

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**PUBLIC HEARING**  
**SEPTEMBER 17, 2013**

A Public Hearing was held by the Board of Trustees on Tuesday, September 17, 2013 at 7:35 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Mayor Peter Swiderski, Trustee Bruce Jennings, Trustee Marjorie Apel, Trustee Meg Walker, Trustee Nicola Armacost (7:40 p.m.), Village Manager Francis A. Frobels, and Village Clerk Susan Maggiotto.

**CITIZENS:** Eight (8).

Mayor Swiderski declared the Board in session for the purpose of conducting a Public Hearing in accordance with the legal notice that appeared in the September 6, 2013 issue of *The Rivertowns Enterprise* to consider the advisability of adopting Proposed Local Law No. 5 of 2013 amending the Code of the Village of Hastings-on-Hudson, Westchester County, New York, to Add a New Chapter – Green Building Code.

Be it enacted by the Board of Trustees of the Village of Hastings-on-Hudson as follows:

Section 1: The Code of the Village of Hastings-on-Hudson is hereby amended by adding a new chapter entitled Green Building Code, the ext of which is attached.

Section 2: This local law shall take effect immediately.

**Mayor Swiderski:** Is there anyone here from to public who would like to comment?

**John Gonder, 153 James Street:** On page 10 you go into the paints and other things, and it gives you the VOCs. Do our Building Inspector and his assistant go out and check 100 cans of different paints, or do we just take a contractor's word that he is using the right materials? I see you have a list. And then there was something about the boilers, and nothing about gas hot air. Does not anybody use gas hot air anymore, or something, if somebody could answer that? I am for it, by the way.

**Mayor Swiderski:** But you are asking some clarifying questions. Sharon, in terms of guaranteeing performance in something like the VOC, how is that typically enforced?

**Sharon Kivowitz-Siegel, Green Code Committee Chair:** In subparagraph five of that paragraph, the Building Department is going to maintain a list of applicable codings, for lack of a better word, to cover everything. It says, "Documentation of compliance with this section shall be submitted to the Building Inspector." So I would presume that to get a C of

O they would have to show receipts showing what paints were purchased. And if those paints are on the list, or if they can show that it meets the requirements of the code, then they will get the C of O. In terms of the boilers, maybe Christina can respond to that question a little better than I can. Christina, why are we not concerned with gas boilers, gas hot air?

**Christina Griffin, Committee Member:** It is interesting that you ask because not too many people are using gas hot air furnaces. There are all sorts of dry heat syndrome that you hit with that, so we have been doing hydro-air. That usually means a gas boiler that supplies the heat for the air.

**Michael Lewis, Architectural Review Board member:** I think the code is great. A lot of work went into it for many months, and it is really great to see it.

Just as it was mentioned that there would be a list of acceptable codings that would be kept at the Building Department, in some of the other paragraphs, particularly in the commercial part two section but also occasionally in part three for the residential work, in general the code is really great. It is clear, it is easy to understand. But there are a few things that could make it a little easier to implement, and that is important. For example, where invasive plants are restricted and native plants are encouraged if there are lists of those species to be kept on file at the Building Department it would be a terrific advantage rather than everyone having to research that information over and over with every project. Similarly, where there are technical specs, such as SRI ratings or references to ASHRAE energy requirements that are nonspecific to the layman and even to the building professional and would require effort and research to make determinations. For example, you are looking at certain products and trying to determine their SRI. If you are looking at pavers, you are trying to determine the SRI. Again, following the example with the VOC codings and the listings, to keep all that information on hand in the Building Department would make it more user-friendly. That's all I have to say. Otherwise, I think it's really a great distillation of a lot of information. And I think it is really balanced and well-applied.

**Kerry-Jane King, Conservation Commission Chair:** To Michael's point about the native plants, we do have a list. We had originally intended to reference the list, but because the list was not exhaustive we then switched it to resources. But we could certainly keep the list at the Village.

**Mayor Swiderski:** With the notation that it is not necessarily comprehensive.

**Ms. King:** Exactly. So there is a list, and it will be made available to Fran. And we can obviously do the same for the SRI.

**Trustee Jennings:** We anticipate that the Building Department will take steps to make this as user-friendly as possible. We are trying to take steps across our whole regulatory system in the Village to facilitate people being able to understand what they need to do and how they can go about complying. But we did anticipate with this green code that there would be checklists, ancillary forms and packets of information developed so that when someone comes to make application for a building permit either the homeowner or the professional hired by the homeowner, we will give that kind of support.

