

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
BOARD OF TRUSTEES  
REGULAR MEETING  
SEPTEMBER 3, 2013**

A Regular Meeting was held by the Board of Trustees on Tuesday, September 3, 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:** Nine (9).

**APPOINTMENT**

**Mayor Swiderski:** An appointment to the Zoning Board of Appeals alternate position. Adam Anuszkiewicz will be filling out an unexpired term which expires in 2014. We thank him for the services he will be rendering.

**APPROVAL OF MINUTES**

On MOTION of Trustee Armacost, SECONDED by Trustee Jennings with a voice vote of all in favor, the Minutes of the Regular Meeting of August 6, 2013 were approved as presented.

**APPROVAL OF WARRANTS**

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

Multi-Fund No. 15-2013-14	\$213,655.54
Multi-Fund No. 17-2013-14	\$ 73,125.00
Multi-Fund No. 18-2013-14	\$ 3,074.37
Multi-Fund No. 19-2013-14	\$120,479.25

**PUBLIC COMMENTS**

**John Gonder, 153 James Street:** You mentioned it at the last Board meeting you are keeping it as five minutes. The Mayor, and other mayors have been more than fair on the five minute maximum for public comments. I think you did a very good job. Suggestion to reduce lengthy meetings: start the meeting on time, Mr. Mayor. You were five minutes and

15 seconds late today. There are about eight, nine people here. Nine times five is 45 minutes of wasted time. The Mayor may wish to allot time to Trustees, say five minutes, on issues. Many times some of the Trustees go on and on and do not make any important points. So you should consider that. Some Trustees sometimes go off the subject matter.

**Michelle Porter, 17 Washington Avenue:** I had been in e-mail contact with Fran Frobels regarding the Warburton Avenue bridge project and what, if any, concessions are going to be made for residents around the area for parking, which is already at a premium due to the density of the area. I had sent some suggestions, and he said he was going to put it to the Board shortly. I was curious if he did put it to the Board and what ideas you had.

**Village Manager Frobels:** It is an agenda item for this evening, so your timing is perfect.

#### **46:13 SET DATE FOR PUBLIC HEARING FOR SAW MILL LOFTS**

**Mayor Swiderski** I would like to have Marianne give how we got to this point and what we are doing tonight, and then a representative from Ginsburg Development Corporation speak to the proposal that the Planning Board has reviewed.

**Village Attorney Stecich:** In February the application came to the Board of Trustees. The Board said let us set a public hearing on it, but refer it to the Planning Board first. It was referred to the Planning Board, and the Planning Board spent about four months reviewing it and making quite a few changes from the proposal you would have seen when they were here in February. Bruce is going to walk you through those changes. So the Planning Board is done. The Planning Board made a SEQRA determination, which was, at the end, a negative declaration. This was not done at the beginning; it was done after they did a lot of studies.

They retained Langan Engineering to look at various issues: stormwater, flood plain, wetlands, and traffic. They also retained, through Langan Engineering, Urbanomics, which is an economic analysis and fiscal analysis consulting firm, to take a look at the two big issues. They looked at one, whether the taxes to be expected from the project balanced out with the projected costs of the project, and then also to analyze having the affordable apartments all in a separate building. Our Affordable Housing Law requires that the affordable apartments be spread throughout a building, throughout a development. But the Planning Board, for good cause, can allow them to be in a separate building. So we had Urbanomics review what the applicant was saying for financial reasons it was necessary.

Bruce will show you how the affordable building was changed from being at the end of the project to being central in the project and integral to it. That is an important point because the Planning Board had to make a specific finding on that. The Board finished it up and did

a recommendation. The document that you got, and will be available to the public, is a 50-page document. It is not difficult to read even though it is long. I wrote it simply, with a lot of assistance from the Planning Board. It is not difficult to understand, and they are probably going to touch on all the issues that people might be concerned about. You might get to a section that you do not care all that much about. The soils, you might skim that and spend more time on the traffic or the fiscal impacts or whatever. But it is all there.

The next step for this Board is to hold a public hearing on it. You had scheduled the public hearing, but it was pro forma scheduling. The date passed and it certainly was not ready for a public hearing. Even though it is not required by either SEQRA or by the MUPDD law, the Planning Board did hold a public hearing on this. There was very little participation, and two of the three people who said something were people who were in the room for another project. I expect there may be more attendance before the Board of Trustees.

It makes sense to have the public hearing on October 1, to give everybody time to go through this document, not only you, but the public. Subsequent to that, you will vote either to approve it, disapprove it, or approve it with conditions. There are a couple of technical determinations you are going to have to make. Then it will go back to the Planning Board for subdivision approval. This round is going to require subdivision approval, site plan approval, steep slopes review. There will have to be review, but not as extensive as there ordinarily would be because, you will see, so much of the work was done. They had to look at a lot of the issues that you would otherwise look at in site plan.

**Mayor Swiderski:** It is already posted on the Web site. I did read it cover to cover, and I thought it was entirely clear and well-written. It was an easy read. The analysis is amazingly thorough. They hit every point.

**Trustee Walker:** Yes, they really did. I am impressed with their work and your work.

**Bruce Lozito, Ginsburg Development:** That was excellent coverage of everything that transpired. The Planning Board worked as hard on this as they made us work. There was a collaborative effort back and forth: we gave them something, they responded to it; they gave us direction, we responded to it. We had some bumps along the way, but at the end we came to a plan that we were all pleased with, that made sense, addresses a lot of the concerns that you had raised when you first saw our proposal. It was an effort that was very worthwhile. I wanted to thank the Planning Board for their efforts over the past six months. We will be going back to them again for some detail work but the brunt of the work is behind us.

I will run through the changes to the plan that you last saw. This is the 2007 approved site plan that we started this round of review with that had the two buildings the same. It was 60

units at that time: 30 units in each building, 300-foot long buildings, three access drives off Route 9-A, parking, pedestrian bridge, public open space and public parking; all components that remain in some form or another. But that was the starting point for this round of planning. Some of the features that are on this plan ended up back on the latest plan.

This is the plan that we came to you with in February. Some of the important features of this plan were reducing the number of curbcuts on 9-A to two from three; making a more rational circulation pattern through the site, with a two-way street neighborhood street, as opposed to a parking lot; creating a sidewalk connection from one end of the site to the other; connecting the open space and recreation opportunities with public transit on the other end of the site; significantly reducing the size of the buildings, from 300 feet to 200 feet in length and, correspondingly, the size of the units in those buildings; and creating the third building with 12 affordable units, such that there were now a total of 66 units altogether as compared to the 60, but with the same number of market rate units, 54, and 12 affordable as compared to six affordable in the original plan.

We also had a 1.6 acre open space parcel at the south end, where the prior plan had 1.75 acres. This original plan had the public parking for the pedestrian bridge to the South County Trailway, and the access drive to that parking and to the pedestrian bridge, on the open space parcel that was to be dedicated to the Village. It also had a 1.3 acre greenway along the Saw Mill River, for a total of 2.9 acres of open space. We very early on, starting with your Board and then picked up by the Planning Board, heard some concerns about this orientation; the lack of interest, to put it mildly, in having these improvements on what was going to become the public parkland, the parking for the trailhead, the pedestrian bridge. A lack of interest in the greenway, it being looked at as more of a maintenance obligation, potential liability, that kind of thing.

The third building for the affordable was a concern, more so to some than to others, but a concern. The Planning Board picked up on that and dove into it quite deeply and found that it was a necessary feature of the plan. But the reconfiguration, in the Planning Board's mind, could have been improved. We went through one plan per month over the past six months. Some things went out, came back in. We ended up with the plan I will show you tonight, which is what we are hoping you will schedule the public hearing for.

A lot of good qualities are still there. We still have smaller market rate buildings, totally smaller building frontage along the entire site as we did in the February plan. The same two points of access, with a neighborhood street connecting them instead of a parking area. We now have a 1.8 acre open space parcel at the south end. We have shifted all the improvements off of that, onto what will become one of the market rate building lots. We shifted the pedestrian bridge further to the north to do two things: to keep it off the Village

dedication parcel, and also to avoid a cluster of trees along the Saw Mill riverbank, to do that a little more sensitively. We eliminated the greenway, and now there will be three residential lots. There will be no separate public greenway, dedicated greenway. All of the riverfront will be on a residential lot, and the responsibility for that riverfront will fall on each of the lots as opposed to becoming a public obligation

We still have the trailhead with 10 parking spaces. We still have the 66 units. But the main feature of this was we moved, at the Planning Board's request, the affordable building to the central, most prominent portion of the site. Now it is surrounded by greenspace. Another detail, but an important one, was to carefully look at the Norway spruce trees. We had an arborist look at how we could best preserve two of those trees, what construction methods and what building design was most appropriate to do that. After putting the affordable building in the center, we made some tweaks to make sure it worked well with the Norway spruce trees.

We still have the features of the continuous sidewalk connecting the public areas to the north, all the buildings, to public transit. We have managed to place the buildings in such a way that they entirely avoid the floodplain and, to a much larger degree, the steep slopes that are in this area. Now the buildings are all on relatively either flat or gently sloping portions of the site. Probably the affordable building is in the more sloping, with the two market rate buildings in almost entirely flat and level portions of the site. We were able to enhance the buffer along Saw Mill River Road by this configuration so that the buffer now will be entirely on private property, with no question about whether the DOT would permit it or not. We will be able to have a continuous buffer in front of the buildings, and I will show you a rendering. We were also asked by the Planning Board to extend the buffer in front of the open space parcel to create a private and quieter place for the public parcel.

We have reduced the impervious area considerably, from 2.2 acres in the February plan to about 1.9 acres in this plan. We will manage to reduce runoff as a result with that reduction. This is reminiscent of the prior plan: in the February plan, we had our access to the buildings in the center. We moved it to the outside again, which makes for this much nicer central feature around the affordable building, where it is all greenspace.

I t wanted to show you a little bit of the architecture. We worked on that, too, while we were before the Board.

**Village Attorney Stecich:** Besides it having to go to the Planning Board, it will have to also go to the ARB to review the architectural. The Planning Board did not review the architectural at all, other than to get a general sense that it was going to be industrial style, like the other buildings on 9-A.

**Mr. Lozito:** Right. We will be bringing that to the Planning Board. This is the next generation. We will probably be refining this further, but this is a view of the market rate buildings, taken from 9-A where you can see that extensive berm, with plantings, will break up the façade of the market rate building, which is about 200 feet long. Fifty percent smaller than the other, but still not an insignificant building. This approach will make it blend in with the surroundings better.

We tried to simplify the architecture from what we had before. I will call the previous architecture a little whimsical that might become dated at some point. This is very clean. It is reminiscent of the buildings across the way, which never seem to look old. They were built in the '60s or '70, and they still seem to be contemporary and appropriate. This is more in keeping with that approach. To show you how the affordable building will be very similar in design, here is a rendering showing almost to scale the spruce trees that we are saving at the center of the site. They will frame the affordable building. Here are the rear views, the market rate. Again, that clean look. And the affordable. Again, to be very unified in the design, and with the building an integral part of the development in the center of it there is no question that it blends in, does not look like an afterthought or in any way differentiated from the other buildings.

