

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
JUNE 2, 2015**

A Regular Meeting was held by the Board of Trustees on Tuesday, June 2, 2015 at 7:45 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Peter Swiderski, Trustee Marjorie Apel, Trustee Meg Walker, Trustee Nicola Armacost, Trustee Daniel Lemons, Village Manager Francis A. Frobels, Village Attorney Linda Whitehead, and Village Clerk Susan Maggiotto

CITIZENS: Eleven (11).

41:15 APPOINTMENT OF VILLAGE ASSESSOR

Mayor Swiderski: Before we get to approval of minutes and warrants we are going to have a resolution around the appointment of Village Assessor. Our current assessor has retired and we have a need for a new assessor.

Are there any questions or concerns?

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

RESOLVED: that the Mayor and Board of Trustees hereby appoint Edey McCarthy as Village Assessor for one (1) year, commencing on June 1, 2015, for a fee of \$15,000.

ROLL CALL VOTE	AYE	NAY
Trustee Marjorie Apel	X	
Trustee Meg Walker	X	
Trustee Nicola Armacost	X	
Trustee Daniel Lemons	X	
Mayor Peter Swiderski	X	

APPROVAL OF MINUTES

On MOTION of Trustee Armacost, SECONDED by Trustee Walker with a voice vote of all in favor, the Minutes of the Public Hearing and Regular Meeting of May 19, 2015 were approved as presented.

APPROVAL OF WARRANTS

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

Multi-Fund No. 77-2014-15	\$18,251.21
Multi-Fund No. 79-2014-15	\$65,806.17
Multi-Fund No. 1-2015-16	\$68,339.22

PUBLIC COMMENTS

Mayor Swiderski: There is a group here concerned with Zinsser Park and trees thereof. This is a topic that, while it is specific to Zinsser, y is broader because there have been other tree removals in the Village in a burst we have gone through recently of cleaning up some dead trees in a couple of other parks and also around this building and elsewhere on Olinda awhile back. More broadly, a desire to see the replacement happen expeditiously and with the appropriate trees and in a timely fashion. Over the last month a number of these issues have arisen simultaneously; our Parks and Rec superintendent, Kendra Garrison, is absolutely more than adequate and can rise to this task. It is clearly something of interest to people in the Village. As a result, the Trustees want to make sure this is something that is monitored by somebody on the Board. I have asked Niki Armacost to watch over this process over the next couple of months as we plug the holes where the trees used to be and make sure that any concerns expressed by the public can go to one place and get a response from the Board immediately.

With that said, please feel free to approach the mic.

Tanya Ryders, 39 Fraser Place: I sent all of you copies of the proposal that we had prepared. We have a threefold plan, the first of which is planting 10 fast-growing trees that would go in the ground no later than September. We cannot do anything this summer, they would dry out and die. We have been working with Tim Downey in his capacity as one of the Tree Board members and Kendra Garrison, who I feel has been between a rock and a hard place with this situation. I do feel bad for her, but she has been wonderful and I am happy to have her as a partner.

We have included several recommendations on types of trees, from Tim, that would be best suited to this type of climate and soil. We also have, from Kendra, budget allocations. She gave me estimates. I overestimated on those because I know how those things go. In playground maintenance, we have a short list of requests. One of them is a wooden fence along the playground, some of it is cleaning up graffiti. Some of these you see we have

indicated we have already put to the Parks and Rec Commission on their last meeting. Kendra is aware of them and is working on those. The last one is managing around the playground. The first one is putting in larger quality trees on par with those that were taken out during Sandy or the first large one that was taken out this last time. These are the important trees that everyone remembers and everyone knows. So they are very dear to the heart to go back in. My understanding is that along the ridge between the gardens and the playground there used to be a line of trees, replacing those. On the third page is an illustration of what we are, end-goal, looking for. Then snow dumping at Zinsser. Tim Downey sent you an e-mail on May 5 that included a lot of quality information about types of equipment and new techniques that could be adopted to resolve that issue.

