

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**REGULAR MEETING**  
**OCTOBER 15, 2013**

A Regular Meeting was held by the Board of Trustees on Tuesday, October 15, 2013 at 7:40 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

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

**CITIZENS:** Twelve (12).

**APPROVAL OF MINUTES**

On MOTION of Trustee Jennings, SECONDED by Trustee Armacost with a voice vote of all in favor, the Minutes of the Regular Meeting Sept. 17 and Oct. 1, 2013, and the Public Hearings of Sept. 17, Oct. 1 #1 and Oct. 1#2, 2013 were approved as presented.

**APPROVAL OF WARRANTS**

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

Multi-Fund No. 26-2013-14	\$83,584.74
Multi-Fund No. 27-2013-14	\$ 7,599.30
Multi-Fund No. 28-2013-14	\$ 3,005.77

**PUBLIC COMMENTS**

**Tim Downey, 520 Farragut Parkway:** We need to synthesize the efforts of the multiple groups we have: the Vine Squad, the Beautification Committee, DPW, Parks and Rec, Tree Board. Everyone is doing their little parcel going in different directions, but there is nothing tying it together so we have a unified effort. As I look about the Village, I see nothing but decay. There was a time when one would go down Broadway, both sides, it was neatly mowed, there was cooperation with the Andrus Home. Now we have vegetation leaning out over the street and the broken window, with litter up and down on Broadway. Similarly on Pinecrest, Ravensdale; no matter where you enter into this village it shows signs of neglect and lack of attention to the sidewalks, to the streets. If I go up and down Broadway, the so-called walkway that was put in a number of years ago to afford safe usage for the children for school, for peds, you can hardly use it because of the vegetation leaning out over it. It is unsafe, it is neglected, and it is throughout the Village.

Amherst Drive, we have an orange cone sitting for months on end in a sinkhole. Mike did a good job this summer with the manhole and catchbasin areas. But there is a lack of support to Mike from this group. Every time Mike comes before the Board and asks for some equipment there is a delay, there is a hesitation. It seems like he is the last person on the list ever to be supported. To your words, Mr. Mayor: you said you were embarrassed to ride in the Fire Chief and DPW truck. We should not be operating a village where our anthem becomes we are embarrassed by what we represent as a village. It is something that needs serious consideration. Tie together a group of people, I would like to be one of those, who works with the Tree Committee, the Conservation Commission, the Parks and Rec so we can lay out a plan that turns around the trajectory we are on and starts bringing Hastings back to life. Just 20 or 30 short years ago, it was a much prettier place. Some of that is natural aging and occurrence. But what is the legacy we leave behind when you leave office? I understand this is a part-time job for you, and it is a lot of work. So reach out to those who have the expertise in this area. Let us put together something that can build a brain trust: come before you and the Village Manager, and start doing something about some of the woeful conditions in this village.

**John Gonder, 153 James Street:** I was a little disgusted about the deer. It seems like the Board has selected Andrus' property and the home property and Hillside Woods, but you neglect other places, like Uniontown ball field down toward the parkway, Pulvers Woods, Ravensdale woods. Many deer go on the Aqueduct and go up Edgar's Lane. In that area there are a lot of deer. I do not know how you select that. Because of politics? They have money, they give you antennas, they give you ambulances. They gave you a nice library. What do the other people have to do to get rid of the deer? You have a nice program. The DEC does not agree with it, but you got something going. I would think you would try to immunize as many deer as you could.

You have this bridge problem. The fence looks good. But I do not hear the Board yelling about two years with one lane going south. But yet we will do something to prevent suicide, keep a lookout at the mountains or the Palisades. But we are not doing anything to help the merchants and the residents that are going to put up with two years, one way. You could have a committee get after those people in Westchester, improve it, maybe six months. I am sure they can do it.

I have not heard much about Building 52. I would like to hear something about it.

The Comprehensive Plan. That was approved two years ago, but not one thing that I know was needed was a priority list. You have that priority list now. What is holding you up? I am looking for sidewalks. I see Irvington putting sidewalks in all over the place. We put

one sidewalk in five years ago, and that is it. And that was probably the last one that we have done in 15, 20 years.

**Jim Metzger, 427 Warburton Avenue:** To address Mr. Gonder's concerns on the Comp Plan, we will be having a work session next Tuesday. But this board passed a green building code last week, which was one of the priorities in the Comprehensive Plan. Trustee Walker is doing work with the downtown, things that were being proposed by the Comprehensive Plan. Trustee Armacost has been working with our Village Arts Commission, and there is new energy there. So while it may not be highly visible, I want the public to understand that this board has been responsible. Things have been enacted and there are many things on board, and I appreciate that. It is not lying dormant.

**Mayor Swiderski:** Tuesday we will have a work session to dole out the next set of projects.

#### **PRESENTATION** – Hasting Vine Squad

**Susan Harris, 124 High Street, Hastings Vine Squad:** I am probably a new face to most of you, but I have been a Hastings resident for over 25 years. It was time for me to step up and do some community service. I became distressed a few years ago, riding down the Saw Mill Parkway and seeing trees being taken over by vines, up and down not only the Saw Mill but all of the north-south corridors all the way up through Albany and beyond and, certainly, down south. I called Ann-Marie Mitroff at Groundwork. And thank you, Bruce, that was a beautiful editorial for *The Enterprise*. She put me in contact with Haven Colgate, and that is how the Vine Squad began. We are here because we want the town to know about the invasive vine infestation and what we have been doing about it.

We want Village support with spreading the word, as well as hands-on help, if possible. The invasive vines in Westchester County are killing our trees. They smother them and the trees topple over and die. If you look at the area of Exit 12, as you enter Hastings off the Saw Mill Parkway, that kind of green hillside, that is all porcelain berry; it was once a stand of trees. Underneath that porcelain berry is a battlefield of littered tree corpses.

**Haven Colgate, 16 Crossbar, Hastings Vine Squad:** It is a serious threat, and we foresee that the forests will be vastly changed within 25 years. There are many other ancillary problems. There is impact on fauna and other things I will not go into too deeply. But just to stress that the vines are dangerous and they can also weaken trees and make them more vulnerable to falling over during storms. They add mass to the branches, they trap more snow, so it is also a safety consideration in that direction, which we all understand from recent events is really important.

**Ms. Harris:** The reason they are called "invasive vines" is that there are no natural predators in the Northeast or probably anywhere on this continent. These are all Asian imports, brought here for various reasons. They have taken over. They love the humidity, they love the climate. The fungi and algae that are the natural predators of these vines in Asia do not exist here. Groundwork is just one organization that is attempting to do something about this. But we wanted to bring it home to Hastings.

**Ms. Colgate:** We began our effort with a grassroots door-to-door on Stanley Avenue to see if the residents were aware of the problem. Many go out themselves and cut down vines. We decided to create to try to create neighborhood pods. We got some traction from some of those neighbors and then reached out to friends and other people, generally through Village blasts. Every weekend last winter and part of the winter previous we were with our vests, loppers, hard hats and signs to help people know what we are up to. It is slow going, but we have definitely had some impact. We have worked on Stanley Avenue, just below the crest of Mt. Hope toward the Saw Mill Parkway, on the Burke Estate, on the Aqueduct, on Farragut Parkway by Exit 12 and on Riverview Park. We have had great help from Susan Maggiotto, who has helped orchestrate Village pickups from the vines that we have chopped down, so I want to thank you. Susan is an excellent vine lopper herself.

**Ms. Harris:** Thanks also to the DPW for picking up the vines. And Groundwork has lent us equipment and advice. This summer, Bill Crosby, Steve Pucillo and I met with the Westchester County Department of Transportation to see if they were aware that the weakened trees could fall on the parkway. They were not aware. They agreed to come with us to Woodlands Lake where the La Cantina Restaurant used to be and a lot of vine work has been done. We made them aware of the problem. It comes down to money. Neither the parks department nor the DOT of Westchester has any money for this.

**Ms. Colgate:** Which is where we step in as a volunteer vigilante campaign. The people we bring to these lops have a wonderful time. This is a community-building exercise, in addition to doing something tangibly productive for the environment. We foresee growing this as a regional effort. That is where we could both use some assistance and some networking. We would like to make the Vine Squad strong in Hastings. We would have a lop every weekend, but have it very well-known. I continually encounter this: "I want to do that. What is the Vine Squad?" People are intrigued with this. It is great to get them out on weekends. We would like to see it strong in Hastings, and also branch out further.

**Ms. Harris:** We would like to have the Hastings Vine Squad be a template that other communities could model, starting with neighborhood pods, where neighbors get together, lop on the blocks that they share, and have an overarching organization within the community. We were hoping Hastings could be a model for other communities.

**Ms. Colgate:** We have had great facility from the Village for reaching out via e-mail. Thank you to Raf and whoever manages the Village blast. We would like to do a couple of those this winter. It would be excellent if the mayor could include a mention of the Vine Squad and how to join in your blast. It has to be highlighted. It cannot be in a long list because it gets lost. I know you sit on a mayoral roundtable. If you could bring it up with other mayors, "What are you guys doing about the vine problem in your communities, are you interested, and is there any interest in your communities for starting to address this problem?" If you could find out from other mayors if there something going on we could use synergistically, or if you could share what we know. We started this on \$400, a gift of Doug Rushkoff. He gave us money for donuts. He said, "Here, feed the crew." We do not eat donuts so we made signs. That is how we have these lawn signs. We still have money left over. Then we got a donation from Corona Tools. So it is very easy to start up this kind of initiative. It just takes a little networking and a little seed money.

**Ms. Harris:** Could you suggest whom to contact in adjacent communities at the municipal level who might be of assistance to us? Another point is to advise us how the Village Manager and the DPW can support our effort. For example, perhaps DPW can liaise with the county on Farragut Avenue area infestation.

**Ms. Colgate:** A case in point: we tried to get some cones on Farragut Avenue last winter where the sight lines are very difficult. You have to go through county DOT to get cones put on Farragut Parkway between High Street and the Saw Mill. The guy promised he would bring out the cones; he forgot. I called him again for the next weekend; he forgot. It is hard for us as citizens to have any clout when it comes to state agencies, so it would be great if someone on Fran's level can help do that sort of liaison.

**Ms. Harris:** With these pods, we would like to put the "neighbor" back in "neighborhood." We would like to invite you to include the Vine Squad in your thinking about creating neighborhood fabric and community resilience in Hastings. When people work together on a common problem, they build friendships and strengthen the fabric of our community. We get the job done, so that is who we are. Thank you for listening.

**Ms. Colgate:** Do you have any questions for us?

**Trustee Armacost:** No questions, just praise for what you do. It is fantastic.

**Mayor Swiderski:** From year to year, if you beat back the vines on a copse of trees one year, does that mean all trees are free next year? What is the regrowth, typically?

