVED:** that one Election District is designated, located at the James V. Harmon Community Center, 44 Main Street.

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

### **3:13 DESIGNATION OF GRIEVANCE DAY**

**Mayor Swiderski:** What is the process in appearing for grievance?

**Village Clerk Maggiotto:** We have forms and instruction booklets in the office on how to file a grievance. Applications are accepted up to 9 o'clock on grievance day, but it is very helpful if they are submitted a week ahead of time. We need the original and three copies. But people are welcome to call and get the information. We will send it out to them, or they can stop by and pick it up.

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 designate Tuesday, February 19, 2013 as Grievance Day, from 5:00 p.m. to 9:00 p.m. in the Conference Room, Municipal Building, 7 Maple Avenue, Hastings-on-Hudson, New York, and be it further

**RESOLVED:** that the Board of Assessment Review will meet at such designated time and place for the purpose of completing the Assessment Roll and of hearing and determining complaints in relation thereto.

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

### **4:13 DESIGNATION OF TAX LIEN SALE**

**Mayor Swiderski:** This is an annual event. And Susan, if you could once again give us a few minutes on what this is.

**Village Clerk Maggiotto:** Any unpaid taxes are sold as liens on that day. We have a number of business people who come in and purchase these liens. They pay the taxes to the Village so the Village is made whole, and they hold the lien on the property. They do not own the property, they just hold the tax lien. When the owner of the property wants to repay

that money, they would repay it to the person who holds the tax lien. It is a way of the Village recovering all this tax money. We do not have many unpaid taxes by the time we get to March 19. I would say maybe 25 outstanding payments, which is quite remarkable. The interest rate is one percent a month, so the third party can earn up to 12 percent a year.

**Mayor Swiderski:** Which is why it is attractive.

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 designate Tuesday, March 19, 2013, as the Tax Lien Sale date at 10:00 a.m. in the Village Clerk's Office, Municipal Building, 7 Maple Avenue, Hastings-on-Hudson, New York.

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

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

**Village Manager Frobel:** Ms. Garrison informs me that the Village is the recipient of a small grant from the National Recreation & Parks Association to help enhance our tennis lesson program. She intends to use it towards tennis lessons and developing that program further. It was for \$1,000.

**Trustee Armacost:** And there was no matching requirement?

**Village Manager Frobel:** No.

**Trustee Walker:** And the parks staff was responsible for submitting the proposal?

**Village Manager Frobel:** Yes.

## **BOARD DISCUSSION AND COMMENTS (Continued)**

### **2. MR-C District - Amendment to Permit Additional Uses**

**Mayor Swiderski:** We were asked by an owner of one of the properties in the Multifamily Residential/Commercial (MR-C) district, which is located roughly around Washington south of the Village, to consider changing the zone to include common sense uses that could apply to spaces in that zone. We asked why it was zoned MR-C, which is a peculiar zone specific to that area, the history behind it and what might we consider, positively or negatively, in regard to that. Those questions were asked to our Village Attorney, who produced a memo to the Board describing the history and recommendations.

**Village Attorney Stecich:** There was a rezoning done about 10 years ago on the downtown. This MR-C district covers Washington from Warburton to Southside and then five other lots on Warburton, running north from Washington, and then on Southside between the Zinsser parking lot and Washington. It is one of the smallest districts in the Village. It was part of the downtown rezoning, and Meg may be able to shed more light on it because Meg was involved in that.

Part of this MR-C district used to be in the central commercial district and part of it was within the limited industry district. When the Downtown Zoning Committee looked at it, the zoning did not make sense for what was there. The lots were not big enough to develop anything under the LI, and there substantial residential, which made it different from the rest of the CC district. So they decided to create zoning that reflected what was there. They came up with this MR-C district. They described it that their proposed zoning respects and legitimizes the existing uses. They tried to have the zoning match what was there. The permitted uses for the MR-C district that they recommended and which were adopted were mixed use residential buildings with residential and commercial on the ground floor. Originally there was controversy over this district not relevant to this; it was proposed to be higher buildings, six-story buildings. It ended up being very controversial because of that,. But it got within the same limit of everything else in the Village; nothing could be higher than 40 feet.

The uses allowed, and the way it reads now in the code, are one-family detached dwellings, two-family detached dwellings, three-family dwellings, parks, playgrounds, conservation areas, retail sale of antiques, books, arts, gifts or similar specialty items. That is the only retail. It is very limited retail, which reflects what was there at the time and until fairly recently. Restaurants with a gross area of 2,500 square feet were left, artists studios and health, fitness or athletic club; business and profession offices; and other special permit uses like libraries and public utility.

The question from the Board was, does it make sense to expand the uses there. I looked at the uses in the CC district, which it borders. Part of it was in the CC district. I guess you could allow any of the uses in the CC district over there, but some of them might not make sense. So I laid out the list of uses there: banks, personal service establishments, other service establishments but not gas stations. These are the uses permitted in the CC district: outlets and pickup stations for laundries and cleaning, production and processing of goods, Village-related offices, funeral parlors, copying, municipal parking lots, self-service and hand laundries, places of worship, membership clubs, public utility structures and retail uses except the sale of motor vehicles.

A lot of those uses do not make sense for those properties because the properties are small or because they would require too much parking. A funeral parlor requires a lot of parking at the particular time, and there is not the parking there, and places of worship, that does not make sense for what is there. But a couple of uses do, it seemed to me. But obviously, it is your call. They seem to make some sense and also fit in with the limited uses that are there now. It might be retail uses, but you might want to put some cap on the size of the retail use so you do not have a tear-down and then some giant store. And personal service establishments, like tailors and hairdressers. The way our code defines personal service establishments, they include barbershops, hair salons, nail salons, tailors, dry cleaning pickup and delivery, shoe repair, health clubs which are already a permitted use, spas which are a permitted use, post office box rental, clothing rental; diaper services. It might make sense for that and also, as I said, the retail. I do not know if you think some of the other uses make sense. If the Board agrees that other uses might make sense for that district I can write up a local law.