Those are the key points, other than to repeat that the Planning Board did an extremely thorough job of looking at all the environmental impacts with their engineers and consultants. That 50-page document that you have before you is quite impressive and thorough, as you pointed out. They touched every base, and I could not think of any others.

**Trustee Armacost:** In the old plan you had a community recreational area, which would seem to be separated out, in between the units. Where have you got that in the new plan?

**Mr. Lozito:** Part of the reason for having that at the time was because the affordable building was on the end. We did not want it to appear as though it was a leftover or an afterthought. We wanted to put something there that would pull the market rate building and the affordable building together and make it look and appear and function more cohesively. Having put the affordable building in the center, the need for that was diminished. We had thought, and the Planning Board chairman raised this also, doing something softer, maybe like a barbecue area, but without the hardscape. A little softer, a little more environmentally friendly. We have got lots of green space in which to do that now.

**Trustee Armacost:** In both plans you have parking underneath the two large buildings. Where do the people in the affordable building park?

**Mr. Lozito:** Instead of being surrounded by parking as they were in this plan, which was one of the problems the Planning Board had, their parking is now parallel parking in the front in close proximity to the affordable. These buildings also have surface parking in addition to the basement parking.

**Village Attorney Stecich:** Because there is not quite enough parking in the basements, there is street parking for them. But the state, the county, whatever will not finance parking inside a building for the affordable.

**Mr. Lozito:** For cost reasons.

**Trustee Armacost:** And you did a verification that there will not be flooding in either of those two parking lots?

**Mr. Lozito:** Oh, absolutely not.

**Village Attorney Stecich:** Yes, that was done. When the Planning Board retained Langan there were a few things we told them: pay particular attention to the flooding issues and the floodplains. You should know, when you go on 9-A after flooding this is the one part of 9-A that does not flood. It is quite a bit higher. There is a lot of fill there. We also told them to pay particular attention to traffic because of all the new development in that area.

There are two other things I thought of that I did not mention. One is, why the number could go from 60 to 66. The approval last time you gave was at the max, 60. Actually, the max is 45 because you can have six units per acre and there is 7-1/2 acres, so that got you to 45. But you could give a 33 percent density bonus, and the Board of Trustees has to approve it, if they give useful land to the Village. That is what that 1.8 acre parcel is. The Planning Board assumed you would give them that bonus because it is a little bigger than the last go-round. Then under the amendments to the Affordable Housing Law we passed within the last year, you can get a 10 percent density bonus for providing affordable housing if for every one market rate unit you create one affordable unit. So the density bonus would be six, and then they could have three extra market rate units and three extra affordable units. That is how they got to 66. There are 12 affordable and 54 market rate. So it does not exceed the requirement, but just gets to the requirement. That bonus is granted by the Planning Board, which they did grant.

The one other procedural thing I left out is small. It is not going to make a big difference. The Board of Trustees also has to do its own SEQRA determination. You can adopt the Planning Board's if you think that is covered enough. Or if maybe there is another issue or two you want looked at, you can do that and adopt theirs plus those couple of issues.

**Trustee Jennings:** It seems to me that this is not a very good picture of what it will look at from 9-A because there will be trees between the viewer and the roadway which you do not show in this picture. As I am driving along 9-A, am I going to see the street without any visual barriers at all, just like this picture suggests?

**Mr. Lozito:** There will be a raised berm, which is what this is supposed to depict. There will be trees in front of the berm, there will be bushes on top of and on the sides of the berm.

**Trustee Jennings:** I am not seeing any of that. All I am seeing is trees and shrubs that are on the other side of the cars, the other side of the road.

**Mr. Lozito:** No, that is a car moving on 9-A.

**Trustee Jennings:** So this brown thing is 9-A. OK, I get it. Thanks for clearing that up. I thought those cars were actually on your street. So, in fact, as you drive along 9-A you will not see the building and the roadway so nakedly and so directly.

**Mr. Lozito:** And you will not see the cars.

**Trustee Walker:** This condition that is set by the Planning Board about increasing the square footage of the affordable units, they said that is a condition of the recommendation. That you meet the statutory ...

**Village Attorney Stecich:** What happened is, under the Affordable Housing Law the apartments in the affordable building are supposed to be 80 percent of the size of the market rate buildings. These are not. But there is a caveat. If the funding source gives a maximum, then you cannot get to the 80 percent. Here, there are limits. Susan, I am sorry I am saying the funding source. It is the county and the state, right?

**Sue Smith, Affordable Housing Committee:** Yes.

**Village Attorney Stecich:** The county and state say the apartments cannot be bigger than this. The apartments in the plan that we saw were a little smaller than that. So let us say the state maximum was 650 feet, the apartment might have been 635. What the Planning Board said is, you have to get up to the 650. You cannot get to the 80 percent, but you have to get to the maximum the state allows. That is what that condition is, and it is included in the conditions back there. The reason we got into that earlier was, if it meant that the apartments had to be quite a bit bigger and then, therefore, the building had to be bigger, it could change the amount of impervious surface, it could change the layout. But it is small amounts.



I think they were 97, 98 percent that. We are just saying you have to be at 100 percent. We talked about it, even if you maxed out.

**Mr. Lozito:** It is maybe a foot around the perimeter of the building, or something like that.

**Village Attorney Stecich:** Yes, we talked about that and that is not going to be an issue.

**Trustee Walker:** OK. And you are comfortable with the other conditions. There is a nice list of conditions in here.

**Mr. Lozito:** We are reasonably comfortable with them.

**Village Attorney Stecich:** Most of those were conditions that flowed from the mitigation that had to be done to stormwater.

**Trustee Walker:** Vegetation along the Saw Mill.

**Village Attorney Stecich:** Yes, preserving the trees and stuff. Not that they really had an opportunity to comment, but the applicant did have a draft of this before the last meeting. So we are well aware, nothing in there was a surprise.

**Trustee Walker:** So the only piece of wetland that was identified during the wetland delineation by your engineers, and then Langan approved it, is the strip along the Saw Mill River.

**Mr. Lozito:** Right.

**Trustee Walker:** And in order to preserve that and preserve the vegetative buffer, anything that is going to be disturbed during construction along that embankment will be replanted, restored in a natural way, to maintain whatever wetland plantings are down there or whatever upland plantings, more native plants.

**Village Attorney Stecich:** There is only a tiny bit of work being done in the wetlands, and most of it related to the pedestrian bridge.

**Trustee Walker:** What kind of detention ponds are there?

**Mr. Lozito:** We have existing drains that cross the site and discharge into the river. We can connect to those without having to create new discharges.

**Trustee Walker:** But you still have to keep the water on-site.

**Mr. Lozito:** Right. We are going to have the bioretention basins that we showed in the February plan, behind the market rate buildings. They are not in a wetland.

**Trustee Walker:** But they are along the riverbank.

**Mr. Lozito:** They are on the flats, though. They are not touching the bank.

**Trustee Walker:** In the flat area. I always thought there was wetland area to the south of the site.

**Mr. Lozito:** On the county land there probably is.

**Trustee Walker:** On the county land, right. I know you are not impacting it at all, but that is something the Village has to keep in mind in terms of uses on this open space because there is wetland immediately adjacent to that.

**Mr. Lozito:** It is a similar condition, where you have fill on this site and a predefined drop-off. So they are pretty segregated from where you would be busy.

**Trustee Walker:** Right. But there are no restrictions in terms of what can happen, based on the wetland that is there.

**Mr. Lozito:** No.

**Trustee Armacost:** What does this dotted line signify?

**Mr. Lozito:** That is the floodplain.

**Trustee Armacost:** Good, so it is better.

**Mr. Lozito:** We were touching the floodplain. Actually, one our schemes, I think scheme four, had a building slightly into the floodplain that was accomplishing other objectives.

**Village Attorney Stecich:** There were other issues with it. Where it was located meant it ended up being one corner higher than 40 feet, which means they would have had to get a variance. Moving it out of the floodplain did a lot of things, including eliminating the height variance, and, most importantly, getting it out of the floodplain.

**Trustee Walker:** That is good. I am pleased that somebody recommended moving the affordable into the middle. It solved a number of problems.

**Mr. Lozito:** Good. It was a tugging war. We were trying to find solutions that satisfied the Board, and we were tweaking. And then finally we got a prod.

**Village Attorney Stecich:** I am going to put a plug in here for Jamie Cameron, the Planning Board chairman. Maybe after law school he took a course in architecture at Columbia. He really likes architecture, so he had some good ideas.

**Mr. Lozito:** And he worked very hard.

**Trustee Armacost:** Congratulations. You guys all did a great job.

**Mayor Swiderski:** Tonight we are scheduling of a public hearing for the Green Building Code. I bring that up because the Green Building Code will have something to say about this particular development. So as you begin to think about bringing it back to the Planning Board, it would make sense to make sure that it fully complies with a law that will be in effect well before your spades hit the dirt.

**Mr. Lozito:** We may have some comments on that law, but this concept starts out already in keeping with it. There may be some particulars in the law that may or may not make sense in general, let alone as applied to this. I want to have someone with more expertise look at it, and we will get back to you on that. But the overall approach is in keeping with that theme.

**Village Attorney Stecich:** I did make it clear to the applicant from the very beginning, before the Planning Board, that whatever their plan shows now they have to comply with the law in effect when they get their building permit. I expected that the Green Building Code would be in effect by then, so they understand that.

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 pursuant to Village Code § 295-72.3G set Tuesday, Oct. 1, 2013 at 7:30 p.m. for the Public Hearing on the Ginsburg Development Company LLC Concept Plan for the 7.45 acre site on Route 9A for fifty-four (54) market rate residential units and twelve (12) affordable residential units (Saw Mill Lofts).

<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 Attorney Stecich:** When you are reading this, you will see references to other reports. If there are any particular papers you want to see I have them in my file. Just ask me for it. The one I did include was the report from Urbanomics on why, fiscally, it makes sense why the affordable would have to be in a separate building because I knew that was an issue the Board was particularly concerned about.

**Trustee Walker:** In terms of the procedure after the public hearing, then we may accept or add to their SEQRA determination. And then we make a determination, and then it goes back to the Planning Board for site plan approval.

**Village Attorney Stecich:** Right.

**Mayor Swiderski:** I am surprised there are two passes at the SEQRA ring.

**Village Attorney Stecich:** That is just the way SEQRA is written. Every agency that is making a decision has to also make the SEQRA determination. In 2006 your SEQRA determination was a bit different. Maybe you added something. Between when the Planning Board reviewed something and it came to the Board of Trustees there may have been some change. I do not envision it in this one. You can just say, not putting words in your mouth, we adopt the same negative declaration that the Planning Board did for the reasons they did. Or you do not have to either. It is usually done like that.

#### **47:13 SCHEDULE PUBLIC HEARING FOR GREEN BUILDING CODE**

**Mayor Swiderski:** We last left the Green Building Code with a couple of definitional questions open and a half-dozen further tweaks and open issues. They have been addressed. We are going to step through those quickly, then set a public hearing for review of the modified code for the next meeting.