**Ms. Colgate:** We have only been at this for about two years so we do not know. What we are doing now is triage, no pun intended. The vines have been unaddressed for so many years that they are imperiling trees. At least saving those mature trees is, we feel, an imperative and a valuable thing to do. In terms of regrowth, everything is going to grow back. The berries are poop-planted. Birds go up and down the flyway. They will eat vines in one area and then plant them wherever they go. That is why this has to be a regional initiative. The more vines there are, the more vines you get because each vine makes so many berries. You have to start chopping it back. But yes, this is something people will have to do continually. Getting it under control to start with is our goal.

**Trustee Armacost:** Meg and I have both been on these vine-cutting expeditions. There are a few other things that happen that people might not be aware of. One is that there is a huge amount of trash collected. You even have sheets of paper for the most unusual piece of trash you find, particularly on that Stanley Avenue stretch, where the other side is the motorway. Also, it is an intergenerational activity. There are people who are older members of our community, and there are some very young members. There are jobs for everyone of every age and every kind of physical capability. I have also been at quite a few sessions where there were a lot of teenagers who wanted to make a contribution to the Village and were very helpful, strapping youths and lassies.

**Ms. Colgate:** We neglected to mention that we have a relationship with the AP Environmental Science class in the high school, and the AP teacher requires two lops a year of each of her students for community service. We verify that they show up. They are fabulous. They get really into it. We are hoping to reach out to the seventh graders to do a sustainability unit. We had that as one of their activities last year when they did their sustainability day. We had a pod of them go out and lop vines. As Niki said, four-year-olds have picked up trash. Bill Crosby is older than we are, and he lops. It is a great rainbow of opportunity for all types, and it is a great family activity.

**Trustee Armacost:** Susan and Haven are incredible, really. Model volunteers.

**Trustee Jennings:** I would like to thank you also for your excellent presentation. I suspect we will be able to help you in all the ways you enumerated, with ease and with pleasure, and maybe a few other ways, as well. I have a couple of suggestions. We had a remarkable turnout of volunteers when we did the tree survey recently. We might be able to interdigitate. Mr. Downey earlier talked about this same concept. People have shown their interest and willingness to do outdoor and ecological activities. We should make sure people know there are other opportunities. We can help make sure the dots are connected with communication.

The neighborhood concept is excellent motivationally, but there is also something nice about meeting people on Farragut Parkway who live on the other side of the Village. It would be helpful if you send out as much information as you can about what should I bring, what kind of clothing do I need to wear, what kind of gloves, what are you going to supply and what do I need to supply, I am worried about getting poison ivy. These are the little things that can create enough uncertainty, enough inertia that people may say I think I will not. Anything you can do to mitigate that.

**Trustee Walker:** Have you approached HoH-TV about doing a presentation? Maybe they could come out. Or you could be on The Current and be interviewed inside. But it would be better to go out on-site and be videoed doing this.

**Ms. Colgate:** That is a great idea. We have been in *The Enterprise*, and *Newsday* came out one day. I neglected to mention that we are going to pair up with Parks and Rec and do, once a month, a Hillside Woods community lop. On November 2 we are going to be at the American Legion. Lisa O'Reilly is pulling in sports teams and other community members, and we are all going to do something as a community. That is our kickoff day. We work from November to April, so it is great to start off that way and see.

## **DISCUSSION**

### **1. Warburton Avenue Bridge Fence Design**

**Mayor Swiderski:** Warburton Bridge faces a lengthy renovation in January or so. We were able to briefly win a stay of execution on a design that had a black chain link fence. They gave us a little over a couple of weeks to come up with a community-vetted alternative which would be superior to chain link fencing, that would be more attractive, and better suited to the views from the bridge. We reached out to a couple of local architects, and they have come up with some ideas. Those ideas were posted on the Village Web site. The public was pointed to them. We did have returns of opinions from people. It is a relatively small sample size for what is sine wave option. But we did get some feedback.

**Mitchell Koch, 20 Marble Terrace:** This is a rendering of the sine wave option. It has been fortified with a horizontal member. It starts with a metal pole on the bottom about this big around. I put some in some immediate structural pieces to keep the "up" up. It turns out, thanks to you, we have been talking to a couple of engineers at the consulting engineers who work with the county. We are passing the mantle to them. They have been very receptive.

**Mayor Swiderski:** The Village is going to turn over a design-ready proposal for the county engineer to integrate directly into the bid documents. They were withdrawn, and they are

going to be reissued as soon as Friday. They need a response back from the bidders by early November for this project to begin a proper kickoff in January if we do not want it to go for even longer than two years. We decided it would make sense to work with this structural engineer that the county uses directly. We signed a letter of agreement with him for the consulting fees, and are paying that so these design changes are made expeditiously and that we absorb the cost so the county is not put out by this.

**Mr. Koch:** Wayne Culver, the PE in charge says the bid date is October 28. They have one week to get the drawings out, and then they have another week during which the contractors will be adjusting their bids. To that end, they took the product that Jim has found. It is a stainless steel mesh that is much more transparent and flexible than chain link. The company that is the distributor for this product is engineering the whole fence thing for the engineers. So they are going to turn over a complete specification to the county, including all the uprights and the structural pieces of the fence as part of their work. They will work around the prohibition against specifying one product with a public bid. He said that can be done.

According to the engineers at the company who distributes this product, we do not need the horizontal pieces, and we do not need a horizontal piece on the bottom either. It can be done with a cable. Of course, a cable is going to be able to be pulled up in an upturn with the tension of this net. So it could be a little more flexible. This is another possibility.

The other item I put on this drawing is an idea that is part of the low-hanging fruit. We do not want to make this difficult for the county. This would be done with standard playground fence equipment. Extend every other pole or every fourth pole so that we can then put banners on them as a way of festooning the bridge: pennants, hanging plants, something like this. This adds more richness to the composition without breaking the bank. We know they are calling for seven light posts on each side 80 feet apart. The divisions between all the uprights will be 10 feet each, so that would mean if we went every four, or two per light bay, there would be 14 banners on each side of the bridge, which is plenty for the Village DPW to attend to. You do not have to have them very close. So they might be 40 feet apart as you go across the bridge. It is just a thought.

I brought back another one with the double waves. The engineer spoke to this, and suggested if someone were able to climb up this high they could use the upper element as something to grab hold of to pull themselves up and over, so he did not like it from a safety perspective.

**Mr. Metzger:** The bridge is about 270 feet long, so stanchions every 10 feet, about 28 stanchions. We talked about trying to figure out how to have something that says you have arrived in Hastings when you get off the train. This could be the way you do that: art banners that let you know you are in Hastings.

The other good thing about these banners is that we already have the option to hang this downtown. We did have this banner art project awhile back. It is as simple as putting a small receptacle that is attached to the light poles with a hose clamp. It has got a small socket. You put a fiberglass pole in it, the fiberglass pole gets anchored with a spring clip. Then you just zip tie the banners onto it. It is as simple a process as could be. And it could be done from a ladder as opposed to requiring a bucket truck. I like the idea of having something that has got some movement to it, that identifies us as a creative community, and the ability to do some advertising for Hastings.

The material that we talked about, we now have a sample. This is their most common material. It is a 1.5 millimeter cable. The cable can be done as thin as 1 millimeter and as thick as 2.5 millimeter. They can vary the spacing on these ferrules to determine how big an opening we have. The cable can be hung either horizontally, which is done when you are typically using the low railing application. But when we are using it in a safety application to prevent a climbing situation it is typically hung vertically and gets stretched to a certain point. You notice it has got a lot of give. It will only be stretched about that far so it is not imparting a lot of stress on these vertical poles. And, in fact, the poles can be spaced much farther apart with this material than you can with chain link because chain link has a tremendous amount of tension in order to get it to stretch out and hold its shape. The other nice thing about this is, if you do try to climb it, it is going to bend. It is not an easy material to get up. We could possibly look at doing something with a slightly larger opening than this. The county said under four inches. The practical matter here is that you would not be able to get a foothold in that opening when the cable is put up. So that would determine the spacing and the size of the cable that we end up using.

The other thing that Mitch and I were discussing is probably a non-starter but I am going to mention it anyway. When the chain link was the only option, the lighting they are going to do on the bridge matches the lighting in the downtown, which is a Victorian, traditional light. We felt that visual may be inappropriate with something as modern as this type of fencing so we talked to the engineer. The county has a spec on a different light. I have drawings. They are the typical metal pole with an arching light. You can specify how far you want the arch to go so they would be either over the sidewalk or over the top of a car to get the light spread. They are done in a bare metal so they would match the bridge. We would like to propose that the Village ask the county to consider revising the light fixture to a more modern style that would be more in keeping with this material. We have not had an opportunity to price them out. But they are LED fixtures, and these fixtures all comply with the dark sky initiative. LED bulbs are available in a series of different colors, from that 4,000 degree orange we currently have to something that is more yellow, more like incandescent light. I would love the opportunity to put information together have the engineers take a look at it.

The engineer has been incredibly forthcoming with information and wanting to work with us. The supplier of this material said the fact that they would provide the engineering services to specify this means we do not have to spend the money to do that. That is part of their promotion and advertising to sell the product. It is a win-win situation for the Village. The material is very transparent, it is stainless steel, nothing is going to happen to it short of vandalism, which would be true of any material that we put up. I am hoping the Board would consider recommending that we ask the county to look at using this material.

**Mr. Koch:** If you cannot do anything else in your house you get nice light fixtures because that makes a room. If the bridge comes out great, and the light fixtures do not look right, everybody is going to regret it. So we should take it seriously. They are specifying seven on a side. If it becomes prohibitive, perhaps we could go to six on a side. That element would make a big difference to the look and feel of the bridge. It would make it feel very special.

**Mayor Swiderski:** We are going to divide this up into two phases. First, as questions, and then decompose the decisions into a set of decisions.

**Mr. Koch:** The engineer did ask for us to give him direction tonight.

**Mayor Swiderski:** We promised the county, and we have got to come to a conclusion tonight. I would like to agree on the material. Take that off the table as a discussion. Then on the curve, then whether there are flags, and finally what type of lights.

**Trustee Armacost:** I love the new material. I think it looks fantastic. And particularly the idea that it can be even thinner than this, I do not know if that is possible.

**Mr. Metzger:** That is a 1½ millimeter cable. This fabric is what they sell the most of, but they have a 1 millimeter fabric. In this situation, where we are putting this up high, it is not resisting large forces of things hitting it. They use this heavier cable, for example, in a zoo enclosure with orangutans. We could use a lighter cable. And if we specify it with a larger opening, even slightly larger, it is less material and it becomes less expensive per square foot.

**Trustee Armacost:** And it provides more view, which is the part that I like.

**Trustee Walker:** I was on the High Line on Sunday so I saw the material, where they do not have the old railing and have put this over a pipe railing. It is very transparent. They used a dark material. What are they doing to the stainless steel to make it dark?

**Mr. Metzger:** It is new that they have a color program for this material. But for the greatest transparency, the natural stainless steel is how you want to go.