I meant to look at whether the Comp Plan had anything to say about this district. I do not think it did. But I imagine it had certain goals in there about increasing vibrancy in the downtown, which this would achieve. That is the purpose of the applicant who asked us to change the zoning. They have just got this space languishing, and to bring some light to it. I am sure this would meet some of the more general goals of the Comprehensive Plan so it would not require any change in that. It would just require a local law, and what goes along with that, probably a neg dec.

**Trustee Walker:** Marianne did a really good job of summarizing 99 percent of it. Just a few additional items. Backing up a little, we had a large number of properties that were residential which were basically noncompliant. WE wanted to recognize that residential was, we thought, an approved use in both the downtown and in these other districts on Washington and on Warburton. They were not allowed at the time. So that was one of the main goals. One of the big distinctions between the CC district and the MR-C, and the MR-O

for that matter, is that we allow residential on the ground floor in those southern districts but we do not allow it on the ground floor in the CC district. There have been some changes to that, but we were trying to let the market determine what kind of use, or let the landlord determine what use, they would like to put on the ground floor in the MR-C and the MR-O: leave it residential or offices or this limited retail. One thing I will add to what Marianne said is that we do, in the MR-C district, allow for larger than three-family residential buildings in the zoning. There was not a limit necessarily, but there is a limit in the MR-O district. I think we were OK with some apartment buildings down there. There are apartment buildings there now with a fairly significant number of units in several of those buildings. So we were not against apartment buildings. It seemed like, at the time, you could go over three stories because they were at the bottom of the hill and were not going to block any views. But as you heard, we settled on the 40 feet.

MR-C and MR-O were very similar in terms of the retail uses, and there was a lot of discussion about what kinds of retail uses, the restaurant idea. I do remember some details about the discussion of the restaurants and the retail uses. One of the differences in MR-O was, we allowed for bed and breakfasts, and we do not allow that in the MR-C. I am not sure exactly why not. But we created a bed and breakfast zoning that we then wrote into the MR-O. Not that anybody has used it, but it is allowed.

The other thing I do remember is the discussion about the personal services. Most of the retail discussion was around parking and the parking limitations. People, especially on Warburton, did not want more retail spaces on Warburton because of the parking limitations. Because there was not anyplace to put parking lots, they were competing for on-street parking. The personal services, I think the discussion was, and we may feel differently now, that we have enough hair salons and nail salons in the Village and why should we have more. It was kind of funny that we left that out, but I think that was why. At that time it seemed that every empty space in the Village was going to be a nail salon or a hair salon, and we thought maybe we can encourage some other kinds of uses.

**Trustee Jennings:** Is the zoning law written in such a way that only those items that are mentioned here are permitted or are these examples of a broader range of things that could be permitted? If what you propose is not on this list, is there a process whereby you can get it approved?

**Village Attorney Stecich:** No, it is defined more broadly, and I will read you the definition. A business enterprise involved in the care, maintenance or repair of the appearance, condition or well-being of a person, or a person's private apparel, goods or property. Personal service establishments include, and then that list; include, but are not limited to.

**Trustee Jennings:** But are not limited to, OK. So if we were to add the personal service establishment category to this zone on Washington, and then somebody came along and had computer software or an office for a Web site design place or something like that.

**Village Attorney Stecich:** I would not say that is generally considered personal service, but that would fit in.

**Trustee Armacost:** Pet grooming, in fact.

**Trustee Jennings:** That type of thing would fit in as an office, yes. No, I do not necessarily mean this category. We are expanding the kinds of things that can be there. So it does not literally have to be written down. We do not have to anticipate every possible use.

**Village Attorney Stecich:** It is not always black and white. There is not always a bright line. Once in awhile a use will come in. I forget one thing Deven and I had a disagreement about. I think it was over this one. Not a disagreement, but playing devil's advocate: why could a hair salon not be a fitness club? It is not because we specifically provide for a hair salon. It is pretty clear whether it fits into a category or not, but sometimes it is not.

**Trustee Jennings:** I am thinking both of the undesirability of having to redo this frequently, given what I hope will be a dynamic downtown in the future, and that different kinds of businesses are springing up we have never seen before. We need to have a flexible policy.

**Trustee Armacost:** But I do think we need to broaden it. It seems like this area has been almost unfairly restricted. It seems to me the main difference is that there can be residential at the ground floor level, whereas in the other area it could not. Is that correct?

**Mayor Swiderski:** Yes.

**Village Attorney Stecich:** There are more residential uses allowed. Like in the CC district you are not allowed one-family, two-family. You are just mixed. There is some residential, but they are in mixed use buildings. But residential, as a standalone, is allowed in the MR-C; "MR-C" standing for multi-family residential-commercial.

**Trustee Armacost:** Exactly. And the other is that there can be larger families, right?

**Village Attorney Stecich:** Just more families, bigger buildings. Yes, you are right. And it is not just retail, but much more limited commercial allowed in the MR-C than in the CC.

**Trustee Armacost:** Some of these would not apply. We could say that banks could have offices there, but I cannot imagine a bank choosing to be there. But it is not a problem, particularly, if a bank were there. We could agree to a lot of this list and it would not be an issue because it could never happen. What would be the reason?

**Trustee Walker:** We were trying to restrict uses that would require a large number of parking spaces.

**Village Attorney Stecich:** Although you have athletic clubs.

**Trustee Walker:** I think that was simply to legitimize Southside Club. It was grandfathered in. And restaurants, members of the Planning Board, as I remember, were really interested. There had been restaurants on Washington Avenue in that area for decades. They liked the idea of that coming back potentially, so they pushed for the idea of restaurants on Washington and on Warburton.

**Village Attorney Stecich:** Aside from that, it was a totally different economic time where you could pick and choose a lot more.

**Trustee Armacost:** The parking argument I find peculiar when, on the list, is libraries and museums which require more parking even than a bank, where the bank you pop in and out. If you are going to a library and a museum you are staying.

**Trustee Walker:** Well, there could be tiny museums. The special permit uses, that clause, was taken as a whole from another zoning district that we reuse over and over again. I think even in the residential, with a special permit, you can have these things. Even a museum in a residential neighborhood.