**Trustee Jennings:** Our job tonight is to schedule the public hearing. The process of finalizing and fine tuning has been going on since our last discussion. There may still be a

couple of points that need to be clarified. A lot of work has been done since our last conversation. I am not sure we have in front of us the fully done, final answer to everything version, but we are getting very close. There are people here who are gracious enough to come tonight to address that and answer questions. I do not know how detailed a conversation the Board wants to have tonight, but they are here.

**Mayor Swiderski:** The Board should be comfortable with the law as it stands if we want to put it up for public review. I do not have any questions. However, if other Boardmembers do, and would like to step through this quickly page by page, I am happy to do so.

**Village Attorney Stecich:** After the last meeting I either made the changes that the Board agreed on, or left some fill in the blanks. Then it went back to the Green Building Code Committee. I guess they accepted the changes that were made, unless it was otherwise indicated, and there were a couple of blanks they filled in and then a couple that were just filled in in the last couple of days. Among the Board, the Green Committee and what I drafted there was agreement on everything except two points. The first is on the first page, in 160-2(a). The question is whether the Green Building Code should apply to repairs. We had changed the language, but that is essentially the question: does it apply to repairs? My suggestion was that you might want to say that it does not apply to minor repairs because a repair could eat up that whole thing. But then I guess the Green Building Code Committee discussed it, and said no, they do not want it to apply to repairs at all.

**Ms. Kivowitz-Siegel:** You are right. We are accepting repairs, not just minor repairs.

**Village Attorney Stecich:** It does not make any difference to me, but it is up to the Board whether you are comfortable with that. Let us say somebody's house was badly hurt in the storm and they are repairing the whole house, this would not have to apply. I guess the Board is OK with that.

**Trustee Walker:** That would be clear to the Building Inspector. It would be clear when you are going for a building permit that there is a difference between renovation and repair. Whether it is minor repair or repair, I am just curious about repairs in general.

**Village Attorney Stecich:** Repair is defined. I gave a new definition of repair, which is the restoration to good or sound condition of any part of an existing building for the purpose of its maintenance. So it is pretty much what a repair is. I think you are right. I think a renovation could also say, this is not a renovation, it is a repair, which is why I had suggested to throw in minor repairs so something like that would not happen. But they felt differently, and that is a decision for the Board of Trustees to make.

**Building Inspector Sharma:** Some repairs do not need a building permit. But repairs after damage by some storm or something, major damage, all that falls in the repair category. But the extent and nature of the repairs itself, that would require a building permit. Whenever any such building permit is required, certain elements of the Green Code should, and will, apply.

**Village Attorney Stecich:** Well, not the way it is written.

**Ms. Kivowitz-Siegel:** That is not how we have it written, though. What we were trying to get at, and we thought the definition made it clear, that it was for restoring or replacing damaged materials. It was an idea of grandfathering. If another hurricane comes and smashes through somebody's roof and they have got to fix it fast, they should be able to just fix it even if they need a building permit. They should be able to fix it as quickly and as easily and with the least heartache as possible.

**Village Attorney Stecich:** Which makes a lot of sense. I think Meg was raising a different point. How do you distinguish between someone whose house had a tree fell on their roof, or somebody's whose house just got crummy and they are fixing it up. That is a repair, the way it is defined.

**Ms. Kivowitz-Siegel:** I am not sure what we should do about it. We certainly do not intend for it to relate to someone who just decides that their kitchen is in need of repair.

**Mayor Swiderski:** Runs a sink over, damages the floor with a flood, and says it is a repair.

**Ms. Kivowitz-Siegel:** I do not know how to capture that concept.

**Trustee Walker:** Maybe we are making a problem where there is not one, and we just need to see how it goes.

**Ms. Kivowitz-Siegel:** Deven could be the one who decides is this just a worn kitchen, or their television room was in need of repair so they built another room. Or do these people really need to repair something quickly to put their house in working order?

**Trustee Walker:** In a way, it will be determined by the Building Inspector.

**Ms. Kivowitz-Siegel:** But that is not how we have it written.

**Village Attorney Stecich:** What Sharon is getting at is what about some poor people whose house gets damaged by a storm. They want to fix it up, and now there are all these new laws

that apply to them. But how do you draw the line? You could call almost anything a repair, which is the point I was trying to make by my suggestion of putting in minor repairs.

**Ms. Kivowitz-Siegel:** But the problem is, then we have to define minor repair. I think there was not easy definition of minor repair in any of the regulations

**Village Attorney Stecich:** No, there is not.

**Trustee Armacost:** The house that was damaged on Dorchester that had a tree fall through it, that was not minor. That was pretty major. So I do not know that would necessarily help Deven. If he ended up being fixated on the word "minor," that house would have had the same problem.

**Trustee Jennings:** I tend to agree with Marianne. I think, at this point, it may be down to us to go one way or another with this. My own feeling is that the word "minor" does not solve this problem.

**Village Attorney Stecich:** No, that is getting at a different point.

**Trustee Jennings:** I do not think we should view the Green Building Code regulations as extra-onerous regulations that are nice to have if it is convenient to have them. If somebody's house gets smashed by a tree, and they repair it, we expect them to live up to the all the other existing codes. We ought to embrace this code as a code, and important in its own right. And yes, if your house is damaged in a storm, repair it up to code. What we were trying to grandfather in was hardship, and there is a hardship provision in the code. That is a better way to deal with the tough case that might occur, rather than exempting everything called repairs in this general language. That would be my suggestion about how we could handle it. The Building Inspector will have the flexibility not to impose an onerous hardship in a case where it is not warranted. But we ought to recognize that these environmental concerns are as important as not starting fires and not having shorts and all the rest of it.

**Village Attorney Stecich:** I just point out that the minor repair was not added to not include those kinds of damages by the storm. It was just that we were talking about minor repairs.

**Mayor Swiderski:** They would not require a building permit.

**Village Attorney Stecich:** Sure it could. If a piece of your deck came off, yes, it could.

**Mayor Swiderski:** But it would be unlikely that if a piece of your deck would come off that it falls under this particular code.

**Village Attorney Stecich:** One thing you might want to add, Bruce, where you are talking about the hardship provision. It does list factors to consider. One of the factors might be emergency.

**Mayor Swiderski:** Storm-related damage, whatever.

**Village Attorney Stecich:** Not necessarily storm-related damage. Because Bruce is saying just because it comes from a storm does not mean you should not have to build to code. But maybe the emergency nature of the situation.

**Trustee Jennings:** Yes, I could foresee a scenario in which you do have to fix it fast and you cannot necessarily get the right materials that we are calling for immediately. But I would hope that would be once in a blue moon, and it would not compromise the environmental goals of this code to allow somebody to fly under the hardship there.

**Jim Metzger, 427 Warburton Avenue:** Bruce, I agree with you. This should not be looked at as some onerous thing we have to comply with. We comply with plumbing, electrical, et cetera. As an architect, I explain to people the reason why 17 people died in San Francisco during a major earthquake is because we have good building codes. Seventeen thousand people died in Mexico City in a similar earthquake because they have bad building codes. So I am a huge proponent of this. But restoring to a previously existing condition could be a situation where a homeowner would not be required to spend a certain amount of money above and beyond what they might to get the house back to where it was before the damage occurred. And other triggers for certain code requirements have to do with the percentage of construction. If the percent of money that you are spending on the renovation or the restoration of your building exceeds a certain percentage of the value of that building, that triggers certain code requirements. Otherwise, you get to rebuild the way the building was even if it does not meet current code.

**Mayor Swiderski:** How about in the proposal we modify that clause to read "of the code of the Village of Hastings-on-Hudson," period. Just strike the "except it shall not apply" onwards and leave it in the hardship provision.

**Ms. Kivowitz-Siegel:** I think that is fine. I completely agree with Bruce. We purposely wrote this code so it would not be onerous and the materials are readily available.

**Trustee Armacost:** One of the things we raised at the last meeting, your team was going to see whether insurance companies would cover the costs. Certainly it would a certain level of cost. Would it cover this accelerated level of cost?



**Mayor Swiderski:** That would be an application for hardship. If an insurance company comes back and says we are covering to this point, then you have a discussion with the Building Inspector on how far they can be stretched and whether that is reasonable.

**Ms. Kivowitz-Siegel:** We did have a conversation in our meeting. Doug and Christina both said that insurance companies have to cover you to meet code. If this is the value of the code they have to meet, then that is correct.

**Trustee Armacost:** So then there should not be a problem.

**Ms. Kivowitz-Siegel:** That was my understanding. My experts have left the room so I do not know. But I have a recollection of having that conversation in one of our meetings.

**Village Attorney Stecich:** On section 160-8, site improvements, (b), stormwater control, it says for all land disturbances greater than 500 square feet but less than 10,000 square feet all additional runoff caused by construction must be contained on-site. My suggestion was it should also refer to demolition. For whatever reason, the Green Building Code Committee did not think that was clear. But I can imagine somebody tearing down a building there could be some issues, especially if you are pulling up vegetation. I still think it is a good idea that all additional runoff caused by construction or demolition should be in there.

**Building Inspector Sharma:** If you are creating additional impermeable surface, whether through construction or demolition, I think the key phrase is creation of additional impermeable surface.

**Village Attorney Stecich:** No, I understand that. But let us say you are tearing down a building. It seems to me that it is possible that could have impact on runoff.

**Ms. Kivowitz-Siegel:** OK, we are fine. Put in demolition.

**Trustee Armacost:** So it will read by construction or demolition.

**Mayor Swiderski:** I am fine with that.

**Village Attorney Stecich:** And I think that would be consistent with our stormwater law being based on the state's stormwater law that talks about any land disturbance. Land disturbance includes demolition as well as construction. So that is consistent. Those were the only differences between the changes I suggested. Either they accepted them, or I do not disagree with why they did not accept them. And you added a couple of definitions.

**Ms. Kivowitz-Siegel:** Just a definition for native plants. Christina, do you want to address the architectural coding and what you found today?

**Christina Griffin, Green Building Code Committee:** Yes. The levels of VOC that we have in the code we decided to look it up. This is derived from the California South Coast standards for VOC emissions. I looked up on Home Depot the various products for varnish, lacquer, shellac, and found I could meet this code except for shellac. But then that word seems to be used loosely. When you search for shellac, you can find other products that will meet this code. So we did this research, but if we want to go further I might want to talk to a wood finisher just to see what is out there. But you have to make a little effort to make sure you meet this code. You are going to find a lot of things that are going to have very high VOC levels. It is y hard to find that, and you have to look up the MSDS sheet, you have to look up the manufacturer. But the ones that are low VOC, they advertise it and it is clearly labeled on the can.

**Village Attorney Stecich:** I think those were the only open questions.

**Mayor Swiderski:** Does the Board have any issues with the text as it now reads?

**Trustee Jennings:** Sharon, on the very end of the code, pages 22 and 23, item number T, greenfield sites, the points seem still to be added. Were they added?

**Ms. Kivowitz-Siegel:** I did not go through part three and make the exact same changes that were going to be made to part two because it is all the same. So if you just look at part two, you will see that we have points and you are just picked it up because it is pretty much identical. It will get done.