**Trustee Walker:** That was one of my questions, whether it would make a difference. I agree with Niki that the larger the opening the better, the smaller the diameter of the wire the better, the more transparent the better. If the lighter material is more transparent, then that is what I would vote for. When I saw it at the High Line it was very handsome, as well. It did not look like chain link. I was very pleased.

**Trustee Armacost:** It looks almost like a piece of art. It is quite attractive.

**Mayor Swiderski:** So we are in consensus to go as light and as large a hole as is permitted by the requirement not to be climbable, and that it is sound and will not be easily damaged by kids. You can take that back to the engineer as statement number one.

In terms of the top of the fence design the double sine is probably off the table for the reasons he brought up. That garnered four out of the 19 from the public. I found it a little busy and combined with the poles it may be too much.

**Trustee Armacost:** It is hard to know. Looking at some of these pictures, sometimes what one sees in a drawing ends up rendering itself quite different in reality. I was willing to go there on that, but I think it is off the table for the reasons that you have mentioned.

**Trustee Walker:** I do not understand his point. Why is it any different? Why could somebody not pull themselves up on this?

**Mr. Koch:** It is like another rung on the ladder above where you want to get to. It may be your first really good handhold, given that you are trying to go through that mesh.

**Trustee Walker:** You are using the valley height as the specified height. So you are going above the valley, right? So what is the top?

**Mr. Koch:** The top is about 11 feet.

**Trustee Walker:** So a 2 foot difference between the valley and the peak?

**Mr. Koch:** Three feet.

**Trustee Walker:** Not that it is going to make that much difference anyway to a pedestrian or a driver, like 9 feet or 11 feet.

**Mr. Koch:** No. I would remind everybody that if you are 5 foot 7 and you stand on the

other sidewalk the top of the Palisades runs right along here. So no matter what there is, it is going to be hitting that critical spot. Maybe less is more in this case.

**Trustee Apel:** Are you saying if you stand across the street it is going to block the view of the top of the Palisades? Is that going to be annoying?

**Mr. Koch:** No matter what we put there it will be blocking the view, whether it is a straight bar or the curves. We do not want to go higher.

**Mr. Metzger:** Once you start walking towards the fence that bar, relatively, is going to be up here. So now you are going to be looking through the wire.

**Trustee Armacost:** Those of us who are shorter perhaps have an advantage, and those who are much taller perhaps have an advantage.

**Trustee Apel:** There are some unbelievable pictures of this in other places.

**Mr. Metzger:** The big enclosures that I was showing you, Marge, are towards the back of the book. They use this material to create huge structures that they weave through the tops of trees in zoos so when you are in the enclosure you have the sense that you are not in any enclosure at all.

**Trustee Apel:** Though you are up there, you cannot climb. I do not think you are going to see it, so I think it is a good choice. And it is new.

**Trustee Armacost:** It is very modern and artistic.

**Trustee Apel:** Because you can stretch it and pull it, it is very exciting.

**Mayor Swiderski:** On the issue of flag poles, or not.

**Trustee Armacost:** When I saw "flag poles" I was not all that keen on them. But when I heard that the flag poles could have hanging plants, those flags that were there looked sort of circus tent-y, whereas these could be quite interesting. Is it possible to have removable poles so we could have the pole up only when we wanted them?

**Mr. Metzger:** That is how they are in the downtown right now.

**Mr. Koch:** The danger is if it were not properly installed it might fall off and hurt somebody, in a wind condition. My sense is they would just want to go with the poles.

**Trustee Apel:** This is not an extension of the light, is it?

**Mr. Metzger:** No, the lights have to be totally independent of the fencing.

**Mr. Koch:** And they sit out forward the fence a good 4 feet or so. So they are not the same plane at all.

**Mr. Metzger:** The lights are behind the fence. They are on the concrete parapet wall they are putting in. There are bump-outs that the lights get mounted to. There are little platforms that stick out from the wall.

**Trustee Apel:** How narrow is this flagpole?

**Mr. Koch:** I believe it is 2½ inches, approximately.

**Trustee Apel:** Is that going to be a visual block?

**Mr. Metzger:** No, because they are only occurring every foot or so.

**Trustee Jennings:** I like the idea of being able to put up different displays, sometimes not having anything at all. I would recommend that we have fewer rather than more, longer intervals. We need to strike a balance between simplicity and not having anything block the Palisades view. We should stay away from that, but we get the advantage of the other. I would split the difference and go with them, but sparsely.

**Trustee Armacost:** Or is it possible to have them on the lamp posts instead of on the bridge?

**Mr. Metzger:** The flags and baskets that we had during the show were on lamp posts. So the answer is yes, it would be possible to do that.

**Trustee Armacost:** What is the advantage, then, of doing it on the bridge?

**Mr. Metzger:** It becomes a secondary design element that everything is not attached to one thing. So you have lights working at a certain interval, and then the flags would be operating at a certain interval. It would be more interesting than having all of the bulk on one pole.

**Trustee Jennings:** Could we consider having the banner poles only on the east side? As an architect, do you need the symmetry of both sides?

**Mr. Metzger:** I would not think you would. You could have it just on the west side facing down towards the train station.

**Trustee Jennings:** No, just on the east side. I want to keep the west side as simple and clean as possible because that is where the view is.

**Mr. Metzger:** The idea is that this gives us the ability to advertise the Village from the train station if it is on the west side of the bridge.

**Mr. Koch:** I would just say, like all these other things, it should be studied.

**Mayor Swiderski:** There is not much time to study, though. Time is up.

**Mr. Koch:** Bring it to the engineers to see if there is a way to put a thread-in connection that you could screw on an extension. That way, perhaps maybe there is a workaround.

**Trustee Walker:** Again, what is the spacing of the light fixtures? What did they draw?

**Mr. Koch:** They are not identified. But I am going to project they look more like 40 feet.

**Trustee Walker:** If there are seven on each side, the perspective is foreshortened, so you are going to see them clustered. It is different when you are looking from the train station. But if you are coming down the bridge the distance between them is really foreshortened, if they are only 40 feet apart, that is what I think they are in the downtown. When you put banners on the ones on the poles in the downtown there a nice rhythm. I do not know that you need more than that. The standard cobra heads are highway lights to light roadways, not to light sidewalks. They are usually spaced a lot more than 40 feet apart because they give off a lot of light. The lights in the downtown are more to light the sidewalk. They are not just decorative, they are giving off light that is more pleasant for a pedestrian. If you went with the cobra heads you would only use four of them, and if you went with the more historic light post you would go with seven. The decorative fixtures are usually outboard of the sidewalk. They are on the edge of the sidewalk so they spill both into the street and onto the sidewalk. They are not way off the edge like these would be. So would they be as effective if they are hanging outboard of the railing.

**Mr. Metzger:** That is right. When we are talking "outboard," we are probably only talking about that far. So if you look at the angle, you are only going to cast a shadow probably about that wide. I do not believe that is going to be a major issue with what we are discussing here.

**Trustee Walker:** So the one I did not like initially when Suzette showed it, I was thinking, we wanted the historic rhythm. It was a cobra head with an arc. And that might be preferable to this type.

**Mr. Metzger:** The engineer said they have a standard fixture that they use. When I went online to find that, in the drawings for the Warburton Bridge there is a page from New York State, which is where all of these details come from. That is the light fixture. The county probably has another fixture they could show us which may be what we are looking for. But I was unable to find that. It is not shown in the drawings that were given to us.

**Trustee Walker:** It was on the original drawing.

**Village Manager Frobel:** Meg, I have it here with me this evening.

**Trustee Walker:** So I am willing to revisit it even though I rejected it.

**Mayor Swiderski:** We do not seem to have consensus up here on whether we want the banner poles at all, or whether we wanted them hanging from the lights, or infrequently.

**Trustee Walker:** If you only have four light fixtures and they were 80 feet apart, then you could put a banner pole in between each one of those. If your fixtures are 40 feet apart, then that is sufficient.

**Mayor Swiderski:** I would agree.

**Mr. Metzger:** So we will need to look into that and see if the light fixture determines that.

**Trustee Armacost:** I am also interested in whether they are removable.

**Mr. Metzger:** We would have to talk to the engineer and find out if that is even possible.

**Trustee Jennings:** If the light fixtures are closer together, then we should not have the banner poles. If they are further apart, the question is should we have any banner poles in between. I would vote for yes, if it will not look cluttered.

**Mayor Swiderski:** Regarding one side versus both sides, I skew to both sides; the visual of coming over the bridge is going to be odd if it is flapping on one side and not on the other.

**Trustee Walker:** I would agree.

**Mr. Metzger:** You also have the ability to hang or not hang a banner on the pole, so that is a decision that could happen, depending upon what we are trying to display.

**Mayor Swiderski:** Are the lights entirely parallel the length, or staggered. Are they offset?

**Mr. Metzger:** I do not know if they indicate that on the plan. They show small sections of the plan, not the entire bridge. The railing starts in slightly different spots on the different sides of the bridge. We would have to look into that.

**Mayor Swiderski:** If it is 80 feet we are in consensus that there is a pole in between. If it is 40 feet, we will rely on the lights as the structure. That leaves us with selection of light.

**Trustee Armacost:** I am in favor of modern on the bridge.

**Trustee Walker:** But there are many different versions of modern. There is the standard highway light that we have all over the Village. But this is bigger, longer.

**Mr. Metzger:** You notice it says you the overhang when you order the light.

**Trustee Walker:** Right, depending on where you are putting it and how wide the road is. Then there are the types that Marge has here, which are very modern and very beautiful.

**Trustee Apel:** This is kind of a cross between them.

**Trustee Walker:** And then there are some that have a little bit of an overhang.

**Mr. Metzger:** Do we have the ability to name this bridge, to rename this bridge? I would like to propose the Charlie Murray Memorial Bridge, since he spent most of his life working for the Village, maintaining the plants that were hanging up there. It would be a nice tribute.

**Trustee Walker:** The light they chose is not that bad. But it curves in. I am not sure, if you have a straight fence, if it would work if it is on the outside of the fence.

**Mr. Metzger:** It depends on where the curve starts. If it is set back, and is a shallow angle until it gets high, it could come up and over. It might be a nice solution.

**Mayor Swiderski:** These are county fixtures. They are not going to keep a supply of specialty bulbs just for the Hastings bridge. What we want has to be replaceable out of the same pool of bulbs that they use.

**Mr. Metzger:** A lot of these light fixtures all use the same industrial LED bulb. But a fixture that is providing upright onto a reflector would have a different bulb than one that is mounted in a head, providing down light.

**Trustee Walker:** We do not want to overlight this bridge, to have seven very bright light fixtures, when now we only have two and most of the time they are not working.

**Mr. Koch:** It could be that they are staggered like Peter says, and that the seven you see in this elevation are actually on both sides of the bridge.

**Mr. Metzger:** And a lot of the LED fixtures are dimable. I do not know if the county versions are, but the ones I am showing you could set a brighten level on them.