**Trustee Armacost:** But a public utility substation?

**Trustee Walker:** Because there is one adjacent to it.

**Village Attorney Stecich:** It is irrelevant because public utilities can go where they want to for the most part.

**Trustee Walker:** With this new economic climate one of the popular uses in downtown are make-sell spaces, like our By the Way Bakery. They have, in fact, expanded the bakery in the back because they are doing so well selling gluten-free baked goods to restaurants around the area. It has a retail front. The production and processing of goods is limited to 40 percent of the retail area. What is happening now in some downtowns is that the retail area



is becoming like 10 percent and the production area is becoming like 90 percent. There is a real switch because the retailer cannot make it without something else. That something else sometimes is a bakery or a print shop.

**Village Attorney Stecich:** That is a good thing because it does not require much parking.

**Trustee Walker:** That is right. But this goes back to an era when we saw production of goods a noxious, potentially undesirable use.

**Trustee Armacost:** Well, it depends, obviously, on the goods that are being produced.

**Trustee Walker:** Right. Maybe it is like a tannery or something. Now we have a jewelry store on Spring Street. She spends a lot of time in there just making jewelry, and selling it is a small activity compared the to making of the jewelry. So that sort of thing is how it has changed. I am sure there are many other things that I am not even aware of.

**Village Attorney Stecich:** But it also shows how the zoning is flexible. Even though you did not have that sort of use in mind, you did have that use listed: the production and processing of goods, with some limitations on it so it can fit in.

**Trustee Walker:** And that may be something we want to see on Washington Avenue, or promote.

**Village Attorney Stecich:** What probably makes the most sense is to take that CC list and see which of those might make sense in the MR-C. Not all of them do.

**Trustee Armacost:** The museum issue is even more of an issue than some of this other stuff.

**Village Attorney Stecich:** It was just a generic use allowed in all residential uses that says special permit uses, and there is a bunch of them and they have to meet a lot of requirements.

**Trustee Walker:** It is not easy to get the special permit.

**Trustee Armacost:** But we are going to have the parking issue irrespective. Even if it is going to be retail stores, people will either have to walk or they will have to park around the corner in the parking lot or something.

**Trustee Walker:** The other thing to consider is that when we were looking at this some of these buildings could potentially be redeveloped, especially if we had passed the six-story

zoning. But even with the three-story zoning, some of them could potentially be redeveloped as taller buildings. Or they could be luxury condominiums instead of the type of building that they are now. So they could be redeveloped, and they could put other uses on the ground floor that we cannot imagine now but they might be able to provide the parking spaces in the new building. So do not rule out the fact that redevelopment is possible.

**Village Attorney Stecich:** Niki, on museum, that generic issue, I did not put all the requirements for every use in here. It was just to give you an idea. What happens in this MR-C district is any use permitted in a residential district. So you have to go back to the residential districts. They allow one-family. And then they allow places of worship, with a bunch of limitations: provided you have this, you have this, you have this. Libraries and museums, provided that they comply with these requirements. All building structures on the lot should cover not more than 15 percent of the site area. So it is very limited. You are not going to get any museum because all the lots are small. Unless somebody took a whole bunch of them, in which event there would not be a parking problem because you are taking up so much space. So it is simplified a little. So you just cannot say museums are allowed there; only museums that meet all these qualifications.

**Trustee Armacost:** But where are the houses of worship here? They are not in there. They are not in the MR-C zone, they are in the CC zone, the places of worship. The MR-C only has the libraries, museums, schools.

**Mayor Swiderski:** That is because it is inherited through the residential district.

**Village Attorney Stecich:** Places of worship are as-of-right use in the residential, not special permit.

**Trustee Armacost:** Is what is written in 5 the entire gamut of MR-C, or is there more stuff that is not listed in 5?

**Village Attorney Stecich:** No, 5 is just what is allowed in the CC.

**Mayor Swiderski:** No, MR-C. This is also labeled as 5. Five repeats twice.

**Village Attorney Stecich:** Oh, I am sorry. OK. Page 2, section 5.

**Mayor Swiderski:** That is the complete list.

**Village Attorney Stecich:** Yes, that is everything in the MR-C.

**Trustee Armacost:** That is the entire thing. So what we are doing now is, theoretically, choosing from what is also called 5 but is, in fact, 6.

**Village Attorney Stecich:** The CC uses. Which of those CC uses you want to add to the MR-C uses.

**Trustee Armacost:** I think we should be generous.

**Mayor Swiderski:** I have no issue with generous. We are so desperate to have activity. We are not talking about many storefronts here.

**Trustee Walker:** And there are ground floor uses not so much on Warburton anymore, but a few. And on Southside, there could be either residential or commercial. Do not forget it wraps around the block so it is not just Washington.

**Trustee Armacost:** Certainly personal services, whether you want nail salons or not. If it is not an empty store, people are going to go. The whole nail salon issue, if people will buy it is a market economy. And what is controversial about the retail uses except the sale of motor vehicles?

**Trustee Walker:** It was purely a parking issue, I think.

**Village Attorney Stecich:** The only thing I would say about that is you might want to put a square foot limitation because you would not want to encourage somebody to take down a bunch of buildings to put in a Gap or a bigger store.

**Trustee Armacost:** But if we just chose those two, would that just shift everything? Pretty much, everything is subsumed in retail uses. Copying shops are in retail uses, are they not?

**Village Attorney Stecich:** No, not if they are spelled out separately. If the use is specifically allowed in one district, and it is not listed in another district, it is not allowed. That is the way this code reads specifically, and that is generally how they read.

**Mayor Swiderski:** Retail is retail. It is not a restaurant.

**Village Attorney Stecich:** Exactly. You could say restaurants are retail, but they are not.

**Trustee Armacost:** But why is copying not retail? You are selling something.

**Village Attorney Stecich:** Funeral parlors are selling things, too. They are selling caskets.

**Mayor Swiderski:** I have no problem with retail uses, as well, as long as you can come up with a square foot cap so we do not accidentally end up with a pharmacy there.