**Trustee Jennings:** Another one I spotted, on page 12, has to do with roofing materials. Section B, on page 12, there is a comment. It seemed to be an unresolved question.

**Village Attorney Stecich:** I thought you said you were going to look into it. That was what my note said. You did not have anything so I guess it is not an issue.

**Ms. Kivowitz-Siegel:** It might be an issue, but we did not recall it and none of us had it in our notes.

**Village Attorney Stecich:** And I could not recall in detail what it was either, which is why I said you were looking at the issue.

**Mayor Swiderski:** I think it was color. There was a question whether this pushed the roofing lighter, or whether this would restrict the choices in color.

**Trustee Jennings:** I do remember in the discussion, and maybe Jim raised it, we would push all the roofs in Hastings into a lighter color and it would look like Florida. Doug, did you have a feeling about that, the kinds of requirements we have?

**Doug Alligood, Green Building Code Committee:** Yes. When we were writing this originally we looked up Home Depot. We used that as an availability barometer. If Home Depot sold a significant number of products in a reasonable price range or a comparable price range to the darker roofing materials we felt that that meant it was readily available. We checked on CertainTeed Web site, we checked GAF, the major manufacturers, as well. Each had several lines of products, including, and I hate to say it, imitation slate. If you want to go to real slate it is not going to comply, but anything beyond historic materials would comply with this code.

**Ms. Kivowitz-Siegel:** My recollection was that you can meet this even with certain darker colors.

**Mr. Alligood:** Yes, it is a wide range of colors. That SRI number is pretty dark, but it is hard to say. It is a very dark color, but it is hard to describe a color without a computer. Maybe we can look one up. But they are available, and it leaves a wide range. The issue that I mentioned of historic applications, that would have to be a judgment or a waiver.

**Trustee Walker:** So you, as an architect, are comfortable that we are not going to look like Miami Beach.

**Trustee Armacost:** New plants that are a minimum of 75 native plants by area: what does that mean?

**Ms. Kivowitz-Siegel:** When you are planting new plants, you get one point if 75 percent of the new plants that you plant are native plants if you are planting less than 1,000 square feet. You get two points if 75 percent of your plants are native plants if you are planting 1,000 square feet or greater.

**Trustee Armacost:** It is referring back to the new plants then. when you are planting new plants if they are 75 percent native plants then you get the points.

**Village Attorney Stecich:** Neither of those sections is completely new. There used to be requirements; rather than being required for everything you get extra points if you do it.

**Ms. Kivowitz-Siegel:** What role does the Green Building Code Committee have in this next public hearing? Are we there to comment, are we there to answer questions, are we there just as the public?

**Mayor Swiderski:** At a public hearing, we take public comments. It is not a question and answer period. It is a chance for people to express their concerns or questions. After the fact, if something needs to be addressed, we go to you and have you address that.

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 schedule a Public Hearing for Tuesday, Sept. 17, 2013 at 7:30 p.m. to consider the advisability of adopting Proposed Local Law No. 5 to amend the Village Code to add Chapter 160 Green Building Code.

<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	

#### **48:13 APPROVAL OF VEHICLE PURCHASE**

**Village Manager Frobel:** We are here to get your authorization to move forward in getting a replacement vehicle for Mike Gunther. Mike is superintendent of Public Works. He has been without a vehicle for probably two weeks now. His 2001 truck, with a combination of excessive rust, metal fatigue, the brake linings and fuel lining was determined to be not roadworthy. We would like to take advantage of those specifications in the bid that was awarded by Westchester County government for a utility vehicle. It is the same bundle in which the fire chiefs were able to pick up two vehicles. This is a smaller vehicle, less of the features reflected in less of a cost. But it would get the job done for Mike. Mike is out there in all kinds of weather. He has got to have the tools to get his job done, and right now he is without anything. It is not practical for him to drive around in a dump truck. That is not efficient. He needs something to be out there with the crews, able to carry small tools, supplies, people at times when we are in the storm, something reliable.

**Trustee Walker:** We talked about it at the last meeting. It sounded like it was imminent. We did not make a decision at that point, but you said before the end of the year. So we are moving it up a little bit.

**Village Manager Frobel:** We are. In the interim, I had assigned Mike and Jerry Daley, the lead mechanic, to search to find a reliable used vehicle. They found that even on the low end of the spectrum they had high mileage, mechanical problems. We are looking for a vehicle that we are not going to have to talk to you about for another 8 or 10 years, with the kind of care that we will give it. The vehicle was a hand-me-down from the police department. We have moved it along because of what has happened over the last few weeks. Given the favorable price that we can realize from Westchester County, we were looking to move this further along. Even with that, there is probably an 8-week or better delivery time. So we have got a short-term problem to address, even if you approve it this evening, to when he might take delivery. .

**Mayor Swiderski:** Maybe it was deliberate, but Mike gave me a ride in that vehicle before it finally crapped out. I had to hold the door shut while we drove. It was embarrassing.

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 approve the purchase of a 2014 Chevrolet Tahoe Sport Utility Vehicle under the Westchester County contract at a cost not to exceed \$30,000.

<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	

#### **49:13 APPROVAL OF TAX CERTIORARI 555-565 BROADWAY**

**Village Manager Frobel:** You received a memorandum from special counsel Ira Levy on this matter. It is an apartment complex. This has been in contention for awhile. His recommendation is that it be resolved at the level indicated in the resolution. We do budget for these. Thus far, we have settled one this year of just over \$2,000. As always, he has coordinated his defense with both the town and the school district.

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

**WHEREAS,** petitions having been filed by the property owner, below challenging real property tax assessments on the Village's assessment roll with respect to the following parcels:

<b>Property Owner</b>	<b>Address Description</b>	<b>Year(s)</b>
<b>COOLIDGE HASTINGS LLC (HARMIR REALTY)</b>	<b>555-565 Broadway Volume HA, Sheet 11 Section 10, Block 0, Lots 100A, 100C</b>	<b>2007-2010 &amp; 2013</b>

**WHEREAS,** petitioner's court challenge is now pending in Supreme Court Westchester County; and

**WHEREAS,** the Village and the property owner have reached a mutually agreeable resolution with regard to the assessments at issue in the Court challenges; now therefore be it

**RESOLVED,** Counsel to the Village Attorney is authorized to execute a settlement on behalf of the Village for assessments for no less than the following:

<b>Years</b>	<b>Current AV</b>	<b>Reduced AV</b>	<b>AV Reduction</b>
2007	DISCONTINUED		
2008	DISCONTINUED		
2009	506,325	414,400	91,925
2010	435,000	371,250	63,750
2013	DISCONTINUED		

The refund of Village taxes amounts to \$34,294.07±.

<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	

**Trustee Armacost:** Do we have an amount budgeted or is it in the contingency fund?

**Village Manager Frobel:** We budgeted \$100,000, and it is the "claims against Village."

**Trustee Armacost:** So of the \$100,000, is it \$34,000 plus the \$2,000?

**Village Manager Frobel:** So far this year, yes.

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

**Village Manager Frobel:** I want talk about the Warburton bridge project. I have been keeping you informed about our efforts to find replacement parking. We are sensitive to the residents that live in the area who will be impacted by this project because there will be a loss of upwards of 40 parking spaces over the two year period. In phases but, nonetheless, bottom line 40 spaces. We are concerned about the loss of commuter parking spaces to the rear of the Zinsser lot, under the bridge, about 20, so a net impact of upwards of 60. I have asked the Chief to take the lead and identify spots where we can begin to make up for some of that. Some of these action items take Trustee approval. For example, the Chief will talk about placement of meters. We will need your OK on that. Some of the other matters can be handled administratively.

**Police Chief Bloomer:** We have looked for the past several months, knowing that this project was coming, with the idea that the first phase would begin in September and we would lose 20 spaces on the bridge, about 20 residential spaces, and then about 21 spaces under the bridge. The timing has been changed. The original timing was so the businesses would not lose the entire bridge parking before the holidays. But it looks like the project will begin now after the first of the year, after the holidays. It has proven difficult to find spaces anywhere; commuter spaces, residential spaces. That area is fairly well saturated, and whatever spaces were available have been taken. Having said that, the commuter space has been a little easier to replace than the residential spaces. One of the areas that we looked at, and I looked at it with Commissioner Gunther and the fire chief, is we would make Factory Lane, which goes under the Warburton Avenue bridge from the train station, a one-way going westbound. You could add approximately 12 spaces to the side of Factory Lane. Those would be metered spaces. We are losing 21 metered spaces under the bridge. It has to be westbound because all of the parking lot entrances are facing diagonally. So you would have to pull in from there. If the fire department needed access under there for a fire, clearly they would go the wrong way on Factory Lane. But you are not going to have traffic both ways.

Southside Avenue, when you are coming northbound up the hill by Maud's, that street is sufficiently wide that, temporarily, we could add four to five metered spaces on the left side of Southside Avenue opposite Maud's. We would probably need to lose one space on Maud's side because for deliveries for the French restaurant or for Maud's, the truck double parks. But there is enough space to get by. So we would probably want to lose one space on the Maud's side to make that a loading zone for when the restaurants are getting deliveries, and then you could add the spaces on the left, on the north side. Lieutenant Dosin and I met with the owner of the tennis club on Southside Avenue. If you were facing the tennis club, there is 3-hour parking to the left and 3-hour parking to the right primarily for tennis club patrons. The tennis club owns partials of those spaces on the south side. He has told us that it will not impact his business if we took the 10 spaces to the left of his entrance, so the south of his entrance. There is a pay station down there already. We could include those so you do not have to install meters there. We could include those in that pay station. There are sufficient slots.

**Mayor Swiderski:** Which pay station is that?

**Police Chief Bloomer:** It is Metro-North's.

**Village Manager Frobel:** We share that. There are some logistics we have to work out.

**Mayor Swiderski:** And they are not part of the lottery?

**Police Chief Bloomer:** No, these are 3-hour parking spaces now. So they are not used by commuters now at all.

**Mayor Swiderski:** Understood. But if they get converted into the sort of spots that are found on that side of the parking lot it is outside of our lottery system, is it not?

**Village Clerk Maggiotto:** Yes. Those are part of those 25 spaces at the end in the Harvest lot that are \$4 a day, available to anyone.

**Mayor Swiderski:** And it is a Metro-North requirement that it be open.

**Village Clerk Maggiotto:** Yes. But we also have the prepaid resident spaces. That is what you are thinking of. As you come down the bridge there are 70 spaces there.

**Police Chief Bloomer:** These spaces would be open to anyone and you would make it the same rate that you make your meters; the slots would indicate how much people have put in.



**Trustee Armacost:** Just to be clear, they will shift from being 3-hour parking to a whole day. Will that be obvious?

**Police Chief Bloomer:** Yes. There would have to be some public education. We would flier vehicles and post our parking enforcement people down there to answer questions for the first week or so.

**Village Manager Frobel:** And, we may have to figure out the logistics because we do not have to share that revenue with Metro-North.