**Mayor Swiderski:** Before we talk about modern versus the classic we went for originally, do we give a thumbs-down to the classic, or is there anyone inclined on the Board to stick with classic?

**Trustee Walker:** Now we have a modern fence, I am not inclined.

**Trustee Apel:** I am not inclined to the black ones.

**Trustee Jennings:** I agree.

**Trustee Armacost:** I also am not inclined.

**Mayor Swiderski:** So we have nixed what we originally asked the county to change to. I am sure they are going to have a good chuckle at that. In terms of stylistically, the concern is that we do not land up with something that is too institutional and ugly.

**Trustee Walker:** Too institutional and ugly, or way too bright and does not effectively light the sidewalk and create a nice pedestrian environment. But maybe we have questions for them that need to be answered about the spacing and the number of light fixtures. And, of course, it depends on what fixture.

**Mayor Swiderski:** Is the modern version here OK? Does it result in a visceral, painful reaction, or are you comfortable with it?

**Trustee Walker:** No, I am comfortable with it if it works with the fence. The problem is that it curves.

**Mr. Metzger:** Meg, I was thinking about that since you mentioned it. If they were going to put up a straight chain link the same height as this, that light would have had to clear the chain link.

**Trustee Walker:** No, we were doing the curving fence, and this light has to curve with that.

**Mr. Metzger:** In the drawings they provided to us they only showed a straight chain link, even though originally they talked about doing the curve. The 39-page set shows a straight fence.

**Trustee Walker:** So the light fixture followed the curve.

**Trustee Apel:** I like the other one.

**Mayor Swiderski:** So Marge is not positive. Meg, are you more positive or less positive about this one?

**Trustee Walker:** I hate to sound fussy, but it depends on the spacing.

**Mr. Metzger:** It is 17 feet. So it is going to be about 8 feet higher than the fence.

**Trustee Walker:** It does not need to be that tall.

**Trustee Apel:** And the flag poles? I think that is going to look a little odd here.

**Mayor Swiderski:** OK, so you want something that is more traditionally straight up rather than this curve, and a very tall curve.

**Trustee Walker:** Then it is easier to put a banner on them, too.

**Mayor Swiderski:** So a vertical, modern fixture that the light is pointed downwards, similar to the ones we have been shown in this catalogue, but that the county will support.

**Mr. Metzger:** This manufacturer makes an expensive light fixture, but it is a catalogue that I refer to for interior lighting. There are probably companies that make similar fixtures that are less expensive. I ran out of time to do that research, but we will keep an eye out for that.

**Mayor Swiderski:** But that is a design element that has to be determined for the bidding document. So how will that work?

**Mr. Koch:** I am pretty sure you will have the same base no matter what kind of light you choose. There are a couple of strategies that are possible. One is there are seven lights. We could try to offset the difference in the cost of the lights.

**Mayor Swiderski:** I am not worried about the cost, I am worried about coming up with a design element in time for their schedule. If it comes into a discussion of cost, we will have that discussion with the county separately.

**Mr. Koch:** We will specify a light and send it out for your review within the next week.

**Mayor Swiderski:** Will that be enough time?

**Mr. Koch:** Yes.

**Trustee Walker:** And will you consult with the engineers about the spacing?

**Mr. Koch:** Absolutely.

**Mayor Swiderski:** And what the county will take. Because if the county has a specific light bulb it uses as a replacement, we want to make sure we are not straying into weirdo territory where they are going to just laugh at us and say you can have any car you want as long as it is black, and this model.

**Mr. Koch:** Right. We will be back in touch with Suzette. Does anybody accept a smaller version of this, or a lower version, if it worked?

**Mayor Swiderski:** I have no issue with that particular light.

**Trustee Walker:** Again, that is probably going to be fewer fixtures than the vertical. So then we may want the light posts.

**Mr. Koch:** And this spacing may be 80 feet, in fact.

**Trustee Walker:** In order not to over-light them. I would be OK with that. I know I rejected it first time around. And Suzette is going to say something. But that is before we were thinking of this new design that you brought to us.

**Mayor Swiderski:** It is going to be a modern bridge. It is not going to be an 80-year-old Hastings structure.

**Mr. Metzger:** Not to be glib, but as an architect, when you have contrast it can make some things more precious and nicer than if everything looks the same.

**Mr. Metzger:** One last quick decision. The little ferrules, which are the metal pieces that hold the wire together, are available either in stainless steel or in copper.

**Trustee Apel:** Stainless steel.

**Mr. Metzger:** The copper is very nice but the stainless steel would be more transparent. That would be my recommendation.

**Mayor Swiderski:** All right, so you have guidance. And Mary Jane, our county legislator who has been responsible for helping put a brake on this until we get it fixed.

**Mary Jane Shimsky, Westchester County Legislator:** I am amazed, and everybody should be proud of their community tonight. In the time when we finally got wind that the county was inexplicably moving ahead without providing a final decision on the feedback that this board had given this spring, everybody moved together quickly. The Mayor bought us that stay of execution. Mitch and Jim and the people who are working with them did a wonderful job of pulling things together very quickly, and that is going to give us something that was a lot better than what we had originally thought. I just want to very briefly address one point because a few people have asked me about the need for this kind of fencing. Without going into too much detail here because there are sound public health reasons for not going into too much detail here, people should go to the Harvard school of public health Web site. There is a page called "Means Matter" that dispels a lot of myths about suicide prevention. There is another subsection about bridges and bridge barriers. The evidence does not go all one way or another but the heavy preponderance of evidence suggests that this kind of barrier, especially in the situation we have here, could definitely save lives down the road. That is our principal charge as government officials.

Not just in New York, but in New Jersey, Pennsylvania, Connecticut, bridges are getting retrofitted with fencing everywhere. There is a sound public health basis for it. I am glad that we were able to come together and come up with something that is going to look great. I thank everyone who has been involved for making it happen.

**Trustee Armacost:** Do you have any power to make it a shorter time period?

**Ms. Shimsky:** You can only do certain things, like pouring concrete and so on, at certain times of the year. So there will be times when the bridge is not being worked on, but you

cannot do it in one step, because you end up with problems with curing of the concrete, and what that means is that the bridge will have to be repaired much more frequently.

**Trustee Apel:** All of us have seen the article about the bridge that was dropped in and it took them a weekend. We would like that. It could be it becomes an ultra-million-dollar bridge, but it certainly is the state of the art and should be brought up. If we do not ask we will not get, so I think we should ask. Then let them tell us that they cannot.

**Trustee Walker:** There are two reasons. One is the length of the bridge, and the other that it is a historic bridge and they are restoring the historic understructure. If we wanted to remove the historic understructure there is that possibility. I am no expert.

**Ms. Shimsky:** I do not have a degree in civil engineering either. But the less standard a bridge is, the harder it is to do. A lot of the bridges they are doing this with are standard intervals on interstate highways, which I imagine would be much easier. Here, we have a nonstandard bridge. This is an extraordinarily high bridge at its highest point, as well. And the need to bring in special equipment, and how we get that through the streets and so on.

**Village Manager Frobel:** I wrote a letter to the county engineers last week. I have yet to hear back from them, but we did pose that question to them.

**Ms. Shimsky:** That would cause the need to completely scrap the current plans. The design process would start all over again. You would need more funding to conduct that design process, which might trigger the need for a county-wide referendum. That bridge is sick enough that we should not be postponing it at this point.

**Trustee Walker:** Is keeping one lane open also lengthening the time?

**Ms. Shimsky:** Part of the problem is the response time for the fire company. So we are dealing with fire safety issues, as well.

**Trustee Walker:** When they renovated it in the early '90s they closed the whole thing for months, but not two years.

**Trustee Jennings:** In their presentation they said that clearly: if they close it completely it would be less time to do the job than if they keep one lane open.

**Village Manager Frobel:** That is exactly right. The idea of keeping one lane open is coming at our insistence. Our fire department would like to see a lane open at all time during construction, and that has added to the duration of the project.

**Mayor Swiderski:** Given what we have done here, it is record time. Thank you, Jim. You will be looking at the results of your work for the rest of your natural life.

**59:13 NEGATIVE DECLARATION - 2013 SAW MILL LOFTS**

**Village Attorney Stecich:** You have to make a SEQRA decision prior to adopting the concept plan, if you are going to adopt the concept plan. You could make your own findings, or accept the Planning Board's findings if the Board is comfortable with the Planning Board's SEQRA findings on this.

**Trustee Walker:** The Planning Board's findings are extremely thorough, and I am glad we do not have to make our own findings.

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

**WHEREAS,** the Board of Trustees has reviewed and considered the Recommendation of the Village of Hastings-on-Hudson Planning Board and Negative Declaration Pursuant to the State Environmental Quality Review Act (SEQRA) on the Proposed Saw Mill Lofts, dated August 29, 2013 (“Planning Board Recommendation and Negative Declaration”); and

**WHEREAS,** the Board of Trustees finds that the Planning Board Recommendation and Negative Declaration is a thorough and comprehensive evaluation of the potential environmental impacts of the Proposed 2013 Saw Mill Lofts development, and concurs with its findings and conclusions; now therefore be it

**RESOLVED:** that, for the reasons stated in the Planning Board Recommendation and Negative Declaration (attached hereto and incorporated by reference), the Board of Trustees finds that the 2013 Saw Mill Lofts development will result in no significant adverse environmental impacts, and therefore issues a Negative Declaration under SEQRA.

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

### **60:13 CONCEPT PLAN APPROVAL OF 2013 SAW MILL LOFTOK**

**Mayor Swiderski:** This is nine pages of a document, and Marianne has offered to step through and focus on the non-formulaic stuff so the public is aware of what we are voting on. It will save us some time, with the focus on what matters.

**Village Attorney Stecich:** Unfortunately, or fortunately, most of it matters. But I think, if I read it, I will be able to go through a little bit faster because I know what to abbreviate and not. What this mainly does is, under the MUPDD statute there is a bunch of things the Board has to consider. And this reflects your consideration of those.

2. *The Proposed Action Is Economically Beneficial.*

*The 2013 Saw Mill Lofts development would increase the Village's tax base. Currently, the real estate taxes the Village realizes from the Site are approximately \$24,091 (total taxes are \$148,755). With the development of Saw Mill Lofts, it is estimated that the Village's share of the approximately \$486,209 in annual taxes would be approximately \$102,492. This exceeds the estimate of the cost of 157 new residents.*

**Village Attorney Stecich:** The Planning Board did an extensive economic analysis of this.

6. *Waterproofing/vapor barriers must be installed below the slabs of the three buildings.*

**Village Attorney Stecich:** That deals with any possible pollutants from adjacent property.

18. *The apartments in the affordable building must meet the maximum sizes permitted by the New York State Division of Housing and Community Renewal.*

**Village Attorney Stecich:** At the moment, they are just a little bit shy.

20. *The recreation fees to be paid to the Village shall not be reduced or set off by the cost of any elements of the proposed*

*action, including the donation of a portion of the site to the Village and construction of the bridge over the Saw Mill River.*

**Village Attorney Stecich:** When they gave that land that was done in exchange for getting a density bonus. So they cannot use that as a credit.