**Village Attorney Stecich:** For restaurants you had 2,500, but I cannot picture what 2,500 is.

**Mayor Swiderski:** It is not big. I have no problem with that.

**Village Attorney Stecich:** There is a threshold in the CC.

**Trustee Walker:** There is a threshold for parking. Is it 1,500 square feet?

**Village Attorney Stecich:** Yes, that is pretty small.

**Trustee Walker:** It was too small, what we put in the CC district.

**Village Attorney Stecich:** Maybe it makes some sense, the 2,500. If you determine 2,500 for a restaurant, then 2,500 for retail might make sense, too. I assume there was some basis for coming up with that number, and it seems reasonable.

**Trustee Armacost:** Do we have requests for particular establishments that we should be aware of?

**Village Attorney Stecich:** The beauty salon.

**Trustee Armacost:** But that is already covered by personal services.

**Mayor Swiderski:** To Bruce's point, if we are going to do this let us be generous. This is one owner. If somebody else comes before us, let us not limit ourselves. I have no trouble with retail uses capped at a square footage that corresponds to the largest unit here.

**Trustee Armacost:** What about copying and job printing then?

**Mayor Swiderski:** It seems very 1990s, but if somebody wants to do that.

**Village Attorney Stecich:** Then do you want a limit on the size of that? There are little shops, and then there is those great big Kinko's.

**Trustee Armacost:** We have health, fitness or athletics clubs in there that are not limited.

**Village Attorney Stecich:** Yes, but Meg said that was to allow for Southside.

**Trustee Armacost:** Yes, but you could have somebody take three buildings and knock them all down just because it was intended for that.

**Village Attorney Stecich:** OK, copying, offset and incidental job printing. Add that.

**Trustee Walker:** I would increase, under the retail, provided goods to be sold at retail on the premises. They are selling these baked goods off premises in By the Way Bakery, and I do not think anybody has a problem with that. I hate to point it out.

**Mayor Swiderski:** But retail does not mean you cannot retail elsewhere, as well.

**Trustee Walker:** Well, that is what it says: provided that such goods are to be sold at retail on the premises.

**Trustee Jennings:** It was not the retail part. They did not want the manufacturing part.

**Trustee Walker:** And, in fact, the manufacturing part is the part that really helps the business survive. So I would change that in the CC, as well.

**Trustee Jennings:** Do you not think a better way to control that, instead of saying you have to sell the stuff on the premises, control it by the kinds of pollutants and other noxious things might be produced or not by the enterprise? Let them sell it anywhere, if it is bread.

**Trustee Walker:** I agree. And I do not care if it takes more than 40 percent of the retail area.

**Trustee Jennings:** Is one of the nicest things in Hastings not Antoinette's?

**Trustee Walker:** Yes, they do production in the back, too.

**Village Attorney Stecich:** You to settle on what you want on that one. Production of processing of goods left alone means a manufacturing use. It says provided that the goods are to be sold at retail. It does not say it cannot be sold anyplace else.

**Trustee Walker:** It says at retail on the premises.

**Village Attorney Stecich:** Right, but it does not say and also other places. So By the Way is selling it on premises, but also selling it somewhere else. So it is OK.

**Mayor Swiderski:** Do we want to tweak to 40 percent?

**Trustee Walker:** Maybe does not exceed 80 percent.

**Mayor Swiderski:** I have no trouble with that, with 80.

**Village Attorney Stecich:** What do you mean by 40 percent of the retail area?

**Trustee Walker:** In retail area, what it is meaning is the entire commercial space.

**Village Attorney Stecich:** Well, that is wrong then. I think that meant so that area does not exceed 40 percent of the entire space.

**Mayor Swiderski:** Right.

**Trustee Walker:** But it does not read that way.

**Village Attorney Stecich:** OK, of the commercial use. And you want to change that to 80 percent?

**Mayor Swiderski:** Why even specify it? As long as you have a retail component, who cares if it is 80 or 40?

**Village Attorney Stecich:** Yes: provided that the goods are to be sold at retail on the premises. Just leave it at that.

**Trustee Walker:** Yes.

**Mayor Swiderski:** Right, why bother specifying space?

**Trustee Armacost:** Well, maybe you should not say "such goods." Maybe it should be "some goods," a portion of the goods. I mean, it is the "such goods," I think, that is making you think that it is all the goods.

**Village Attorney Stecich:** By "such goods," it means that those goods you are processing have to be sold there. But I do not think that reads that they cannot be sold someplace else, too. And it happens a lot.

**Trustee Armacost:** And the other one, if we want to be expansive, would be other service establishments, because that includes pretty much everyone else. That could include a bike shop.

**Trustee Walker:** Bike repair, right.

**Village Attorney Stecich:** Well, large appliance repair.

**Trustee Armacost:** If you include that same caveat of in a space no more than 2,500 whatever it is, feet, you have the problem with any one of these of it. You are not going to get very big establishments in the existing places. If they end up merging the basements of three buildings, that creates something different. But even there, you are never going to get a Costco or something like in there.

**Trustee Walker:** Is yoga a service?

**Village Attorney Stecich:** That is health and fitness.

**Trustee Walker:** Is that allowed in the CC district?

**Village Attorney Stecich:** No, in the MR-C.

**Trustee Walker:** I know. But I was just thinking about it because we were just talking about it tonight. It is not in the CC district, is that not interesting?

**Village Attorney Stecich:** I would say yoga is like personal services.

**Trustee Walker:** That is what I was thinking. Maybe it is personal service.

**Trustee Armacost:** It is a health club and a day club.

**Village Attorney Stecich:** No, I do not think there is any issue there. I am just a little nervous about other service establishments. In Mount Kisco when we redid the zoning, there was a distinction between where you allowed other service establishments. It could be big things, like large appliance repair. But nobody repairs anything anymore. They throw it out and buy something new.

**Trustee Armacost:** But in the CC district that is allowed. And there is nothing like that already in the CC district anyway.