We were careful to work with the Building Inspector closely on this process of developing these amendments. We were concerned about not creating something that would tax the staff of the Building Department, that we would be able to implement this successfully with the resources we have without hiring additional people or making something else go by the wayside. We are going to watch that carefully. We have been assured that it can be absorbed. But we are going to pay attention to that because we absolutely do want people to obey this, to adhere to these regulations, but we also want it to become business as usual. That will be the true litmus test in a few years. This is the new normal, and I think it will be that. But we have given a lot of discussion and consideration to exactly the point that you raise. So thank you.

**Mayor Swiderski:** We did receive two e-mails from two different residents asking for a delay in this public hearing. Trustee Apel has pointed out the no small irony that there is a session being held at the library at this very time, which may be diverting potential questioners to a session about climate change. Perhaps one more opportunity to comment on the proposed law is appropriate. In general we have given the public many opportunities to comment. The various drafts have all been posted, I have put out the word that this is in progress, with links to the code, and we have had work sessions. So the fact that the law is being considered should not be a surprise to anyone. Whether the public has familiarized themselves with the particulars of the law is a different issue entirely, but we have certainly not sprung anything on the community.

Given the contest for time here with the library, I think Trustee Apel's request is reasonable. I do not have a position one way or another. I want to hear from the rest of the Board if there is support for one more shot for the public to comment, or whether we extend a call-in or writing period, or whatever. What is the Board's sentiment?

**Trustee Walker:** I certainly would be open to another public hearing, but make it in the beginning of October so we do not delay. The next available meeting. And maybe we send out a letter reminding everybody.

**Mayor Swiderski:** I will do that.

**Trustee Armacost:** I agree with Meg. Maybe in your letter it could be exclusively about this, with that in the subject header, so people's attention is drawn to it.

**Mayor Swiderski:** I like that. Bruce, you had a good Q&A for the public about how to think about the law. Perhaps a point or two of that Q&A or incorporating that into the note out to the public, just to reinforce one last time what this is about so we can draw this to a close.

**Trustee Armacost:** One of the e-mails we received today suggested that an article in *The Enterprise* about this issue might be useful. One cannot commission an article in *The Enterprise*. But if anyone from *The Enterprise* would like to write an article about it.

**Mayor Swiderski:** I remember an in-depth article in *The Enterprise* at least once in the past, if not a couple of times.

**Trustee Jennings:** I am pretty sure there will be another article when we pass this.

**Trustee Armacost:** I think they were arguing that the issue should be framed in a piece that goes to the public. But perhaps someone from the team would like to encourage *The Enterprise* to write an article.

**Mayor Swiderski:** Trustee Jennings, do you have an objection to one more run at the apple for people in the public?

**Trustee Jennings:** Certainly not. I would like to get as much public input on this as possible. I regret that we scheduled a conflict. I was not aware of the conflict of the dates.

**Mayor Swiderski:** We did not schedule a conflict, but it happened.

**Trustee Jennings:** Yes. So that is unfortunate. But I have no objection to having people communicate with us in writing by e-mail also to raise the questions they would raise here verbally. I am not sure that another formal session is necessary. I think e-mails would do. But I have no objection to a formal session.

**Trustee Apel:** Technically, we just do not close the hearing?

**Village Manager Frobel:** Right.

**Mayor Swiderski:** All right, then let us not vote.

**Village Manager Frobel:** The public hearing is kept open. Right, Susan? Is that how you do it?

**Village Clerk Maggiotto:** Yes, you can do that. But you have a public hearing scheduled on the Saw Mill Lofts on Oct. 1.

**Mayor Swiderski:** We can certainly do two. We will do this one first.

**Village Clerk Maggiotto:** So we will just leave it open. It will be a continuation.

**Peter Wolf:** I wanted to register my wholehearted support of the green code. As a person who has experience, having been involved with our private Hastings project, which was the first platinum LEED for homes in the Rivertowns and, actually, in all of Westchester, I strongly endorse the green code.

**Mayor Swiderski:** Thank you. And I would ask you and other members of the architectural community, if you have additions to the list that we will be maintaining in terms of VOC paints that hit the minimums, et cetera, we should encourage that folder to be a dynamic one that is added to as new technologies, new paints, new ceiling tiles or roof tiles or whatever comes out that are within the parameters we set. This should remain something the architectural community feeds.

**Mr. Wolf:** I am not part of the architectural community; I am an environmental attorney, but I will be glad to pass it on.

**Mayor Swiderski:** Thank you. And thank you to the Conservation Commission for attending. I apologize for dragging this out, but we want to give everybody a final chance.

### **CONTINUATION OF PUBLIC HEARING**

At 7:50 p.m. Mayor Swiderski continued the Public Hearing until October 1.