Then, a couple of these conditions about maintaining the bridge and maintaining the stormwater have to be put in deeds to the property so any subsequent owners know that they are responsible.

And then the last resolution:

*That the Board of Trustees determines that the 1.82 acres of usable open space to be dedicated to the Village is of sufficient size and suitability to justify the 33-1/3% density bonus permitted by § 295-72.3B(5)(a) of the MUPDD regulations, which bonus has been incorporated into the 2013 Saw Mill Lofts.*

**Village Attorney Stecich:** This is already included in the 66 units.

**Trustee Walker:** I think it is important that the ARB review the design.

**Village Attorney Stecich:** Yes, that has to be part of the process.

**Trustee Walker:** Words cannot describe exactly what we are looking for in terms of an aesthetic. But the ARB will understand that the buildings across the street were designed in an international style in the 1950s, by Skidmore, Owings & Merrill. They have been modified since. I think they used to be more beautiful. They have large windows and flat roofs, and there is a certain rhythm to the fenestration that is quite handsome. That is the kind of thing we would be looking for. We do not want it to look like a Holiday Inn Express.

I have a question about the maintenance of the natural landscaping along the riverbank. They will be maintaining the bridge, for example. I am sure they will be maintaining the bermed landscaping because it is very visible. But sometimes, when it is hidden, it is important this does not become vine-ridden and that it not erode, and that the natural planting be maintained. Are they going to assure us that they will be maintaining that, as well?

**Village Attorney Stecich:** I think it is a good point. What you might want to add to "1" is: "*with a detailed planting planned to be developed by the applicant*" and maintained by the applicant." which I am sure they would agree to. So we will add to "1," "*and maintained by the applicant.*"

Then on the condition I have of the things that have to be on the deed, I would add "1." That is intended to include all the maintenance requirements. So you would say it is also based on the inclusion of conditions 1, 12 and 15 because that would be a maintenance condition. It was certainly in the Planning Board's mind. At one point they thought about wanting to donate the land along the riverbank to the county. The Planning Board said no, that you have got to maintain that; you cannot separate it, you cannot donate it because we want you to be responsible for maintaining it. This reflects what the Planning Board had in mind.

**Trustee Walker:** In several places it talks about the donation of the 1.8 acres to the Village. Did the Planning Board discuss what condition that would be delivered in?

**Village Attorney Stecich:** There is a condition on that. *"The Applicant shall remove the asphalt pavement from the property to be donated to the Village. Following removal of the pavement the Applicant will be responsible for vegetating the area from which the pavement is removed, in accordance with New York State Standards and Specifications for Erosion and Sediment Control."*

**Trustee Walker:** So they are going to give it to us in a minimal state. At least it will not be eroding. We need to consider is what we want to do with it, which is not their responsibility. As the Parks and Rec Commission is looking at doing a comprehensive look at all of our parks, they need to take this into account, too. Some of the money from the park and rec fee we may want to go to this park to provide whatever: a playground or a community garden.

**Mayor Swiderski:** Tennis court.

**Trustee Walker:** So there should be a process to figure out what should go on that site.

**Mayor Swiderski:** That is independent of this particular resolution.

**Trustee Walker:** Yes, I just do not want it to be forgotten. Then on page 6, top of the page, number 4: *"the integrity of the existing culverts."* Does that include culverts coming across 9-A from the properties up the hill that are draining onto our property? Do other property owners have any responsibility for maintaining these, as well, or is it the owner's responsibility when they cross across your property?

**Village Attorney Stecich:** I think they are your responsibility if it is on your property.

**Trustee Walker:** Do we need to deal with that water in any way?

**Mayor Swiderski:** They have got to factor it into their stormwater plan, right?

**Bruce Lozito, Ginsburg Development Companies:** We had to demonstrate that the culverts could continue to carry the water they do carry, plus the additional runoff that we are generating.

**Trustee Walker:** Do you have to treat it, or slow it down, or detain it or do anything to it?

**Mr. Lozito:** No.

**Trustee Walker:** This becomes a problem in other parts of the Village, with water coming from other people's properties.

Can we ask that the developer deliver clean fill to the quarry, if it passes the tests? We are trying to collect clean fill to cap our landfill in the old quarry next to the Aqueduct. I do not know if this came up in the Planning Board discussion, but we have been discussing it among ourselves in terms of trying to have access to fill.

**Mr. Lozito:** It is something we could discuss.

**Trustee Walker:** So I am pointing it out I want to make sure when we go on to the next steps. I mentioned the ARB.

**Village Attorney Stecich:** Since we are making that one change, it does not need to be in here. But just as we have everything else in here, we might want to add as one of the conditions that the application must be reviewed by the ARB. It has to anyway, but we say it has to be. So I think that would be a good one to have.

**Mayor Swiderski:** The MUPDD process: the concept plan came to us, we pushed it to the Planning Board, they did their work and a spectacular piece of work it was. It has come to us for approval. We approve it, it goes back to the Planning Board. What happens next?

**Village Attorney Stecich:** Most of the work was done, but there are some more details that are going to have to be worked out in site plan approval. So it goes to them for site plan approval, it goes to them for subdivision approval because it is going to be subdivided. I think it is going to be subdivided into four lots: one you are donating, and I would think that each of the market rate buildings is going to be on a separate lot because of the affordable buildings in the middle. So they will have to do subdivision approval. There are some steep slopes on the site so there will have to be steep slope approval. It will have to go to the ARB. It should go the ARB probably before it comes to the Planning Board.

This Board is done with it. Because it is called "concept plan" you think it is going to come back to you, but it is not. This proposal includes developing the whole thing. So once you approve the concept plan you are done with it unless they do not go forward, come back, and ask for an extension of the approval. But it is good for three years.

**Trustee Jennings:** Will the conditions of the resolution we apply to all three buildings, regardless of the subdivision and the other things that are different about the affordable building. Is that right? Or will the affordable building be treated in a different way?

**Village Attorney Stecich:** All but a couple of the conditions relate to construction. Once it is all built, the conditions go away. A few of the conditions, the maintenance conditions, are the ones that stick with the property. On each of them it is a little different. In terms of maintaining the bridge and the parking lot, I think that is just the responsibility of the market rate buildings. Regarding stormwater, *"The applicant, and subsequently the owners of the two market rate buildings, shall be responsible for maintenance, repair and upkeep of the stormwater system."* And then 15: *"The owners of the two market rate buildings shall be responsible for maintenance of the bridge."*

**Trustee Jennings:** So there are a few things that the owners of the market rate buildings are responsible for that the owner of the affordable building is not.

**Village Attorney Stecich:** Yes.

**Trustee Walker:** Is it possible that this could be converted to condos at some point? Would that change covenants and responsibilities?

**Village Attorney Stecich:** No. The understanding always was that the two market rate buildings may well be condominiums. They made that clear from the very beginning, and the Planning Board understood it. But that would not change. Whether the owner is Ginsburg or a condo association the owner of the buildings will be responsible.

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

**WHEREAS,** in February 2013, Ginsburg Development Companies, LLC ("GDC" or the "Applicant") applied to the Board of Trustees for modifications to its Concept Plan, which had been approved in 2006, for its 7.45-acre property located on Saw Mill River Road, designated on the Village Tax Map as Lot 4.60-46-1(the "Site");

the proposed 2013 Saw Mill Lofts development would include 66 residential units in three buildings, two of which would have 27 market-rate units each and the third, 12 affordable rental units; and

**WHEREAS,** on March 5, 2013, the Board of Trustees determined to treat the application as a new application for Concept Plan approval and referred the application to the Planning Board, pursuant to § 295-72.3.G(2) of the MUPDD regulations, and asked the Planning Board to retain its SEQRA lead agency status; and

**WHEREAS,** the Planning Board assumed lead agency status and conducted an extensive review of all of the possible environmental consequences of the 2013 Saw Mill Lofts, including reviewing reports of the engineering, environmental, traffic, and economic development consultants that the Planning Board had retained; and

**WHEREAS,** the Planning Board held a public hearing on the 2013 Saw Mill Lofts on July 18, 2013; and

**WHEREAS,** the County Planning Board, in a letter dated April 15, 2013, wrote to the Planning Board with several comments it wanted taken into consideration, which comments the Planning Board considered and believed were taken into account in its review of the 2013 Saw Mill Lofts; and

**WHEREAS,** the Planning Board adopted a 50-page Recommendation of the Village of Hastings-on-Hudson Planning Board and Negative Declaration Pursuant to the State Environmental Quality Review Act (SEQRA) on the Proposed 2013 Saw Mill Lofts, dated August 29, 2013 (“Recommendation and Negative Declaration”), which, in addition to issuing a SEQRA negative declaration, considered the factors detailed in the zoning regulations for the Mixed Use Planned Development District (MUPDD) [Zoning Code §295-72.3(G)(2)(c)], concluded that all of the factors were satisfied, and recommended that the Board of Trustees approve the Concept Plan for the 2013 Saw Mill Lofts subject to 20 conditions detailed in the Recommendation and Negative Declaration; and

**WHEREAS,** the Board of Trustees held a public hearing on the 2013 Saw Mill Lofts on October 1, 2013; and

**WHEREAS,** on October 15, 2013, the Board of Trustees concurred with the findings and conclusions set forth in the Planning Board's Recommendation and Negative Declaration, and found that the 2013 Saw Mill Lofts will result in no significant adverse environmental impacts, and therefore issued a Negative Declaration under SEQRA; and

**WHEREAS,** the Board of Trustees has carefully considered the factors detailed in the MUPDD regulations, §295-72.3(G)(2)(c), for determining suitability of the proposed 2013 Saw Mill Lofts; now therefore be it

**RESOLVED:** that the Board of Trustees finds that the 2013 Saw Mill Lofts proposal implements the legislative purposes and intent of the MUPDD for the following reasons:

1. The Proposed Action Is Environmentally Sensitive.

The 2013 Saw Mill Lofts project is environmentally sensitive in a number of respects. First, the Proposed Action would result in a decrease in impervious surface on the Site, compared to the parking lots now located there. Second, in addition to the 1.82 acres of open space that would be donated to the Village, 3.7 acres of open space would be provided on the Site. Third, the buildings would be arranged in a north-south orientation, to maximize the setbacks from Route 9A and the Saw Mill River; and they would be separated by wide spaces, to maintain east-west view corridors through the Site. Fourth, existing trees on the Site would be preserved to the greatest extent feasible, and, in particular, two of the three Norway spruces would not be removed. Fifth, the project includes landscaping along the Saw Mill River to stabilize the stream bank. These measures include the installation of plants and shrubs that would provide food, cover, and nests for songbirds and small mammals. Sixth, the Applicant has developed a stormwater management plan with stormwater management devices that are capable of fully treating

the stormwater runoff from the Site and that provides treatment for water quality that exceed State requirements. Seventh, no aquatic or terrestrial resources would be adversely affected by the project. Eighth, the project would not result in any adverse impacts on air quality and noise. Finally, no blasting would be required.