**Trustee Walker:** That we can think of. Well, there is a new upholstery place in the CC district, for example.

**Trustee Armacost:** But there is nothing in there that is problematic.

**Trustee Walker:** That is definitely other service. It is not problematic. Bike repair is not problematic.

**Village Attorney Stecich:** OK, so we will add that.

**Trustee Armacost:** I think if we have those, then we have been very generous.

**Mayor Swiderski:** Yes, we have.

**Village Attorney Stecich:** OK. And the only two you want to put square footage limitations on were the only new one. The retail.

**Mayor Swiderski:** Yes.

**Village Attorney Stecich:** Because we already have limitation for restaurants.

**Trustee Walker:** Jim is here tonight and you were so involved when we were rewriting the uses in the zoning, can I ask him what his opinion is? And he lives in the neighborhood.

**Trustee Armacost:** And just one other point, which is the retail sale of antiques, books, arts, gifts or other similar specialty items, why should that not be in the CC district?

**Village Attorney Stecich:** It is. It is already included in retail.

**Trustee Walker:** We were being very specific.

**Village Attorney Stecich:** In retail, but in the MR-C it was limited.

**Trustee Walker:** We could take that out, then, from the MR-C.

**Village Attorney Stecich:** Yes, you can just have retail uses. Although you might want to list it to encourage it. But, Jim, do you want the list we are talking about so you know we are talking about in terms of uses?



**Mr. Metzger:** I remember when we were discussing the rezoning. That was about 10 minutes after I moved to the Village. It was the first thing I got involved in. The issue that kept coming around and around in those meetings, as I remember, almost had nothing to do with uses. It had to do with the prospective parking problems that any use would generate in that neighborhood. One of the big discussions had to do with the townhouses in Ridge Street and the fact that they wanted to build 10 and they were not going to have any parking at all, and then to make them have their required parking. That became an extended discussion relating to the affordable housing at 422 Warburton. So the discussion about use had more to do, I think, with the generation of parking and traffic than it had to do with actual use. And what was going on at the time was that there was a pizza shop that did not make it. There was a barbershop that was being run by a very elderly gentleman that had not very many customers, and eventually he left. Before I got to the Village there was an art gallery there that did not make it. So then the discussion became what use in terms of commercial could exist south of the Warburton Avenue bridge that would make sense. That has been a question that has been going around the neighborhood.

Antoinette's is an extraordinarily successful enterprise. They are providing a unique product at a very good price. There are parking problems related to that, as anybody who comes by knows. Especially on Monday and Thursday mornings for alternate side it is an issue. But it is an extraordinary change, a beneficial change, to the neighborhood. That business has changed the way a lot of people in this village view that area of the south side of, as I call it, SoHaHu, South of Hastings-on-Hudson. So if we could find the right stores it would make some sense. But I believe those right stores need to be something that would be encouraged by pedestrian use. A bicycle repair place, obviously I love the guys at 45 Main. I use them myself so I would not want to encourage competition that might affect them. But that is a perfect use for that area. Ride in, get your bike fixed, generally you can walk home. Not a big deal.

**Trustee Walker:** Do you remember why we did not want the personal service establishments like hair salons and nail salons in that area?

**Mr. Metzger:** I think it had to do with the fact that the Village had a fair number of those. And to encourage more of a single use type would preclude other people from being interested in moving into that neighborhood. The thing that I find extraordinary is that all of these hair and nail salons seem to be doing very well. I think that is great. But what are we not getting if more of that comes in? I do not know that that is up to us to answer that question. That may be a market-related answer.

**Trustee Armacost:** Absolutely, and it is not up to us to block it. If they are going to do well, then our role is to support that. If a business fills an empty storefront, that is a victory.

**Mr. Metzger:** We want to discuss more what should not be there. You do not want a live poultry store there, for example. I am not trying to be humorous about it, but there are neighborhoods where those stores flourish, I know people who would use stores like that if it existed here. I am not sure that is what we want in Hastings. Certainly, I would not want that for my neighbors. But if someone can come in, and they are not going to negatively affect the neighborhood, it is hard. We spent months looking at that at the 9-A project: what can you put in those buildings and what can you not put in those buildings? It became hard, and it became, at times, maybe a little arbitrary. But that is what you do when you are making decisions like this. You flip a coin and go, You know what? We are not going to allow that. So I agree. We should encourage additional uses, but there should be some limitation on what those uses might ultimately be. The parking may take care of itself if the parking regulations state X number of cars for this type of business, as it does for every other business in Hastings. That may be a self-limiting situation anyway.

**Village Attorney Stecich:** Just to clarify that, it does not say for every other business in Hastings. That is one thing I wanted to explain to the Board. In the CC district, if a business is under, let me tell you the number of square feet, they do not have to provide parking. But that is only for the CC district, not for the others. Within the CC district a retail use occupying, or proposed to occupy, a building, structure, portion thereof with a gross floor area of 2,500 square feet or less shall be exempt from providing off-street parking places. Why do we not have restaurants in there?

**Trustee Walker:** I thought we did.

**Village Attorney Stecich:** That is interesting. But anyway, if the store is under 2,500 square feet it does not have to provide parking. I do not know whether you would want to extend that to the MR-C or not. But before, under the current zoning, it was examined specifically that in the MR-C district the parking regulations should apply. I suppose it makes a little more sense there because they are residential uses. The people who live there need to be able to have a place to park.

**Trustee Jennings:** What does "provide parking" mean exactly? We do not require that on the private property there be parking spaces for X number.

**Village Attorney Stecich:** That would be the base requirement that it be on your property.

**Trustee Jennings:** And where in the downtown is there that?

**Village Manager Frobel:** Well, there is not. That was the problem with the steak house,

and that is why we had tried to work out a valet arrangement where they would use our Zinsser parking lot in the off hours. That was part of the problem.

**Village Attorney Stecich:** Probably the other thinking in the CC was they were probably mostly grandfathered in on the parking requirement.