**Trustee Armacost:** But that is owned by the tennis court?

**Police Chief Bloomer:** No, it is mostly Village property. But the property line is at an angle. Where one side of those spaces is maybe 60 percent Village, 40 percent tennis court, the other side would be maybe up to 95/5 percent. The new owners are fantastic to work with and were very good about helping us out. Clearly, it is easier to address the commuter spaces that we are losing. But if we do not address those spaces the commuters are then going to park in the residential areas. So by addressing the commuter parking we are addressing some of the residential parking.

We are going to lose one side of the bridge initially. A lot of those people are residents parked there for the entire night. We would propose to change the hours of enforcement in both the Boulanger lot and the Con Ed lot, starting enforcement at 9:30 and end enforcement at 5:30 so residents that are coming home that would normally have parked on the Warburton Avenue bridge can park in one of those lots and not have to worry about putting money in the meter. And in the morning they have until 9:30 to get their car out of there or put money in the meter if that is what they are going to do.

Once the second phase came into effect we would suspend the alternate parking on Warburton and Washington. We would also suspend it in those lots so that people can park there and they do not have to worry about it is a Thursday night.

When I have watched the Warburton Avenue bridge, when it is an alternate side night and there is no parking on one particular side, the community seems to adjust to that. There are no cars from the night before parked on the one side of the Warburton Avenue bridge. So, clearly, they find other spots, whether it is the Boulanger lot the Steinschneider lot. So for this, it would certainly be extended to not just two nights. It would be seven nights, but I think it can be done.

Once the second phase came into effect, and now we are losing the 40 spaces, we would be clear over the winter. That alternate side parking really helps us with snow removal and it helps us plan exactly when we are going to plow what side, or what side to post if we are getting a large storm. For example, if there is no parking on one side of Warburton Avenue on a Monday we know to post the other side. If the snowstorm is going to hit Tuesday morning, Monday may sit for a week if we do not get to it. So if the second phase does not kick in for another several months, after the winter clears we would ask the Board to suspend the alternate parking so it is not going to interfere with snow removal and people will not have to worry about moving their cars.

**Village Manager Frobel:** We hoped St. Matthews could free up space for us, which would have been a big chunk of space for the residents, and we were hoping BP would offer some space. But neither of those panned out. So plan B was to begin, as the Chief indicated, finding these alternate spots throughout the community.

**Police Chief Bloomer:** We looked at the feasibility/legality of residential parking in those areas. I spoke with Attorney Stecich on that. Even if it was an easy process, and it is not and she can explain it, there is a difficulty in where you would draw the line because each area of the Village has come, at some point, to say we want this to be residents-only. If you made Warburton and Washington you would push those cars down to William Street and Division Street and the other area. Maple has asked for it, as well, so they would certainly come to the Board and say we would like it here. At some point, you would be pushing everybody to another neighborhood who would be then coming and saying we want this to be residents-only. But I do not think we even get to that point.

**Village Attorney Stecich:** Yes, you can get resident-only areas designated, but it has to be by an act of the New York State legislature. It is done. A lot of villages have them, but you have to make a real showing for it. This would be able to make the showing easily, but I have seen those bills not pass because the showing was not sufficient. But it will take time. I am not sure how quickly things move in Albany. Even if it moved as quickly as possible, I cannot see it would be ready in January anyway.

**Police Chief Bloomer:** Also, for residents, we looked at the west side of Southside Avenue opposite the Southside Club. The issue there is that the bridge will be closed so we are going to be diverting more traffic both down and up Washington Avenue. So that area of Southside is going to have that much more traffic. I do not think it is an advisable idea to add parking there. You are almost making it one lane. And because we are going to be adding so much traffic to that area for people that cannot go north and south on the bridge you would be creating a huge problem.

**Trustee Walker:** You have done a terrific job. This is getting to the level of detail I have never seen before in this village. It is fantastic in terms of parking and looking for freeing up spaces. A couple of other areas that I was wondering about: Southside south of Washington Avenue on Metro-North property, is there any space there?

**Village Manager Frobel:** We looked at that closely.

**Police Chief Bloomer:** I do not think the Safety Council would approve. We have looked at something in that area in the past, and it was not under these circumstances but the Safety Council would not approve parking where you were directing people to walk down the middle of Southside Avenue on a side opposite a sidewalk.

**Trustee Walker:** People walk down there anyway.

**Police Chief Bloomer:** And again, you are going to be increasing traffic in that area because the bridge is closed. The reason you need the new parking is that the bridge is closed, but you will also be getting increased traffic. We looked at it several times. I do not see it.

**Trustee Walker:** How would you be getting more traffic? You are saying parking traffic on that part of Southside.

**Police Chief Bloomer:** But to go north and south you are going to have to come down Spring, down Southside, up Washington. You cannot go across the bridge.

**Trustee Walker:** But I mean on Southside south of Washington, in the Metro-North area.

**Police Chief Bloomer:** But if you were a commuter or a resident and lived on Southside, and you are now walking on Southside, you are going to be facing increased traffic because the bridge is closed.

**Trustee Walker:** I see. What about angle parking? I know you mentioned parking in front of Maud's, on the other side, along the median. What about angle parking in front of Maud's? You can squeeze in perhaps even more spaces and it is very wide there.

**Police Chief Bloomer:** I have parked the police car at an angle there. The negative is there are several driveways so you would lose those spaces to each side of a driveway. It may be plus or minus one space. I do not know.

**Trustee Walker:** I always wondered if we could not do that permanently there just to use up that extra street space.

**Village Manager Frobel:** Likewise on Maple Avenue. That was one of the areas we looked at for angle parking. We did not go to the trouble of counting because I see that as a fallback position because I know there would be neighborhood concerns about that.

**Trustee Walker:** They are pretty experienced with it on the other side of Maple.

**Village Manager Frobel:** They are. But I do not want to go through that exercise saying the net gain is only three spaces or something and have the people so concerned.

**Trustee Walker:** Yes, I understand. What the south side of Spring Street, where there is kind of a loading zone? Could you temporarily put the loading zone in the Steinschneider parking lot and put parking on the south side of Spring Street?

**Police Chief Bloomer:** Perhaps. I do not know how many spaces you would get. There is a driveway between the corner and the Steinschneider lot, and you need 22 feet for space. There is a driveway, there are dumpsters, it is posted no-trespassing. .

**Trustee Walker:** And finally, spaces on Warburton between Spring and Main on the west side. I know you have to stop way back because of the turning radius of buses and trucks, but could you get spaces at that point?

**Police Chief Bloomer:** I think that is pretty narrow.

**Trustee Walker:** Is that not the same width, though, as the part that is north of that?

**Police Chief Bloomer:** No, it is a little narrower.

**Trustee Walker:** I want to say this now quickly, while the Chief is here, rather than waiting until the downtown report. The Downtown Collaborative wants to invite merchants to a meeting next week, the downtown business owners, downtown property owners, September 10. We wanted this to be one of the topics. People in our committee have been talking to the merchants and they are very interested. I wondered if you could come and talk about this.

**Police Chief Bloomer:** September 10 and 11 I will be in Trenton, New Jersey.

**Trustee Walker:** So then perhaps you could give me a list.

**Village Manager Frobel:** Yes, we are going to formulate this all into another memorandum.

**Trustee Walker:** Then we can go through the memorandum with them on Tuesday. That would be helpful.

**Trustee Jennings:** About the additional parking across from Maud's, there is an island there. Are you talking about allowing parking on the Maud's side of the island only, or all the way around the island?

**Police Chief Bloomer:** No, I think the Maud's side is wider. I do not think we could accommodate them.

**Trustee Jennings:** I often mail letters at that mailbox on the other side of that island. It is one of those mailboxes where you do not have to get out of your car. I pull my car up close to the mailbox as if I were parallel parking. Nobody has any trouble getting past. Many vehicles have gone past me, trucks even. And there are cars parked on the library side of the street at that time. So since it is one-way on that side of the island you might want to take another look at that. I do not know how many you could get on that side, but a few more.

**Police Chief Bloomer:** We can do that.

**Trustee Jennings:** I understand the pedestrian safety concern. But this is a bit of a pickle we are in, and maybe we should revisit that possibility of putting some stuff down toward the DPW and the Metro-North property and figure out how the pedestrians can manage to be safe. The third and final point I would make is pretty far afield, but again, we are in a pinch here. I think that we should allow parking on the south side of Broadway up toward Dobbs Ferry. There is a lot of space on Broadway there that is not now permitted except maybe on a special time when the temple is having an event. And yet you go a couple of blocks further, across the border into Dobbs Ferry, and they have parking on both sides of Broadway all the time, no problems. I do not think Broadway gets narrower in Hastings, does it? That is an area which is within a possible walking distance to the downtown, to the train station. I do not know if it would be for the commuters or for residents, but we are missing quite a few parking spaces by having striped off the southbound side of Broadway there for reasons that I do not understand. I asked the Village Manager about it and he said it was a concern of the people in the cooperative developments along Broadway. I appreciate that. They are pretty far set back from the street, and I am not sure that is the reason.

**Police Chief Bloomer:** Here is the thinking on that. I live at 445 Broadway, the townhouse at the bottom of Olinda. I pay \$40 a month to park in my space. If you opened up parking in front of my building I would not pay the \$40. I would park closer in front of my building. What will happen at those apartment buildings is, the residents who pay for spaces now will

take those spaces and commuters will never get them. So if you were going to do that you would either have to say you can only park from 8 to 6. You would have to put a time limit on it. But if you just left it generic for residents to leave their car, like Warburton Avenue bridge is right now, there would be nothing to stop them. The reason Dobbs Ferry does not have the issue is because they do not have apartment buildings. You have Cabrini and St. Chris. But the residents that now pay for parking would have no reason to pay for it. And, in fact, they would park on Broadway and they would probably be delighted about it.

If you wanted to use that space I do not know how many people would park there and go to the train station. But if it was viable to try it you would want to put a time limit in so the residents of those buildings could not park there.

**Trustee Walker:** It could be like the parking on Maple. That is limited to 6 hours. But it could be that you could not park there overnight or it could be limited to 8 hours or something like that.

**Trustee Jennings:** And as the crow flies it is not that much further than where the parking lot at Zinsser Park is, where we try to encourage the people, employees and so forth.

**Trustee Walker:** It would be good employee parking.

**Trustee Jennings:** It is good walking exercise.

**Trustee Armacost:** I think you have done a fantastic job. By my calculation, you have got about 37 spots. Is that right?

**Police Chief Bloomer:** We are up in the 30s. It depends on which ones you would approve.

**Trustee Armacost:** Yes, how you count it. So at the low end of your requirement, which is 40, you are pretty close to that. But when we get to 60 we are out a lot of spots. I wondered if you had got to point of where you are going to find the extra 23 or 25, or however many spots we think it is.

**Police Chief Bloomer:** That is when we would enact the alternate un-restrictions, if that is a word. It does not create 23 new spaces, but it will create some spaces at least on those days when you have been required to move your car. We have looked and we continue to look. There are one or two other spaces that we have added that we did not include here because it is just a single space and a single space. So we are almost up to the 40. I am saying we are going to lose 40 on the bridge. That is a high estimate. We have not met on-site on the south end of that bridge where the Time Out used to be, where the barber shop used to be, where

the deli used to be. In the last bridge construction, they did not take all those spaces. So both of those sides may have parking, which might reduce this number. Also, on the north side where Tony's is, I do not think we will lose those couple spaces. But we have included them in case we do.