2. The Proposed Action Is Economically Beneficial.

The 2013 Saw Mill Lofts development would increase the Village's tax base. Currently, the real estate taxes the Village realizes from the Site are approximately \$24,091 (total taxes are \$148,755). With the development of Saw Mill Lofts, it is estimated that the Village's share of the approximately \$486,209 in annual taxes would be approximately \$102,492. This exceeds the estimate of the cost of 157 new residents.

In addition, the 2013 Saw Mill Lofts project would require a one-time recreation fee to the Village of \$420,000. In addition, it includes the donation of 1.82 acres of open space to the Village and the construction and maintenance of a pedestrian bridge to the South County Trailway, with public parking at a trailhead.

3. The Proposed Action Is Socially Desirable.

The 2013 Saw Mill Lofts project is socially desirable for a number of reasons. First, the development would increase the population of Hastings-on-Hudson by an estimated 157 persons, a 2% increase. Second, it furthers a strategy of the Comprehensive Plan to provide a range of housing types: 55% of the housing in the Village is single-family homes; the 66 apartments in the 2013 Saw Mill Lofts would provide a variety of housing options. Third, the project includes 12 affordable apartments in an area of the Village where none exists. Fourth, the Proposed Action includes the donation to the Village of 1.82 acres of open area at the southern end of the Site, adjacent to County-owned parkland. This area is large enough and configured appropriately for active recreational uses. Fifth, the Proposed Action includes the construction of a pedestrian bridge to the South County Trailway, along with public parking spaces, so as to allow the Site to

function as a trailhead. The residential development will be responsible for maintenance of this bridge.

4. The Proposed Action Would Minimize Traffic Impacts.

The 2013 Saw Mill Lofts proposal would generate very little vehicular traffic and would not impact the level of service at nearby intersections, except in a minor way at one approach at two intersections. That impact can be mitigated by adjustments to signal timing at the two intersections.

5. The Proposed Action Would Protect the Central Business District.

The 2013 Saw Mill Lofts proposal does not include any retail, service or restaurant uses; it is purely residential. The residents, therefore, like other Hastings-on-Hudson residents, would use the downtown business district for those services.

6. The Proposed Action Would Protect the Character of Neighboring Properties.

The 2013 Saw Mill Lofts would be architecturally designed with an industrial vernacular and would be contextually and visually compatible with buildings along Route 9A in the area neighboring the Site.

The Comprehensive Plan identifies this Site as a “gateway” to the Village and recommended significant setbacks and landscaped or naturally vegetated buffers. The three buildings will be set back from Route 9A approximately 94 feet, 115 feet, and 75 feet from north to south. Landscaping, consisting of extensive new shade and ornamental trees and shrubs, along with decorative low stone walls, are proposed along Route 9A. The on-site roadway paralleling Route 9A has been designed as a tree-lined street and will provide additional landscaping between Route 9A and the proposed buildings.

In addition, the proposed multifamily development would provide a transition between the industrial uses along Route 9A and the

single-family neighborhoods to the west. With its large open space areas, it is also an appropriate transition from the industrial uses to the north and the County parkland at the southern border of the Site and the cemetery across Route 9A.

7. The Proposed Action Respects Environmentally Significant Resources.

As noted above, the 2013 Saw Mill Lofts project would not adversely affect stormwater runoff from the Site to the Saw Mill River. Such runoff would, unlike at present, be treated and would also be reduced to some extent due to the reduction in paved or other impervious areas on the Site. The buildings would not be constructed in proximity to the County parkland. The 1.82 acres of the Site closest to the County park would be donated to the Village. The Proposed Action would preserve two of the three Norway spruces on the Site, and would include a bridge to the South County Trailway. Landscaping would be installed along the Saw Mill River to stabilize the stream bank and to provide food and shelter for birds and small mammals.

8. The Proposed Action Would Provide Access to the South County Trailway.

As mentioned above, the 2013 Saw Mill Lofts project includes the construction of a pedestrian bridge from the Site to the South County Trailway, along with a parking area, which would result in the Site's functioning as a trailhead. The owners of the market-rate buildings would be responsible for maintenance of the bridge and parking area; and be it further

**RESOLVED:** that the Board of Trustees finds that the design of the 2013 Saw Mill Lofts and its arrangement on the site is compatible both with site conditions and with neighboring streets and uses; and be it further

**RESOLVED:** that the Board of Trustees finds that the few potential negative impacts of the proposed 2013 Saw Mill Lofts have been mitigated and that the potential impacts are largely positive, including the addition of 157 residents to the Village, an increase in the

Village's tax base, the donation of open space to the Village, the construction of a pedestrian bridge to, and a trailhead for, the South County Trailway, the addition of 12 affordable housing units, recreation fees of \$420,000, and the creation of an attractive site on the west side of the 9A corridor; and be it further

**RESOLVED:** that the Board of Trustees, therefore, approves the concept plan for 2013 Saw Mill Lofts, subject to the following conditions:

1. Vegetation along the eastern Saw Mill River embankment shall be preserved and stabilized, and additional native shrubs and herbaceous species planted, in accordance with a detailed planting plan to be developed by the Applicant. Such planting must be maintained by the Applicant and its successors.
2. A vegetated berm parallel to Route 9A shall be constructed and planted, in accordance with a detailed plan (which shall include plantings) to be developed by the Applicant.
3. The detailed SWPPP to be prepared for construction shall be consistent with the conceptual SWPPP prepared for the SFEIS (unless otherwise by the Planning Board). The SWPPP shall be subject to review by the Village engineer and must comply with all applicable state and local standards.
4. During the installation of the stormwater system, the Applicant shall ascertain the integrity of the existing culverts and, if in the opinion of the Village, the culverts warrant repair or replacement, the Applicant shall make those improvements to the satisfaction of the Village.
5. The Applicant shall confirm the Federal Emergency Management Agency 100-year floodplain elevation prior to final site plan approval and must revise the design, if necessary, to comply with any revisions to the floodplain.
6. Waterproofing/vapor barriers must be installed below the slabs of the three buildings.

7. The Applicant shall remove the asphalt pavement from the property to be donated to the Village. Following removal of the pavement the Applicant will be responsible for vegetating the area from which the pavement is removed, in accordance with New York State Standards and Specifications for Erosion and Sediment Control.

8. Once the 2013 Saw Mill Lofts are fully occupied, the Applicant should coordinate with the New York State Department of Transportation to make any necessary adjustments to signal timing at the Route 9A/Lawrence Street and Route9A/Jackson/Ravensdale intersections.

9. All construction-related staging and parking shall be on-site.

10. All vehicles and equipment during the construction process for the project shall access the Site from, and egress the Site to, Saw Mill River Road.

11. Applicant shall arrange with a local taxi company to coordinate a taxi shuttle service for residents who commute by Metro North.

12. The Applicant and, subsequently, the owner(s) of the two market-rate buildings, shall be responsible for maintenance, repair and upkeep of the stormwater management system. If the Village finds that the Applicant or building owner(s) has not fulfilled this obligation, the Village, after notice reasonable in the circumstances, may undertake such maintenance, repairs and/or upkeep and backcharge the Applicant or building owners, as appropriate, for the reasonable costs of such work.

13. The Applicant shall submit the site plans to Westchester County for review and approval in regard to the Westchester County sewer easement and sewer trunk line on the Site, and shall comply with any requirements imposed by the County.

14. The buildings must comply with the New York State Energy Research and Development Authority (NYSERDA) Low-rise Residential New Construction Program.

15. The owner(s) of the two market-rate buildings shall be responsible for maintenance of the bridge to the South County Trailway and associated parking.

16. The Applicant shall follow the tree protection measures recommended by SavA Tree in its letter dated July 8, 2013.

17. The Applicant must comply with all requirements of the applicable State Building Codes, the Village of Hastings-on-Hudson Code, including the Green Building Code, and any other applicable Codes.

18. The apartments in the affordable building must meet the maximum sizes permitted by the New York State Division of Housing and Community Renewal.

19. A certificate of occupancy has to be issued for the affordable building before a certificate of occupancy can be issued for either of the market-rate buildings.

20. The recreation fees to be paid to the Village shall not be reduced or set off by the cost of any elements of the proposed action, including the donation of a portion of the site to the Village and construction of the bridge over the Saw Mill River.

21. The Applicant must receive subdivision approval from the Planning Board.

22. The Applicant must receive site plan approval from the Planning Board.

23. The Applicant must receive Steep Slopes approval from the Planning Board.

24. The Applicant must comply with the relevant provisions of the recently enacted Green Building Code.

25. The Application must be reviewed by the Architectural Review Board.

26. This Recommendation is also based on the inclusion of Conditions 1, 12 and 15 listed above as restrictive covenants in a declaration of covenants and restrictions binding on the Applicant and any subsequent owners of the market-rate buildings. In addition, the declaration shall contain the following provisions:

- a) The Village of Hastings on Hudson is and shall be a third party beneficiary of the covenants set forth in this Declaration for enforcement purposes and so that it can timely act to prohibit the extinguishment of the covenants.
- b) There shall be no modification of this Declaration without the approval of the Village of Hastings on Hudson, in writing, and filed in the Office of the Westchester County Clerk, Division of Land Records.”; and be it further

**RESOLVED:** that the Board of Trustees determines that the 1.82 acres of usable open space to be dedicated to the Village is of sufficient size and suitability to justify the 33-1/3% density bonus permitted by § 295-72.3B(5)(a) of the MUPDD regulations, which bonus has been incorporated into the 2013 Saw Mill Lofts.

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

**Mayor Swiderski:** I want to acknowledge the work of the Planning Board on the document that answered all concerns a reasonable person might have with the site, and did it in a readable fashion. You can read through the 50 pages without it being laden with jargon. The fact that the Planning Board set out to address concerns so methodically resulted in a statement of its impact on the Village that we are comfortable with. That it is a stark contrast to previous iterations of this project before the Board.

It is a big step for us. This is going to give us 12 units of affordable housing; it is going to help our tax base. The population in the town continues to decline, it does not hurt to have a few more people. And it does not impact our retail, it only helps us. So there are positives. There are, historically, complaints about putting residential here, but given the sensitivity to the site and the efforts made to accommodate the Planning Board's concerns, and ours, this is a big step. We can look back on this vote in comfort.

Again, I thank the Planning Board for bearing the weight of the analysis here. It is quite something.

**Trustee Walker:** Questions have come up about flooding on the site. It does not go into that in this document, but in the 50-plus page document that the Planning Board prepared there was a pretty thorough discussion of the flooding issue. We put it to bed.