**Trustee Walker:** But this was a big issue.

**Village Attorney Stecich:** But you could provide parking where if it is within 500 feet you get dedicated parking. If you can get parking spaces from the bank after hours you can use that, you have to have an agreement. There is a provision for that. Or you can get a parking variance.

**Trustee Armacost:** But right there, you are right next to the parking lot. So would that not count?

**Trustee Walker:** No.

**Trustee Jennings:** Control the use of spaces, not public spaces first-come, first-served. It seems to me that that is so restrictive as to strangle our downtown. If it were not grandfathered in we would have no downtown at all.

**Trustee Walker:** You are absolutely right. This was something that was a big bone of contention. The Downtown Zoning Committee recommended waiving the zoning requirement in the downtown for restaurants and retail. Waiving it, no parking requirement at all. But the Board at the time was very nervous about that, and this was the compromise, the 2,500 square feet. I am surprised that restaurants are not in there. Restaurants have to provide so many parking spaces per square foot. It is very onerous.

**Trustee Armacost:** But are they compliant?

**Trustee Walker:** Most of them are grandfathered in. And if you wanted to put a new restaurant in ...

**Mayor Swiderski:** Which is what killed the steak house.

**Trustee Walker:** ... it becomes almost impossible.

**Trustee Armacost:** But I think maybe we should have another day, where we figure this out. It seems so unreasonable to me.

**Mayor Swiderski:** We are straying off. In the interest of trying to get this particular discussion done ...

**Trustee Walker:** But you understand that the parking requirement will apply to this hair salon, and then they will have to go get a parking variance.

**Village Attorney Stecich:** I assume your guy understands that.

**Mayor Swiderski:** Well, how many square feet are you?

**Dennis Rubich, Applicant - 7 Washington Avenue:** No, we do not understand that.

**Village Attorney Stecich:** You do not understand that there is a parking requirement?

**Mr. Rubich:** Having meters on the street would probably solve some of those problems.

**Mayor Swiderski:** How many square feet are you?

**Mr. Rubich:** I will say 1,052 for now, but we are very close to that. If is not, 1,055 or 1,056.

**Village Attorney Stecich:** You did not understand that you needed to provide the parking?

**Mr. Rubich:** No, we did not. I read through it. It did not even come up. We knew that whole street was so limited that it would be impossible.

**Trustee Walker:** Yes, and that exception is only in the CC district then. We have not applied that to the MR-C.

**Trustee Armacost:** But I think we should at least do that for underneath that size. Because there is no way. Everything will remain empty forever.

**Village Attorney Stecich:** This is a good opportunity. We are going to amend this requirement, which is in the parking regulation. It is not in the MR-C regulation. You could make both changes at once. Say within the MR-C and CC district retail uses or restaurants occupying 2,500 square feet do not need to provide parking. I recall that was the intention also, but that is not what is in the code. We can fix that up at the same time.

**Trustee Walker:** And we can look at the 2,500 number, too, if we are looking at this.

**Mr. Rubich:** By adding those meters it would be very helpful for everybody, for all of the businesses that are there. The concern of the square footage, maybe you could do a special permit because the lots are all small. You are concerned with larger things. Saying that anything that would combine two lots would have to be special permit, and that way you let the Planning Board decide if that is a problem or not. But this is my suggestion. I do not want to push you either way.

**Trustee Walker:** One of the reasons it was 2,500 was, we were encouraging small businesses. We were not encouraging some large store to come in and knock down a bunch of buildings and, as Marianne said, put up a gigantic Gap or big box store. Which obviously we did not want, but it would also require a lot of off-street parking.

**Village Attorney Stecich:** But if you had this parking exemption for the small space, then they really do not have much incentive to tear down spaces because they are going to have to use up the space to provide parking.

**Trustee Walker:** That is right. That is part of discouraging the big stores.

**Mayor Swiderski:** In the interest of exiting here tonight before midnight, let me summarize where we are. I understand that we have brought in potential uses now.

**Trustee Armacost:** By four.

**Mayor Swiderski:** Well, I am counting five, so let us hear your four.

**Trustee Armacost:** So my four are personal service establishments, other service establishments, copying, offset and incidental, and then retail uses.

**Village Attorney Stecich:** And the production and processing of goods. But without that part about the varying amount of feet. I think it might be helpful to add some limitations.

**Mayor Swiderski:** Not industrial.

**Village Attorney Stecich:** Yes, that it does not have any smells or noise or noxious fumes, or anything like that.

**Village Manager Frobel:** Hours of operation? Is that also in the code, on that same theme that you are talking about, if they were getting into more of the wholesale sales. There is no concern about deliveries or hours of operation?

**Village Attorney Stecich:** zoning is not supposed to deal with hours of operation.

**Mayor Swiderski:** So those are the five that we have agreed on. We have stricken the part about the 40 percent of retail area. We are talking about extending the exemption of the parking requirement for the 2,500 and under to retail in MR-C and restaurants in CC.

**Village Attorney Stecich:** And MR-C.

**Mayor Swiderski:** Well, we do not have restaurants in MR-C.

**Village Attorney Stecich:** No, restaurants are not currently allowed anyway.

**Mayor Swiderski:** So in both we have restaurants the exemption of parking for 2,500 and under. We are asking for a draft consideration for the next meeting. We are all in accord?

**Village Attorney Stecich:** I will do two separate local laws. One will deal with the parking, the other will deal with the uses. I will circulate it, and then if you are comfortable with it at the next meeting you could call for the public hearing.

**Trustee Walker:** This does not require notification of properties in the area?

**Village Attorney Stecich:** Once you call for the public hearing, yes. It is a zoning change. Then we have to do SEQRA, which I do not think is a big deal on this.

**Mr. Metzger:** If I might just a final 15 seconds, because it is the issue that we bump up against every time. We live in a section of the Village that has an incredibly high residential population. A lot of people in my neighborhood drive to work. They do not necessarily take the train although a fair amount of people do. But for every person that takes the train we have people parking in my neighborhood who take the train that come from outside. I am always very leery about the idea of extending parking meters over the Warburton Avenue bridge to satisfy certain businesses. And again, this is a conflict. I am not saying it is one or the other. But as you make it more difficult for the people that live there to park it is going to become more difficult for the landlords to find tenants. I know people that will not move to the neighborhood because they are not guaranteed a spot. As that parking gets pushed farther down Warburton, it creates additional problems for other people in the village.