**Trustee Walker:** So that is something to encourage, when we talk to the county, to ask.

**Police Chief Bloomer:** Right. Especially the south end because there are two sides and there are several spaces there.

**Trustee Armacost:** My other question was about Straub's where they have a lot of cars coming and going. I am sure it will affect all the businesses, but I imagine their business will be quite seriously affected by this. I wondered if you had had a conversation with them, and if they had come up with anything. They need cars parking, and that is clearly key to their business. The other question was the Aqueduct parking. Is that always completely filled, or are there spots there?

**Police Chief Bloomer:** There are spots there, not a lot of spots. It does fill up because every year we work in coordination with the DPW and clear that out so they can clear out litter and clear out cars that have accumulated there. The DPW clears our vegetation. When we post that, and when we post the cars that are there, it is full end-to-end. During the day, it is clearly not. So if you were parking during the day and you were looking for a space, and there is no money, it is up the hill.

**Trustee Armacost:** But it is available and closer than Broadway.

**Mr. Gonder:** I do not know if the Chief looked into the Historical Society for evening parking. There are quite a few spots up there off of Washington. You could get maybe a half-dozen or even a dozen. Just a suggestion.

**Village Manager Frobel:** Yes, I did not think of that. Thank you.

**Police Chief Bloomer:** Yes, I do not think that is a bad idea.

**Mayor Swiderski:** It would be nice if some of these survived the bridge renovation and provided some relief for that neighborhood.

**Police Chief Bloomer:** It gives you a chance to see what unintended effects if any there are. It gives you a trial period.

**Trustee Walker:** In terms of Factory Lane, is the Cropsey inconvenienced by having that go only westbound? People going to the museum will have to go through the parking lot.

**Police Chief Bloomer:** They will have to go through the parking lot, yes. But I do not think they have a flow of traffic during the peak commuter time so it should not negatively affect them. I am sure they anticipate they are going to be inconvenienced at some point during this project.

**Mr. Metzger:** I would like to thank the Chief and Mike Gunther for doing an exhaustive search here. As someone who lives in the middle of this affected neighborhood, it is nice to know that our public servants are working on our behalf. So I want to thank them for that.

I want to know if the Chief included the parking that we are going to be losing on Washington Avenue because of the nature of buses going up that street. I have a feeling we are not going to be able to park on at least one side of Washington Avenue. I do not know if those cars have been factored into the number that we are going to lose. I also believe that during the winter, if there are snow emergencies, there is going to be no parking on Washington. Buses trying to get up that hill in a snow emergency is going to be problematic, regardless of whether there is or is not parking.

Contrary to what the Chief said about alternate side and eliminating it to try and help the neighborhood, I believe, and I cannot believe I am saying this as someone who has to move their car twice a week, having alternate sides prevents people from putting a car in a spot and leaving it for months at a time. So I believe we should keep the alternate side, inconvenience us for the hour twice a week, and make sure people are required to circle around and reallocate spots for people. There are times during a holiday season when I cannot get anywhere near the front of my house because the cars never move. So I would like to suggest that we keep the alternate side.

Last but not least, I was under the impression that there was going to be a large public meeting with the county. Is that something still?

**Mayor Swiderski:** I want to bring that up.

**Mr. Metzger:** I would like to suggest that the county consider turning this from a two-year project into a six-month project by looking at something called prefabricated building. It is done all the time. The military could put a bridge in probably in about 8 hours. The county should be able to do something in 6 months. That would alleviate the length of this disruption in the Village.



**Police Chief Bloomer:** Washington Avenue, we will not lose spaces on an entire side. But I did not include we will lose several spaces, two or three, when you are both at the bottom of Washington probably one, and at the bottom of Washington at Warburton, two. Remember, we are going to have matriculating buses that make that turn. So when it is coming north and it makes the right turn onto Washington Avenue east, it has got to have enough distance to make that turn. We measured this out. We are going to lose two spaces there. And, in fact, the stop line is going to be moved further up the hill, further east so vehicles coming down the hill are not going to be stopped right at the intersection and a bus cannot make the turn. I have already addressed with the county the difficulty buses are going to encounter going up that hill in inclement weather. They have much the same problem, frustratingly, at Five Corners going up Main Street. It does seem that bus drivers are the last to be told that it is snowing out, and do get stuck in that predicament often. So it is a point to consider.

**Mr. Metzger:** Chief, with all due respect, I believe the Village should require the county to bring a bus onto Washington Avenue. I do not believe a car and a bus can pass each other on Washington Avenue. It is extraordinarily difficult for two regular-sized cars to pass each other. Anybody that drives that street regularly knows you are just waiting for mirrors to snap off. I believe we are going to lose an entire side of Washington Avenue when the reality sets in.

**Trustee Walker:** You may be right, Jim. But when I first moved to Washington Avenue 20 years ago they were doing work on the Warburton bridge. The buses were rerouted in both directions up and down Washington Avenue for months.

**Mr. Metzger:** And they were able to make that?

**Trustee Walker:** They were able to, yes. I do not know if the Chief remembers that.

**Police Chief Bloomer:** I do. The only benefit to this as opposed to that is they will only be going one direction. It will be tight.

**Trustee Walker:** So it is better than it was 20 years ago. I was worried when I moved into that house and there were buses going by my house in both directions. It did not last forever.

**Kim Porter, 17 Washington Avenue:** You brought up what I was going to say about the buses coming up. The other issue I would like you to look at is the traffic already existing on Southside Avenue, and even on Washington Avenue. With the dance studio and traffic from the trains it is atrocious. You cannot get through. There is parking on one side now, there is not parking on the other. You still cannot get through. You have taxis that are double parked, you have people dropping off kids. You have looked extensively for parking. But a

lot of what you have looked at has been toward commuter parking. Which, again, I understand. But you have residents and you are losing a lot of resident parking right now. So I would like you to sort of take that into consideration, the traffic patterns.

**Police Chief Bloomer:** The dance studio, we have met with them and asked them to enter into an agreement with Straub's so they will not be doing that. I do not know where they are in that process, but we did meet with them and asked them to do that.

**Trustee Armacost:** What agreement were you suggesting they enter into?

**Police Chief Bloomer:** Right now, as Ms. Porter said, for short periods of time Washington Avenue at the bottom is very narrow, you have commuter traffic, you have parents that are picking up kids that are going to the dance studio. What is boggling is that the child will be dancing and exercising for two hours, but cannot walk the distance from the dance studio to the commuter lot. They have to be picked up in front. The owner was very accommodating. However, it is not the owner who is double parked and parking on corners and parking on Ridge Street illegally. It is the parents that are picking up. We had somebody out there for couple of nights, and then of course during those couple nights we did not have an issue. If you do not put somebody back periodically you have the issue again. But we did ask them, and they were going to speak to the gas station to see if they could enter into an agreement so parents could park there, walk down, pick up their child at the dance studio, and leave.

**Trustee Armacost:** You mean Straub's when it is not being used in the day. It is very busy during the day.

**Police Chief Bloomer:** Right. This is in the evening. The problem is usually after Straub's would be closed.

**Trustee Armacost:** You are shaking your head. Do you think of it as all-day?

**Ms. Porter:** Generally, between the hours of about 5 and 8.

**Mayor Swiderski:** Do you want to talk about the bridge?

**Village Manager Frobel:** Staff learned last Friday that the job for the Warburton bridge rehabilitation is out to bid. Specifications have been released, a mail-out to bidders advertised. The bids are due back by September 25. So despite our efforts to get the planners and the engineers to come back from the county after your May 7 meeting, we have been unsuccessful. As I indicated to you when I received the plans, the county did agree to the decorative street lighting. They do include the fence in the specifications.

**Mayor Swiderski:** Lower, but it is still chain link.

**Village Manager Frobel:** It is still a black, vinyl-covered chain link fence which will stand 4 foot 9 inches tall from the parapet straight up, not curved. We have repeatedly asked the staff to come back, that we expected them to come back. But those went unanswered. I have also been keeping Ms. Shimsky informed. I am surprised. I thought we would have another opportunity, especially given what we heard at the May 7 meeting. So it is moving forward. As the Chief mentioned, given the fact that there are 45 days from September 25 to award, it puts you pretty much into November. Given the uncertainty about weather, I would be surprised if you would see much activity, mobilization of workforce, before Christmas. That is really conjecture on our part. Probably early in the year.

I did ask repeatedly for a flier. Typically, you have a flier prepared by the agency for community distribution saying here is what is happening, here is the cost of the project, here is what the detour routes will be. That will be forthcoming. Premature to have it available to the community now because they do not have a contract, we do not have a start date, the county does not know all the inconveniences that will be occurring enough to put into a flier. But that will be coming, as we had requested.

I was led to believe that the fencing was a DOT or federal traffic highway administration requirement. We learned that night that it appeared Cropsey Museum was driving that issue in their worry about things being dropped off the bridge. If they searched our records, there have been very few occurrences of things being dropped off the bridge on the Cropsey side. There have been a few events on our side of the bridge, but not a lot of consequence in terms of damaged property below. But very little on the Cropsey side. In fact, the Chief had a hard time recalling any. So if that was the argument it probably could be disproven.

**Trustee Walker:** I find this really disappointing. And it is shocking that they are ignoring what we had to say. I spent the summer looking at bridges everywhere I go.

**Trustee Walker:** Only a small percentage have those kinds of fences of any type. Most of them are open. The George Washington Bridge is open, all the bridges over the Seine in Paris are open. Why would you block those incredible views? I just do not understand it. I think we should have no fence at all. No fence, after looking at so many other ones.

**Mayor Swiderski:** I did speak to Mary Jane Shimsky on the topic, and she had come back saying that the county said pretty categorically that there will not be no fencing. The standards, the fact that there have been suicides at this location, that was a non-starter with them. So pushed back, and I said we want to review the aesthetics. If they are going to

come back and say that, let us see it. I was away on vacation. Came back, and when Fran told me that I wrote Mary Jane and I said they are moving ahead with the bidding process. I went back to the minutes to examine what was said in public May 7. They understood that we were looking for options and that we wanted to review that with the public. She is bringing that up tonight in some meeting. But I find it disappointing and irritating at the lack of courtesy to, at the very least, come back to us and say one way or another what is going on. For us to find out after the fact that a bidding process is underway...

**Village Manager Frobel:** Their response was the specifications at 90 percent that showed the lights that we wanted and the fencing. And then we asked for the clarification, we got it. I did not know that was the final say-so but, evidently, it was. That was the final say.

**Mr. Metzger:** I am beyond upset. I have sent the Board a letter, I sent a letter to Legislator Shimsky. Being that I am a Democratic committee member in Hastings, I will be discussing this with her personally. I doubt that I will be getting any further than any of our elected officials, but certainly I will make it known how displeased we are with this.