**Village Attorney Stecich:** There is no flooding. It is much higher. There is a huge amount of fill there. When the Planning Board retained the environmental engineers we asked them to pay particular attention to that, and we questioned them exhaustively. They always said there would not be flooding. I think there are points where there is 14 feet of fill. It was from when the country put in the county sewers, so there is a huge amount of fill. But that was looked at very thoroughly.

**Trustee Walker:** Was the impact on the taxes independently confirmed?

**Village Attorney Stecich:** Yes, over and over. The revenues we do not know. The revenues were estimated.

**Trustee Walker:** But in terms of service requirements.

**Village Attorney Stecich:** First, the applicant did a couple of different analyses. The Village asked the engineering firm to give us a recommended economic consultant. They said they thought either method they used was fair. But the Planning Board was not comfortable with that, and spent a lot of time reworking the numbers. For instance, one analysis they did attributed only certain services that this development would impact. It factored out snow plowing and stuff like that, and the Planning Board said no, you have to put that back in. Maybe your street does not have to be snowplowed, but you have to drive on streets between there and the train station that have to be cleared. That was put back in. When it did its most conservative analysis you still came out ahead tax-wise. Not as much. It varied, from \$30,000 to \$89,000 or maybe even \$18,000 to \$89,000. I am just talking about the Village.

**Trustee Walker:** There was a discussion in that document about the students generated.

**Village Attorney Stecich:** It was true of this, too. We sent to Ardsley and Ardsley did not get back to us. They had the time before. I wrote to Ardsley specifically, saying we had a public hearing and you were not there. If you have anything to say, say it. We never heard from Ardsley.

**Michael Zarin, attorney for GDC:** Mr. Mayor, aside from saying thank you to the Board, Marianne, you deserve special recognition also. The drafting, the detail, the scrutiny we were put through, and the leadership. We were not always thanking her, but she did a tremendous job. Much of the draft thing was her responsibility. I think she deserves that type of recognition.

**Village Attorney Stecich:** Thank you, Michael.

**Mayor Swiderski:** We need to have a brief executive session on a legal matter now.

### **EXECUTIVE SESSION**

On MOTION of Trustee Armacost, SECONDED by Trustee Walker with a voice vote of all in favor, the Board scheduled an Executive Session at 9:35 p.m. to discuss a legal matter.

[Resume 10:00 p.m.]

### **61:13 STANDARD WORK DAY AND REPORTING RESOLUTION**

**Village Manager Frobel:** The Village is undergoing an examination by the State Comptroller's Office of our records in our administration of the police and municipal employee pension plan. The auditors are requiring that a resolution be adopted and placed in the file as a permanent record setting a standard work day for a certain group of employees, narrowly defined. These are employees that are enrolled in the pension plan, appointed by the Trustees, not civil service-protected, and in a decision-making position. There are three: the Village Clerk, the Deputy Treasurer, and the Village Manager.

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

**RESOLVED:** that the Mayor and Board of Trustees approve the Standard Work Day and Reporting Resolution as attached.

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

**62:13 APPROVAL OF FIRE MUTUAL AID AGREEMENT WITH WESTCHESTER COUNTY**

**Village Manager Frobel:** This matter was brought to my attention by the Fire Chief. It establishes the mutual aid agreement between Westchester County and all the municipalities, fire departments and special public safety agencies within Westchester. The goal is to provide a structure for cooperation and coordination of all the firefighting services. We are not going to have the resources to contain a situation ourselves, to a certain degree, depending upon the magnitude of the event, so it makes sense to rely on our neighbors to help out. It formalizes what already exists, our relationship with Westchester County for the County Arson Task Force, their hazardous material response team, and their special rescue services.

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

**RESOLVED:** that the Mayor and Board of Trustees of the Village of Hastings-on-Hudson approve the participation by the Hastings Volunteer Fire Department (“Department”) in the Westchester County Fire Mutual Aid Plan (“Plan”), as amended from time to time, and further certifies to Westchester County, through its Commissioner of Emergency services, that it shall comply with the provisions of the Plan, and be it further

**RESOLVED:** that there are no resolutions in effect that restrict outside service and training by the Department; and be it further

**RESOLVED:** that there are currently no limitations, conditions or restrictions on the Department from providing prompt assistance, and the Commission of Emergency Services shall be notified in writing if any such limitations are imposed subsequent to the adoption of this resolution; and be it further

**RESOLVED:** that the Department shall respond to all calls for assistance from another Fire Agency through the Westchester County Emergency Communications Center a/k/a “60 Control”; and be it further

**RESOLVED:** that the Village of Hastings-on-Hudson hereby acknowledges and accepts its financial responsibility pursuant to applicable law; and be it further

**RESOLVED:** that a copy of this resolution shall be filed with the Westchester County Commissioner of Emergency Services.

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

**63:13 AUTHORIZATION TO ISSUE REQUEST FOR PROPOSALS FOR COMMUNITY CENTER GENERATOR**

**Village Manager Frobel:** We have sent electronically a copy of the specifications to you. A great deal of work has gone into this, both our team and especially Deven Sharma, who has taken the lead. We are looking for your authority to put these specs out for bid. This is to bring emergency power generation to our Community Center. It would power the entire building. We know there are a couple of contractors out there who have recently installed a similar generator at Children's Village and the Graham School. We have t some pretty good specs to generate a good price. We will be back to you probably in November to award this work. Our goal is to be operational by April.

**Elisa Zazzera, 111 Pinecrest Parkway:** I read the RFP. I noticed that the fuels included were only diesel and natural gas. I was wondering if solar might be considered. There are now solar generators available, and as we saw in Sandy petrol-based fuels are not always available during storms.

**Village Manager Frobel:** I can mention it to Deven, but the experts tell us there are not emergency solar power generators that can generate enough power to operate that building to the degree we need it.

**Ms. Zazzera:** Perhaps as a supplemental. I do not suggest it is going to power the entire building, but if there is battery power to be used through solar energy to supplement that.

**Village Manager Frobel:** I can mention it to Deven again, but I know they spent time with this because we asked this very question. The experts are telling us we are better off with the source of power that we specify.

**Mayor Swiderski:** It does not rule out, ultimately, solar power on that building on a permanent basis.

**Ms. Zazzera** I would just suggest, too, that perhaps these experts that you spoke to are not familiar with the solar energy generators that are out there, that their heads are in the diesel and natural gas. Consolidated Solar is the one I know, out of Pennsylvania.

**Mayor Swiderski:** We will pass it on if you have got materials.

**Trustee Walker:** I spent a day volunteering after Hurricane Sandy in a building in the Rockaways that was powered completely by a solar generator. It was big. It was on a truck they pulled up because you had to have a lot of room. Everything was operating at a substandard level. The lights and the power were definitely not completely on. But it worked.

**Mayor Swiderski:** And it is free.

**Village Manager Frobel:** Again, this has been a several-month project. The building is 15,000 square feet. It has got the elevator, the cooling, the heating, the kitchen. It has got the services that would make it very appropriate for an emergency shelter. We did look into the feasibility of solar-powered emergency generation and I am told the technology is not there to generate enough power to our needs. But let me revisit that.

**Trustee Armacost:** What Elisa was referring to was a hybrid solution. That is very 21<sup>st</sup> century. So if it is possible to, within a reasonable budget, look at that it would be helpful.

**Trustee Jennings:** Much more desirable would be to figure out if we could get a solar component to the everyday energy of this building and to tap it on top of the generator when a storm comes and we need the generator. I do not know if that is feasible at this moment. But as a long-term goal that would make a lot of sense to me. So at the very least, Fran, you are looking at a generator which, right now, might not be a hybrid with solar. Is it possible to ask about future adaptation to add solar component to the generator so if we ever wanted to

do this other thing we would not have to buy a completely new generator?

**Village Manager Frobel:** Let me ask.

**Trustee Armacost:** The costs of solar have come down radically. There are a lot of subsidies in New York State now which may not last much longer. This could end up being an income-generation investment, which diesel will never be, where you can put that money into the grid while the emergencies are not happening, and when the emergencies happen you have this alternate source of power. Those also weigh in to the cost-benefit analysis.

**Trustee Walker:** It could be a good question for our friends at the New York Power Authority.

**Trustee Armacost:** There could be even more subsidies for municipalities that want to use it for these purposes. Kerry-Jane King would probably be able to give us something.

**Village Manager Frobel:** Remember we are not eligible for the NYSERDA grants because we are a customer of New York Power Authority. So that opportunity is closed.

**Trustee Walker:** But you are eligible for NYPA grants, New York Power Authority grants.

**Village Manager Frobel:** Right. And we have met with our representative on several occasions and posed this question to him. But we are not seeing a lot of opportunity under that arrangement. Let me revisit that.

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

**RESOLVED:** that the Mayor and Board of Trustees authorize the Village Manager to issue Requests for Design Build Proposals for a standby generator for the James Harmon Community Center.

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

## **VILLAGE MANAGER'S REPORT**

**Village Manager Frobel:** Mayor, nothing to add to my written report.

## **BOARD DISCUSSION AND COMMENTS**

### **1. Hydraulic Fracturing Resolution**

**Ms. Zazzera:** Ann Van Buren came to us several months ago with the request that we look at this. She pointed out that Dobbs Ferry passed a resolution to ban fracturing in New York State completely. We wrestled with this for several months. The commission was split. Many of us on the commission wanted to do an outright ban, but we could not get a consensus. So we came up with this resolution, which asks you to ask New York State and Governor Cuomo to not allow hydrofracking anywhere in New York State until certain safety requirements, environmentally and human health-wise, can be met. Shall I read these six points that are in the "resolved?"

"That the Board of Trustees and the Village of Hastings-on-Hudson call upon New York State legislature, the New York State Departments of Environmental Conservation and Health and Governor Andrew Cuomo to maintain in effect the moratorium on hydraulic fracturing drilling for natural gas within New York State until such time as the following safeguards are fully in effect:

Sensitive lands, including critical watersheds, are placed completely off limits to fracking.

Clean air standards ensure that methane leaks are well under 1 percent of production to reduce global warming, pollution, and requiring greenwell completion equipment to capture fugitive gas and condensate that comes up with hydraulic fracturing flowback.

Sound well drilling and construction standards are implemented requiring the best available technology for well siting, casing, cementing and other drilling best practices.

Exemptions from the Clean Air, Clean Water, Safe Drinking Water and Emergency Planning and Community Right to Know Acts for hydraulic fracturing operations are repealed.

Standards applicable to other forms of toxic and solid waste and hazardous materials are fully imposed on all wastes generated by, and materials used in, the fracking process, toxic waste reduction requirements are imposed, a robust inspection and enforcement regime is fully funded and operational, and communities are permitted to protect themselves and their future by restricting fracking through comprehensive zoning and planning."