**Mr. Skolnik:** Marianne said that things like hours normally were not contained within zoning. Considering other downtown noise discussions, I am wondering if there is a way of contemplating the ways in which these establishments would interact with the residential

component. If you were dealing with an area that did not have residential, what that might allow in terms of an establishment, whereas if you are dealing with a combination of residential there are certain issues.

**Village Attorney Stecich:** I am not saying you cannot regulate hours of operation. It is just not done in the zoning section. It might be done in the section on noise, it might be done somewhere else. I think we have something about hours of operation. No, there are other regulations. Or you can also make them conditions of, let us say, it needed a special permit or it needed a site plan approval or something like that you can make conditions. I am not saying it is something you cannot totally regulate. It is just not generally in the zoning which regulates spaces.

### **3. Update on the Downtown**

**Trustee Walker:** Our ad hoc committee is moving forward. We are going to have a meeting next week. We are going to be looking at moving ahead with a market study of the downtown and doing an inventory of businesses, looking at the square footage of the businesses, which could be useful right now, as per our discussion. And beginning to come up with a strategy to talk to landlords. And potentially also looking at popup retail, and what that means. We will be having a Friday Night Live meeting to plan out the year's events.

### **4. Update on the Waterfront**

**Village Manager Frobel:** At the Mobil Tappan Terminal, you will have noticed the crane was removed. All the soil has been deposited. They continue with placement on the site. They expect to do the hydroseeding, and should finish that up at the end of this week. Demobilizing their work crews should occur the week of January 14, and that means they will be shutting down for the rest of the winter. They will be back in the spring to freshen it up and do some plantings.

At the Uhlich Color site, the Chevron site, they are near complete on all their electrical work installation. They expect to energize the transformer on the site perhaps as early as next week. At the end of the month they are going to do a performance evaluation and testing of all their equipment, a shakedown. They expect to be fully operational by the end of January.

**Trustee Jennings:** It looks as though they have put an interior fence on the ARCO site, and made a roadway, on the edge so that one could get back to the Exxon Mobil area. Does this give us the opportunity, for a short period of time at least, to do something down there? Extra parking, for example.

**Village Manager Frobel:** We have approached the company on that. They are very reluctant to enter into any relationship, even short-term, to have people on their property while this is going on.

**Trustee Walker:** The Uhlich property is going to become operational. That means pumps?

**Village Manager Frobel:** Yes, with the extraction.

**Mayor Swiderski:** I have two updates on the waterfront. First is on Building 52. We requested in October formally in a letter to BP for them to initiate a process to get two bids. I found out considerably after the fact that on the basis of the discussion we had as a board the previous month they initiated that bidding process on their own initiative before receiving the letter in October, and secured an estimate from a contractor not in line with what we requested, meaning work with Doug Alligood and go for that input.

They submitted that estimate to me a day ago. I am going to forward it to everybody here. They also called Doug and shared it with him. We will seek his input. The estimate is highly constrained and focused on things like removing an inch and a half of the concrete slab which is infused with PCB as well as some of the brick which is infused. It is minimal work: sealing, testing of the understructure to make sure it can support the weight of the building. Even with the constraints and with caveats about all the other potential work, it came to over \$4 million.

The cover letter, cagey is not the right term. The cover letter was very anodyne about where that money would come from. They certainly were not offering it. And most importantly, they indicated that for completeness of cleanup they would prefer that building not to be there. I want to talk to Doug about his reaction to that. But more importantly, I think it is useful at the time to bring BP into this room and have them discuss their document, take questions from us and from Doug and from the public, and let us have this discussion. If a minimalist approach is \$4 million, \$4.5 million, and what is left in the kitty is \$1.5 million and we are not going to pony up the rest, we have a question here to answer. BP has managed to avoid this point to date, probably out of fear of community reaction. It is their property and their building, in the end. If we say we want to keep it, it is an interesting question about who pays for that, how is that paid for, and whether they are ultimately, from a risk perspective, interested in our opinion. We need to force that discussion into the light of day here, and begin to have it.

**Trustee Armacost:** I think you are right. We do need to have a transparent discussion about it. Are we having a clear enough discussion if we are only discussing one bid? We should have a conversation with Doug before we speak to BP. If Doug or any reasonable



person says you cannot have a discussion based on one opinion, it is not an informed discussion. It is stacked in favor of whatever that opinion was, which may be reasonable or may not be reasonable.

**Mayor Swiderski:** Very fair, and I agree. It may be the way to lead the discussion, but it is time to push it into the daylight and begin to have it publicly.

**Trustee Jennings:** In addition to having a public discussion to make sure that the air is clear, we need to make sure that the facts of the matter are widely understood so as to prepare people in the Village that it may not be possible or even desirable to save and reuse Building 52. A lot of people do not understand any of this, and they are not going to understand it from the TV tonight.

**Mayor Swiderski:** And we often lose sight of that ourselves. We speak about this building as if it is something we have control over. I will report that we did have a candid discussion with BP about the 52, where their thinking about the building has evolved. I would rather have that thinking in public, rather than behind doors, hear what they have to say and what they are willing to support.

**Trustee Armacost:** My concern is if we have that discussion without a range of possible options it becomes a fait accompli, and then it becomes just posturing not informed by a range of opinions. It is possible that there are not a range of opinions, but we need to be very clear whether we are allowing for that.

**Mayor Swiderski:** I agree, and I want to understand if there is even the latitude for more than a fait accompli. Let us be blunt here. Why ask for the second quote if they want the building down because their risk guys say you have to dig up the stuff underneath it, we do not want that left there, period. If that is their sentiment, let us surface that sentiment in public instead of playing this cagey game of looking for more estimates. And if there is latitude on their end, and it seems to make sense to look for a second opinion so we understand what range we are talking about, and Doug says nonsense, it can be done for a million let us have that out in public and understand those parameters. I do not feel like having this go on forever. I want this resolved in the next couple of quarters. Let us understand what their room for play is. If there is no room for play, let us hear it.