I would also like to suggest that the Village start a legal action, in that the idea of a fence on this bridge is absurd, and the fact that it contravenes our view preservation laws in the Village, something that we take extraordinarily seriously, and that it contravenes our Comprehensive Plan, where we have identified views of the Palisades as being extraordinarily important to this village. That bridge represents what may be the best public view of the Palisades. The fact that they are going to ruin that in perpetuity is going to affect this village financially, it is going to affect tourism. I do not believe I am just blowing smoke here.

The idea of creating what Mitch Koch described as a prison-like atmosphere on that bridge is what they are proposing. And the fact that this fencing does not exist on the Ashford Avenue bridge, for example, or any other bridge that I remember driving on in this county. In the letter that I wrote to Legislator Shimsky, I suggested that I appreciate the fact that we take suicides very seriously. And, in fact, I have friends in the Village who have committed suicide. Putting a fence on the bridge will not prevent suicides. It will prevent a suicide from that bridge, possibly. If you are contemplating committing suicide, that just becomes an area of convenience. If we put a fence up on that bridge it ruins the view for thousands of people. And just to have someone who is in that level of despair go someplace else. The money that they would spend on that fence, and I am not being facetious here, would be better spent on mental health counseling, available through the county, for people who are experiencing that level of depression in their lives. This is something that I believe the Village should not just be sitting here and saying, it is kind of upsetting, and we really do not like it. I know that you all feel that way. But we need to take stronger action with the

county. What we have found, and when I say "we" I am talking about citizens' groups, is that if we challenge the county at its very core we can get things changed. If we sit back and accept what they are telling us, nothing is going to happen and we are all going to be upset.

I would like to suggest that we dig our heels in and find a way to challenge this ruling. I believe it is bad for the Village, and I believe it is bad policy for the county to start forcing this level of aesthetic abomination on the villages because someone said I cannot sleep at night. It has nothing to do with that. The code clearly says 42 inch-high fence. They can abide by the code; we all do. They do not have to go above and beyond that. And as Vanessa Merton, who is an attorney, has said, the Village bears no liability for any accidents that happen on that bridge as long as the fence is code compliant: 42 inches above the walking surface. I would like to request that the Village investigate ways it goes beyond mere phone calls but, involves legal representation to challenge this.

**Trustee Armacost:** Is the county afraid of being sued?

**Mayor Swiderski:** I do not know if it is a fear of suit, I do not know if it is a perception that this is a dangerous bridge because of the incidents that happened there. Mary Jane would be better able to interpret what she has heard. I am passing on to you what she said to me on what she heard from the county, that there is going to be a fence, and if there is no fence there will not be a bridge anytime soon. They will pull the project for the time being. Once it slips off the list it could be awhile before it comes back on.

**Trustee Walker:** That is a liability issue, too, for the county.

**Trustee Armacost:** So what she is saying is that if we do not take the fence then we do not get the bridge?

**Mayor Swiderski:** This year, yes.

**Ms. Porter:** They have no choice but to finish that project. It is a liability for them not to rebuild the bridge. So it is ridiculous for them to say if you do not take the fence you do not get the bridge.

**Trustee Armacost:** I agree with you. I think we need to understand what argument they are making. To me, the fence is irrelevant to the fixing of the bridge. The fence is a completely new thing. It was not there before, so there has to be a reason proffered for that.

**Mayor Swiderski:** My own sentiment is, if a fence is a requirement there are so many aesthetic alternatives to chain link. I have been looking at fences, too, and I have seen non-

chain link, perfectly acceptable vertical bars, attractive alternatives that cannot be that much more money. So if you are going to give us a fence do not give us a prison walkway fence.

**Trustee Armacost:** The word "prison walkway" has been raised a couple of times. In other places I have been in, that kind of fence attracts crime. It feels like an unpleasant place to be, and it ends up attracting crime. Anyway, it is important for us to find out the reason why this insistence is there. Because it seems that they can be delinked

**Trustee Walker:** I think they will find graffiti all over it.

**Mayor Swiderski:** I reached out to Mary Jane today when I found out from Fran. You were all cc'd on that. I also wrote a letter, with assistance from Jim, to Mary Jane and to the county, in fact. So I am agog that they do not feel they need to respond. It is appalling.

**Trustee Jennings:** I would like to underscore something that Jim said a minute ago, which is I agree with everything that has been said about the aesthetics and so forth. But it is also in violation of our own laws. Does the county just get to disregard village law?

**Village Attorney Stecich:** The view preservation laws read is that any application that requires a permit that is in the view preservation district needs to go through his process. So if it does not require a permit it is not violating the law. It certainly violates the spirit of the law, but does not violate the letter of the law the way it is written. And, generally, there is no bright line about when one government has to get permission from another government. There is this balance, but generally if what they are doing is a part of their county function as opposed to proprietary, maybe something they are doing to raise money or raise, generally it probably does not require any local approvals. So I would say, certainly, this would not require local approvals. That does not mean there might not be some other angle. But, unfortunately, it does not violate the law.

**Trustee Jennings:** If the legal argument does not help protect the interests of your community you can also make political arguments. If the county wants to do something that we feel is against the common good and best interests of our community we can push back politically. We can push back with publicity and things symbolic. If they are within their legal rights, they are not acting very respectfully of the Village in this high-handed fashion. So there are a lot of things we can do other than sit back and shake our heads about this.

**Village Attorney Stecich:** Bruce, I just want to clarify. I am not saying there might not be some legal basis for it. I am just saying it does not violate the Hastings code. If you wanted to pursue something I would like to see whether they did SEQRA on this. Their actions are subject to SEQRA, as well. Did they look at aesthetic impacts, which are one of the things

you have to look at. So I am not saying there is no basis. All I am saying is it did not violate the view preservation law. And as you know, the Comp Plan is not law. But that does not mean there is not some law.

**Mayor Swiderski:** Who is the governing authority that passes on SEQRA on this?

**Village Attorney Stecich:** They would have to. Every agency that makes a decision has to do a SEQRA review of it. They may well have, and they may have neg dec'd it or they may not have done it. I do not know. You could find out. I do not know how long ago it was done. There is a statute of limitations on it. I think it is probably four months. So if they did the SEQRA within the last four months that would be a basis for challenging it, saying we do not think you took a hard look at all the environmental impacts and that would be the basis. But if they did the SEQRA a long time ago, it is too late. I would have thought, though, that you would have gotten some notice. But you did not have to be noticed. Generally, I know when we do SEQRA we notify other involved agencies or agencies that require it.

**Trustee Walker:** But we are not required.

**Village Attorney Stecich:** But you also try to identify interested agencies. Clearly, Hastings is intended, but I do not think you have to identify everybody who might have interest. I am not suggesting legal action, but I am just saying that I am not saying there is no course of action.

**Trustee Walker:** How about a letter writing campaign. If they got 1,000 letters.

**Trustee Armacost:** It sounds like we could at least ask to see whether they have pursued that or not. And if they have, then we can request the documentation. And if they have not, then we can at least have a conversation.

**Mayor Swiderski:** Right. Tomorrow, when I talk to Mary Jane, I will bring all of this up. I want to hear what the results were of her discussions tonight. I do not have a problem with this project being delayed a year if this issue is addressed, if that is something we can do. Or having the plans modified after the bid to eliminate the fence. If it is eliminated for everybody I do not know if that means it has to be re-bid or not. I do not know.

**Village Manager Frobel:** No, you can do an addendum to a specification before it is awarded. They do it all the time.

**Trustee Walker:** Does the county board of legislators have any say? Can they have any influence over it?

**Village Manager Frobel:** I do not know. Susan, the agency that approves it is, what, the board of acquisition and purchase? Is that what we found out?

**Village Clerk Maggiotto:** The Board of Acquisition and Contracts.

**Village Manager Frobel:** Right, they have to award it.

**Village Attorney Stecich:** I just thought of something on SEQRA. Type two actions are actions that do not require any review. And one of the type two actions is maintenance or repair, not making a change. So this may be exempt from this. That may not be the action.

**Trustee Walker:** Because it is a replacement.

**Village Attorney Stecich:** Yes, a repair. Replacement in kind. But the fence is not in kind. OK, so we will go ahead and replace the bridge.

**Mr. Metzger:** In a key previous county proposal to put a path through Hillside Woods, there was a fairly large popular uprising against that concept. We felt the woods were too fragile. The county planners were dead set on making this project happen until our county legislator Tom Abinanti listened to community members in a public meeting in the library and said to the county planners if the community is telling you they do not want this it is not going to happen. I believe the county planners do not operate on their own agenda. They take their orders from other people within the county government. Mr. Mayor, I appreciate the fact that you are meeting with our current legislator. If you feel the Village needs to do a letter writing campaign, or if we need to have a public meeting and invite our legislator, whatever you feel needs to happen I would be more than happy to work with you on organizing that.

## **BOARD DISCUSSION AND COMMENTS**

### **1. Vine Squad Report**

**Trustee Jennings:** Haven Colgate and her colleague, who were going to make a presentation tonight, asked if it could be deferred and taken up at a later meeting, they suggested October 1, because of scheduling problems for them

### **2. Proposed Local Law Regarding Parking in MR-C District**

**Village Attorney Stecich:** I sent an e-mail to the Board a couple months ago about this. You may remember that the Board, probably about six months ago, made some changes to



the MR-C district to allow for more uses and also changed one of the sections of the code relating to parking in the MR-C district. There was a provision that applied only to the CC district that said that retail uses or restaurants occupying 2,500 square feet or more in the CC district do not need to provide parking. You amended that to also include the MR-C district. That only applied to retail uses and restaurants.

There is another section of the code that came to our attention a couple months later, when the people who had asked for the amendment to permit more uses in the MR-C district wanted a beauty parlor. Beauty parlor is not a retail or a restaurant use, so they had to comply with the parking requirements. That is all over. They got their variance, they are done. I do not know whether they are opening, but they got a variance.

But it occurred to me at the time that there is another provision of the code that we did not amend that is in another part of the code. These parking things are in different parts. But this is how it reads now: in the CC district, a change of use or expansion of an existing use within an existing building structure or portion thereof occupying 2,500 square feet gross floor area or less shall be exempt from providing off-street parking. I suggested that you may want to amend that to also include the MR-C district, because last time, we thought that almost everything related to the CC should also apply to the MR-C.

I had drafted a local law that made that change if you wanted to. There was not any follow-up on it. Susan thought it might be worth putting back on your agenda. So that is my suggestion. Like I said, there are no pending cases right now, but there was one. It does not make sense to say that for 2,500 square feet or less, if you are a retail or a restaurant, you do not need to provide parking, but if you are a beauty parlor or office, you do.

**Trustee Walker:** What about the fact that residential is allowed in the MR-C, but not as a ground floor use? Residential is allowed in MR-C, but it is not in the CC district. So this law refers to any use on the ground floor of the CC district, not even just the ground floor.

**Village Attorney Stecich:** I guess it would be. You could say nonresidential. You are right. There is residential in the CC district. Not as much, but there is residential.

**Trustee Walker:** Right, up above. That is true. No, I guess then it would apply. You are right. I was really thinking of ground floor uses but, yes, it applies to everything.