**Ann Koshel van Buren:** I want to thank the Conservation Commission for doing so much work and for coming to a compromise on this resolution because I am 100 percent against fracking. One of the questions that came up is why should Hastings-on-Hudson be concerned with passing this ban because there will never be fracking here because we are not part of the Marcellus Shale. But the character of our village is such that we care about food. We have this great Farmers' Market and great CSA, and a lot of our food is local. We are working hard to build the local economy. Fage Yogurt, which is owned by Dannon, is in upstate New York and it is in the Marcellus Shale. Stonyfield Yogurt buys its milk from upstate New York. So a lot of our yogurt comes from there.

Another issue that concerns us in Hastings is that there is a problem with drought. I have a map that shows the majority of the United States is in a drought right now. Parts of New York State, including the Marcellus Shale, are suffering from a drought. What is a more important commodity, water or gas? I think water. Two million to nine million gallons of water are necessary for fracking one well. And 30 percent of that water is forever gone, irretrievable. Then there is the problem with the transport of waste fluids that we are all dealing with. Westchester County has banned waste fluids, fracking fluids, from being disposed of anywhere, or treated, in this county. But it is still an issue for New York State.

Fracking fuel is finite. They are talking about building a pipeline that will be running north of here in Putnam County. Associated with those pipelines are compressor stations. Minisink has a compressor station where the pollution is horrible and respiratory illness is increasing. We do not want to have the associated infrastructure that comes with hydrofracking anywhere near us. So while we will not have the fracking here, we will have these associated problems. Thank you very much for considering passing this resolution.

**Mayor Swiderski:** What you have come up with is extremely reasonable. It is so reasonable that I wonder what was the thinking behind not banning it outright? Why was there a struggle on the Conservation Commission on this topic that apparently did not happen in Dobbs and has not happened in many other communities? We can all imagine the personalities. I am more interested in the justification.

**Ms. Zazzera:** One of the members argued that if we do not frack for gas we will use more

coal, so that member was unwilling to give a resolution to you that said ban it entirely. They believe that if we do not frack for gas we will continue using more coal.

**Mayor Swiderski:** So that this is a cheaper way of utilizing carbon other than coal.

**Ms. Zazzera:** Yes. The argument was that the carbon footprint of fracking versus using coal was much greater. My argument was we should just stop wasting energy.

**Mayor Swiderski:** Much smaller. Fracking is smaller than coal.

**Ms. van Buren:** But people dispute that because of the leaks in methane. So there was a little struggle over that. The commission was looking for something more moderate, with the hope that you would pass the resolution.

**Ms. Zazzera:** We wanted the commission to be unanimous in what we presented to you.

**Trustee Jennings:** This is calling upon the state government to continue the present moratorium until the following things are enacted. Are any of these five matters already within the DEC purview? I can spot a few that clearly are not. I do not think the DEC has control over allowing localities to zone and so forth. But if none of these things are under the DEC's existing authority, then what we are really saying is that we want fracking to be banned, or a moratorium on developing fracking, until the State of New York passes five laws that deal with these five points which we have identified. That is fine. It would be the equivalent of a resolution from the Village to the State of New York advocating that these five measures be enacted into law. But we have this indirect thing through the moratorium,. Am I reading this right? In effect, we are saying no fracking until we have new laws that deal with these five points.

**Ms. Zazzera:** Yes. And for me, number four particularly, there are laws in place which fracking was exempted from.

**Trustee Jennings:** Yes. By passing new law, you pass a law that repeals some provisions of existing law. That is a new law. It makes sense to me in that way. One would be interested in the conversation about why just these five safeguards need to be in effect and not some others, as well. But I leave it to your judgment that you have picked out five important safeguards that should be addressed before we allow fracking to go forward.

**Trustee Armacost:** There is nothing that prevents us from passing another resolution outlawing fracking completely even after these things have been passed. We can take a more hardcore stance if it turns out that evidence shows that even if these five things are passed it

is still a huge problem. There is nothing that prevents us from passing a resolution that is more stringent in the future.

**Trustee Jennings:** Yes, we can advise the state not to allow it even if these five things are enacted because there are other dangers that are not covered by these five things.

**Ms. Zazzera:** Right now health studies are being done. Some say you cannot know the impacts on the human health of this for another 20 years because you do not have the data of someone having been exposed to this.

**Trustee Jennings:** The compromise here is that we are saying do not allow it until you have enacted these safeguards and these standards, which is softer than do not ever allow it no matter what. But it is still very stringent, and I can anticipate that it is going to take them awhile to pass these five laws.

**Trustee Armacost:** It is better that they have to go through these steps, because each of these steps creates a learning process and it builds up a constituency of supporters where, even on our progressive Conservation Commission, if on that commission we have people that are debating this issue, then this kind of a resolution probably makes sense in the scheme of things in Westchester County, in New York State, in the country.

**Mayor Swiderski:** I am going to be a devil's advocate here. What is the purpose of the resolution? The purpose is to participate in a political process in Albany, where we are trying to influence the governor one way or another. I wonder if reasonableness is necessarily the best refuge in that discussion. That it may be simply taking a stake with other communities and expressing outright rejection applies more pressure than a nuanced thing which the governor will never make to the fifth point because it is too nuanced. But hearing yet another community has voted flat-out no fracking may have more of an influence.

**Trustee Armacost:** We can go either way. But I do not think moratorium is so nuanced.

**Trustee Walker:** It is all the conditions.

**Trustee Jennings:** The simple, non-nuanced version would be to say we, the Village of Hastings-on-Hudson, recommend that you keep this moratorium in place forever. And then you do not need these five points. We want to add our voices to the other voices throughout the state who say no to fracking. That is the point, is it not?

**Mayor Swiderski:** In Albany, it is just the difference between a squawk and a peep. We are

barely going to register, but if it is nuanced it is sometimes lost in these debates. Sometimes it is easier to take a harder position than we line up a checkmark clearly, one column, instead of a smear or a footnote somewhere saying these villages have a nuanced position.

**Trustee Apel:** It could be "to continue to moratorium on hydraulic fracking or drilling for natural gas within the New York State forever," period. And just leave it at that.

**Mayor Swiderski:** I have no issue with that. I know what the author of the compromise was seeking to achieve. And you get me into a room and I will agree with him, that gas is an interim point to something better, and that it is better than coal.

**Trustee Armacost:** If we do that, do we not have to give people notice?

**Mayor Swiderski:** We cannot pass this tonight. We have to put this up and, ideally not to back the Conservation Commission and say the Board would prefer to see an outright moratorium. For me the concern is 100 percent the watershed. Everything else, I glaze over. You talk to me about Danon yogurt, I could not care less about yogurt.

**Ms. Zazzera:** But they do use water. Are you not worried about food?

**Mayor Swiderski:** Watershed, you ruin our water.

**Ms. van Buren:** It is already banned in the Catskill watershed.

**Mayor Swiderski:** Good. Everything else is tangential to the ruining of the water supply.

**Ms. van Buren:** But what do you feel about passing this tonight, and then writing another one?

**Mayor Swiderski:** We would throw it open for public comment. And I do not want to I would rather have something a little stiffer. I would like to see us pass something similar to what Dobbs did. This is a political statement that attempts to move an argument in the direction of being very careful on proceeding on fracking. I want to add our weight in that direction instead of a nuance that can be lost on the politicians in Albany.

**Trustee Jennings:** We could find out how Dobbs worded their resolve.

**Ms. Zazzera:** Yes, we can send you a copy of that. But time might be of the essence to get something.

**Mayor Swiderski:** What is the time frame here?

**Ms. van Buren:** They are still considering this moratorium. The state is not telling us the time frame. Some people are saying they are waiting.

**Trustee Walker:** What was the deadline on the moratorium to begin with?

**Ms. van Buren:** Until this health study is complete. Some people are now calling to throw that health study out because it has been done in great secrecy, and there is only one person, a commissioner of health, who can say any day.

**Mayor Swiderski:** I doubt a nuanced statement will make much of a difference. The Board would prefer a moratorium akin to that passed in Dobbs Ferry, and would appreciate it be rapidly reworded, in time for the next meeting.

**Trustee Walker:** I would agree. I think this is really thorough, and I like the "whereases." It is thoughtful, and it gives us a lot of ammunition. I would agree to the ban. And having big reasons is a good thing.

**Trustee Apel:** It would seem to me that even in those "resolves," the first five, that what we are really saying is watershed and health. Somewhere in there it has to say that health studies exonerate this. There is nothing mentioned in here about the health studies at all.

**Trustee Armacost:** Those points can also be added as "whereases."

**Trustee Jennings:** But they are. The next to the last "whereas" is about drilling regulations, and then the last one is about public health impacts. And our resolution is going to say regardless of the outcome of those studies, we recommend that you, what it the right word, "extend" the moratorium?

**Mayor Swiderski:** Permanently.

**Trustee Jennings:** Permanently? Or forego fracking permanently, or something. What we want to say is we do not think, if these two studies that the moratorium is currently based on come out positive, that that will be enough to give a good reason to go ahead. Later on people can address through advocacy the substance of these five points.

**Mayor Swiderski:** I am sorry that it will not be on the agenda for public discussion next meeting, however.

**Ms. Zazzera:** But possibly the meeting after?

**Mayor Swiderski:** Yes.

## **2. Update on the Downtown**

**Trustee Walker:** Thanks to Bruce we are going to have a Friday Night Dead this Friday at the pool, and it should be very exciting. There is a lot more going on than just a haunted house. There are going to be a lot of activities, food, music.

This Board discussed the requests of the merchants in terms of the flea market that is going to be held this Sunday at the Zinsser commuter lot. We need some follow-up, based on the requests of the merchants: surveys, discussions of traffic issues, police and safety issues and some of the other things that the merchants requested. We can ask the Downtown Collaborative to look into those things but we had agreed that we would follow up. It will be an interesting day because it is simultaneous with the window painting, the Halloween parade, and the Lipchitz rededication.

We are going to be meeting with the merchants in early November to talk about what could happen over the holidays: special sales, sidewalk sales, what their ideas are.

Also, there is a temporary gallery on Warburton in the old Chelsea's Closet space. It is a wonderful ceramic display by many artists. It is only going to be there until October 28. It is high-quality work. It gives us an idea of what it would be like to have a gallery there. We have heard that Upstream Gallery has found a space in the downtown, and is probably going to moving on to Main Street, which would be great news.

The new restaurants are beginning to open. The Prime Grill is going to be opening, which is the Rainwater space, before the end of the month, at least they are hoping. I am not sure about Saint George, which is the one that is taking over Buffet.

**Mayor Swiderski:** They have an actual open in a week or two. But they have been soft-open for awhile now.

## **3. Update on the Waterfront**

**Village Manager Frobel:** Terrific progress at the Chevron site. All the subsoil has been offloaded in place. This week they start spraying the topsoil, and hope to be hydroseeding at the end of next week and have a nice cover established before the onset of winter.

#### **4. Miscellaneous**

**Mayor Swiderski:** I will talk to Susan about this, but I want to break the announcements into two pieces, one which is Village-oriented and one which is events so it is more clear, and so we can include non-Village events on occasion.

#### **EXECUTIVE SESSION**

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

#### **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 10:45 p.m.