**Trustee Armacost:** There was a time when there was enough room for play that \$2 million had been put aside. That was not a fake offer.

**Mayor Swiderski:** In fact, we have spent some of that \$2 million.

**Trustee Armacost:** Exactly. My concern is, if the only estimate is \$4 million, but there is another possibility which is a reasonable estimate which is \$1 million, we need to have a discussion which includes that estimate.

**Mayor Swiderski:** I agree, but I would rather have this all moving forward in public.

**Trustee Jennings:** There is another variable surfacing which I did not understand a year ago or two years. From a safety and cleanup standpoint it is not a matter of the difference, perhaps, whether the building stays or goes. That changes the conversation entirely. Many of us, and I would include myself in this, who would like to preserve the building do so only on the condition that we have a perfectly safe and adequate cleanup. I do not want to compromise that. So there is a new dimension in the conversation, as well as the money

**Trustee Walker:** Could I throw yet another dimension in? In the RPA plan from 12 years ago there was a proposal to keep a portion of the building. The idea was to take down the part of the building that was immediately in front of the bridge so that you could have a ramp that came straight down to the waterfront, and keep the portion of the building to the north of that. I am wondering if they have enough information to know whether it is possible to keep a portion of the building that could be healthier, safer, less contaminated.

**Mayor Swiderski:** The serious subsurface contamination that exists below the slab was at the southwest corner of the building.

**Trustee Walker:** So that is a possibility.

**Mayor Swiderski:** Right. But the concrete within the structure would have to be shaved down.

**Trustee Walker:** I do not think that is a really big number, typically, but when you are dealing with, 80,000-plus square feet all numbers are big. It also may be a more usable building if you had 40,000 square feet instead of 80,000.

**Village Manager Frobel:** Mayor, have we seen the specifications? Do you know what the company charged the engineering firm looking at it?

**Mayor Swiderski:** The letter describes that. It was the minimal work required to warehouse it for a use that did not require heat or cold. Literally warehoused, quite minimally.

**Trustee Armacost:** Surfacing the issue is very important but it is important to do it in a way that is fair. It was clear to me when I was a new Trustee that it was inconvenient to have that

building still standing for the company. They were accommodating strongly-felt, heartfelt emotions many people in the Village had to leaving the building up. But it was clear to me that it would have been much better for them if it were down. I want to make sure that the fact that we have just had a quote from one company does not make the decision happen. I voted for the other one to come down. I pledged that I would support a fair hearing on this. I want to make sure it is fair. I do not think it is fair if it is only one quote.

**Mayor Swiderski:** I completely agree, and it is a question of keying up the request for that second quote that insures it gives us what we want and the process needs.

**Trustee Armacost:** It cannot go on forever but let us not make the conversation be about one quote.

**Mayor Swiderski:** I agree. My understanding, and I would love to hear this said publicly by BP, is that their position has evolved, because initially the DEC's position was an intact slab is a sufficient protective coat. Preliminary calculations, apparently, on their end indicated if that is so, and there is contamination there, it might make sense to leave the building. I do not know when that calculus ceased being true. But at some point, it was true.

**Trustee Jennings:** They thought that the slab itself is contaminated.

**Mayor Swiderski:** Only the top layer. And it is quite thick.

**Village Manager Frobel:** There were trenches along the floor.

**Mayor Swiderski:** The longer they sat on this property, and the risk guys have looked at the long-term issues, the greater is their desire to clean it up so they are not leaving liabilities that they have to come back in 50 years to clean up. I am not surprised but I would love to hear that said by them where they have gone, why they fought, how strongly that is felt, whether we have latitude, whether a second quote is useful. It may be that it does not matter what the cleanup costs, it is coming down because the risk guys have said it is coming down. So let us hear that. I do not feel like either being jerked around by BP or fantasizing about something that some risk accountant has determined makes no sense. It is timely now so we can finish the architectural work about infrastructure and key up the engineering.

The second item, there were a number of public comments, letters to editor, Marge expressing her concerns to me about making sure that the infrastructure design did take into account sustainability issues, especially in light of the storm surge and what that precipitated on the site. I reached out to Lee and he, in turn, to the Conservation Commission, and the Waterfront Infrastructure Committee will be reaching out to the Conservation Commission

and working with them to make sure those concerns are incorporated into their planning in a timely way. This does not push out our process by any significant amount, but if we agree that there is a chance for, I am going to touch a number of issues, solar cells broadly on the site, and to handle that you may want to consider extra electrical conduits, that is included. Being quite specific on the amount of fill that should be on the site makes sense because of storm surge and sea level rise. They can make recommendations, and this is the time to do it, because that will feed an engineering design process that has to be approved by the DEC.

**Trustee Walker:** Do we have enough information to make those recommendations?

**Mayor Swiderski:** Yes, work is being done now about the estimated impact on the river for four feet, five feet. You can get maps that show you what this will look like.

**Trustee Walker:** I know, but they are conservative in their estimates. Where is the science right now in terms of determining this?

**Mayor Swiderski:** The science is a moving target. Whether it is three feet or 18 inches or five feet, we don't know. If we worry about the glaciers melting in 100 years, and we plan for that, you probably won't build anything anywhere near the sea line. You have to do something reasonable. The Infrastructure Committee and the Conservation Commission will work on this so that those concerns are integrated.

**Mr. Metzger:** As the chair of the Comprehensive Plan Implementation Committee, we have had some fits and starts due to storms and holidays. But starting tomorrow night, the second and fourth Wednesday of the month will be our regular time, 7 o'clock downstairs in the Community Center. We are discussing priorities within specific chapters at this point, and it has been a very lively discussion. The board is coming together very nicely.

### **EXECUTIVE SESSION**

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

### **ADJOURNMENT**

On MOTION of Trustee Walker, SECONDED by Trustee Jennings with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 9:40 p.m.