**Village Attorney Stecich:** I just suggested it because it is consistent with what you passed before, and it would have been included in what was passed before, except I did not notice it. If you were going to, what I would suggest is that you schedule a public hearing.

**Mayor Swiderski:** On its surface it makes complete sense. I have no problem with this.

**Village Attorney Stecich:** You could put it on for resolution at the next meeting to schedule the public hearing. You have got some time to think about it. Just so it does not get lost.

**Trustee Walker:** One of the things we all realize is, if you are just renovating one of these spaces or you are just changing it to a beauty parlor, or even if you are just putting an apartment in it, there is no place where you can put parking anyway. So they are not going to put a parking lot in.

**Village Attorney Stecich:** Then they go for a variance.

**Trustee Walker:** And now they are required to go through this long process which, again, affects if you want a new business. If you want a new business, whatever it happens to be, it is more hoops for them to jump through. It is more of the problems we were talking about at the last meeting in terms of needless approvals.

**Village Attorney Stecich:** The sense I got from the discussion last time is that the MR-C is very much like the CC. So this is not coming up with something new. It is just extending what is permitted in the CC to the MR-C. And it is not a big district. It is just a couple blocks.

**Trustee Walker:** It includes Southside, as well. The only reason to require something like this is to be able to scrutinize it. But sometimes they have to find parking elsewhere. I forget what our distance was. They have to find some spaces they can rent somewhere. That may be a requirement. But otherwise, these days they usually get their variance.

**Mayor Swiderski:** All right, let us schedule it. Resolution at the next meeting.

### **3. Comprehensive Plan Priorities**

**Mayor Swiderski:** Marge ended up ill this morning and was unable to make this meeting. The Comprehensive Plan priorities item should wait for her return.

**Trustee Walker:** Deven and I are going to meet tomorrow and start talking about it. He is supposed to be setting up this committee to look at the process, et cetera. I would like to get his view, not only on what we are going to look at but what is our goal here; who should be on this committee; what should the makeup be. So we will start this ball rolling, and I will have more to report the next time.

#### **4. Deer Program**

**Mayor Swiderski:** We have an automated login facility set up online. We have had 10 users using it on a beta test basis to work out the bugs. A local resident, on a volunteer basis, constructed this application. We have gotten several dozen entries, and it captures the details on a sighting. We have got 45 people signed up and I think tomorrow we are going to open it up. At that point, we will begin to create a database of sightings. Right now, coincidentally, the people who are beta testing it are in a fairly confined geographic area so our sighting are confined around Reynolds Field and up on the hill. But the full list of 45 people are all over town. And with it, they should be able to update. We will have to have a way for Mr. Gonder to do that mechanically.

The draft license application has gone up to the state in the last month. The EPA submission is happening next week. So things are moving along. We have gotten an absurd amount of national attention on this program. Two mayors from Texas calling about it. It was not a state I expected to hear interest in something like this, but apparently there is an unease with hunting within villages and towns there, as there is here.

**Trustee Walker:** I think we could adopt a sister village in Australia. There was a piece on NPR about the suburb of Sydney that is having a terrifically difficult problem with, guess what?

**Mayor Swiderski:** Kangaroos?

**Trustee Walker:** People look out their window, and there are a dozen kangaroos in their gardens.

**Mayor Swiderski:** PZP works on all mammals. And mammals all have, as I found out, basically the same biology. If you weigh around 170 pounds this will work.

**Trustee Walker:** So maybe this will go international.

**Mayor Swiderski:** And there is another town in Ohio that is looking to move ahead with something quite similar, and we are talking to them as well.

**Trustee Walker:** So all this press is actually helpful.

**Mayor Swiderski:** Well, it certainly brings it out of the woodwork. It is also time-consuming because people call. But I get feedback. The AP article that has run in Field & Stream

yields a different response than when it was run in the Boston Globe. I get one or two salutary messages from the Boston Globe. The ones out of the Field & Stream readers is not necessarily as salutary, but interesting nonetheless.

## **5. Update on the Downtown**

**Trustee Walker:** The Downtown Collaborative is going to hold a merchant meeting on September 10 at the Purple Crayon from 5:30 to 7 o'clock. So this is an ongoing effort we are making. The last one was early spring. We had a really good turnout. So people are interested in coming back and giving us their comments. We want to talk about the impact of the bridge on the merchants. It is not just the parking issue. Fran, if you could help me in terms of some of the issues to address.

**Village Manager Frobel:** Bullet points, sure.

**Trustee Walker:** So I can give them that, and then we can pick up their concerns and bring them back to you. They may think of things we have not thought of, so I think that could be useful. We are going to be sending fliers out to all the merchants in town and sending e-mails to those we have e-mail addresses for to alert them to this.

We have another Discover the Rivertowns weekend coming up September 20, 21 and 22. It is going to kick off with the Friday Night Live. We want to close Warburton, and we also want to try an outdoor movie. The idea came up to make an annual event of this: a screening of the Wizard of Oz, have people come in costume, and have a sing-along version of the Wizard of Oz with someone guiding the singing.

**Mayor Swiderski:** Has this been done elsewhere?

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

**Mayor Swiderski:** It sounds wild.

**Trustee Walker:** This is an idea from the Downtown Collaborative that is feeding the Friday Night Live group, which is great. This is exactly what we want to hear. But now we have to figure out how to pull it off. Then the following day we have got a few things going on. Nothing really extraordinary, but Christina Griffin is going to give another architectural tour because it was so popular. The Cropsey Institute is going to open both the house and the museum for the afternoon. The Purple Crayon is doing a really great event on the 21<sup>st</sup>. Teddy Thompson, who is the son of Richard and Linda Thompson, well-known folk rock folks from Great Britain, who were part of Fairport Convention back in the '60s and '70s.

Anyway, he is a name unto himself. He is going to be performing at the Purple Crayon that night. And we are trying to figure out some kind of package so people can buy a ticket and then maybe get a discount at a local restaurant. Then the following day there is going to be a ramble. This is also part of the Greenway Ramble. The FOCA people, the Friends of the Old Croton Aqueduct, are going to give a tour of the Aqueduct, leading people all the way down to Untermyer Gardens, and then give a brief tour of the gardens. That is going to be a four mile hike for people who want to do the whole thing. There are a few other miscellaneous events. This is part of the Rivertowns Tourism Board effort, as well as our Downtown Collaborative effort. So it is going to be up on the Rivertowns Tourism site, which is rivertownsny.org. We are going to get word out by other means, as well.

The Downtown Collaborative is working on a map of the downtown. We would like to have it done for that weekend so we can have something to hand out. People kept asking us for maps on that weekend we did in June, so we are trying to get a map ready. It may be a preliminary map; maybe we will do a fancier one later. But we want to try something out for this. So those are the efforts this group is making. It is very active, it is great. We have got people really working on these things. It is exciting and I am pleased.

**Mayor Swiderski:** That is an amazing amount of activity. So the Collaborative looks like it has taken off.

**Trustee Walker:** Yes. An ongoing thing they are working on is looking for spaces for certain businesses and businesses for certain spaces. I can update you on that at a later time. And we also begin our meetings with what's going on in the downtown, what new businesses are moving in, what spaces are looking for businesses. We are gradually having contact with landlords and talking to them about the kinds of things they would like to see. We are gradually having more contact with people who are looking to move their businesses to Hastings. So starting without a major big effort, it is starting to happen.

**Mayor Swiderski:** Anything you can hint at?

**Trustee Walker:** Yes, I can hint at one. Where Chelsea's used to be on Warburton, we have heard that a potter wants to open a studio/showroom there as an experiment for a few months, like a pop-up. We were hoping that it will go into the holidays. It is supposed to happen on October 1. The Mill, which is taking the place where Comfort was, is supposed to open next week. Two restaurants are coming to town. One is going to take the place of Buffet La Gare, which unfortunately closed; it is going to be a French bistro. The owner is the owner of Harpers in Dobbs Ferry. Then there is going to be a hamburger place coming into Rainwater. We are really sorry that Rainwater closed. They were very community-minded, really good people. We do not know the timing on these other two.

## 6. Update on the Waterfront

**Village Manager Frobel:** Since I last reported, great progress. Chevron is very pleased with what they have accomplished so far. Most of the site work has been completed. They expect to have the contractor offloading the soil fill this week by barge. That is coming off by conveyor this time rather than a lift. That could begin as early as this week. There will be a drilling rig on the site people will see. Its only job is to close up three monitoring wells that are old, no longer in use, and do not need to be used. This is a four month project so they are pleased with the schedule that they are keeping to.

## 7. Department of Public Works Study

**Mayor Swiderski:** An item not here, but I do want to add is an update on the DPW study.

**Village Manager Frobel:** Our committee completed the Request For Proposal. We mailed it out to 15 or 20 firms nationwide. Bids were opened Thursday of last week. We were able to attract five quality firms, two of them in-state that have done similar studies. So we have someone at least locally. But five firms submitted. I have not had a chance to look them over yet. They are going to be shipped over to me to be distributed to our committee members. I expect our committee will look it over individually, next week perhaps, and then we will meet as a group the next week. If they want to meet all five, there will be five. If we have it down to two, that would be fine as well. Looking to our interview, let us say, end of September, early October. Maybe award mid-October. And as we have anticipated, begin that project in November.

We also submitted this project to the NYU Wagner graduate school for a study. The thought was this could be an exciting endeavor for graduate students not to shadow, but to become active participants in this kind of a study. We have been selected as a finalist. So the Mayor and Marcus Serrano will be going down the week I am at my national conference to make their presentation to the students and attract them.

**Mayor Swiderski:** Interesting coincidence. The person running the effort has a brother here in town, a former board of ed president, whom I bought my first house in Hastings from. So it is a small world.

**Trustee Walker:** I have a waterfront question. I wondered what the status of the Implementation Committee's work is, and related to that what we are going to do with the results of our survey.

**Mayor Swiderski:** They are working on a final document. That has been for three months now. Summers slow things down, but they were returning to that. They took the results out of the survey. I know it is informing what amenities they are preliminarily placing on it. I have not seen the latest version of the report so I do not know how far it went. I want to issue the summary out of that survey out to the public at some point in the next few days. I did summarize it into a couple of slides for a Historical Society presentation I did on the waterfront. It boiled down to two slides, core things people want to see and want to do on the waterfront. And what they least want to see there. Both were interesting. I want to put that out to the community.

**Trustee Walker:** And lots of things that we had not thought of.

**Mayor Swiderski:** It was an idea survey. There was a lot in there. However, throwing it out there intact, it is huge. There were hundreds and hundreds of responses.

## **8. Other**

**Trustee Armacost:** The Take Me to the River Music and Arts Festival is happening this weekend. Two stages: the lunar stage and the solar stage, 28 bands. A slew of local vendors, food as well as craft as well as other vendors; the children's area with some interesting cool things kids can do; an art walk and interactive art; our raffle, which has grown phenomenally. Some fantastic raffle prizes. Many merchants in the Village have donated certificates or gifts. Thanks to the Village for supporting the festival, and to all the different sponsors that have supported it.

## **ADJOURNMENT**

On MOTION of Trustee Walker, SECONDED by Trustee Armacost with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 10:20 p.m.