This is our phase one proposal that we would like to see adopted. We would love to work with Nicola on this. We want to work with the Parks and Rec Department on maintaining these trees and making sure the proper steps are taken so they do not die and so we do not have a dire strait situation again. We are not just looking at this as a one-year and done; we are looking at this as a multiyear process to keep this park evolving and wonderful.

Mayor Swiderski: When you use the plural "we," who are you referring to?

Trustee Armacost: Friends of Zinsser. It is a fantastic group of committed citizens, many of whom I know already and some who are new. It is going to be a pleasure to work with you and solve some of these things that have been a niggling concern for people over some time. We will make sure it is a point of focus.

Tiffany Arment, 117 Edgewood Avenue: Three of us are going to speak for Zinsser Park to be on the record. I live right by the park also. A lot of us are just concerned. Now that we have this plan in place we are very much looking forward to replacing the trees. There are rumors going around about possible expansion of the parking lot as well as expansion of the gardens. In terms of transparency that we would like to see from the Parks and Rec Commission if that is what is happening. In addition to that, maintaining a balance of life of how people use that park, and also a nice perimeter of seclusion, which is what has been lacking recently. Now you can see a lot to the houses and to the fields, and before it was more like a pocketed oasis. That is an important thing that we are all looking for as a goal for this project, to recreate that feeling of the park that we all so much enjoy.

Brian Street, 19 Fraser Place: I want to commend the Board for taking proactive steps immediately to address an issue which has been building for quite some time. I have been going to Zinsser Park and to all the parks in Hastings since '94 when we moved into the area. We loved Zinsser and that area in particular so we bought a house that backs onto it, 19 Fraser Place. Our whole house orients towards Zinsser Park. We have experienced since

2000, by my count, 34 major trees that have been removed from the park, with one tree a specimen tree by the front entrance, the only thing that has been going in. So a significant evolution of the park.

The first photo that I gave you is from about eight or nine years ago, a satellite image which shows the parking lot area. The seminal part of that was a couple of grand old oak trees, one of which was blown down by Sandy. The other one was taken down, both those trees were well over 200 years old, beautiful legacy trees. Subsequent to that we have experienced an evolution of the ecology of the park such as the growth of invasive species, for example, phragmites. An extensive process went into place to try to remove these phragmites, but they have been expanding rather quickly with the removal of trees. There is so much water absorbed by trees naturally that what has happened by the removal of those trees is now we have invasive species. Phragmites are now making an inroad down to the playground because it has become such a bog area. There was an effort 10, 12 years ago, some drainage was put in. That still has not done it. The whole ecology of the park has been long-term impacted. It appears, from our perspective, not valued. Taken out in order to create open sun for the community gardens, lots of other reasons. What ends up in its place is unplatable garden space because it becomes so bog-like. I get that there is pressure by community members to have community gardens, but a balance has to be made.

The park has become very popular. It is now the home of Little League. It has got a lot of other demands on it. I would take you to the second and third pages there. That is now the park taken last Saturday midday. The field is active. There are kids running around. It used to be that when kids were running around their siblings would be down on the playground equipment. The equipment is so hot now, and we are not even into summer, that we are negatively impacted. I appreciate that the Board is moving to address this not only on a local level with regard to Zinsser Park, but across the Village. There is a certain magical quality that Zinsser Park and the other parks had. It was in little thickets that you could go, and shaded areas where kids could run around and play, and play hide-and-seek and splash and run. That has really been taken away. It has been taken away for certain reasons. That area of trees which bordered between the community gardens and the parking lot area provided shade when the real wilting part of the sun was hitting. Yet they were taken out, and the reason I was given was because they were blocking sun from the community gardens. So clearly there is a challenge there.

There is a trail which goes from the parking lot up to the Aqueduct. Little League managed to get two wonderful little dugout houses put up in there, which I am sure you are aware of. A crane truck needed to be brought in in order to get those things in there. Unfortunately, there was a clear-cutting of trees in order to do that. All along there, limbs cut out, weakening trees in order for a short-term gain of having these two dugouts. Could those

dugouts have been designed in a different way so they did not require a crane to be brought in? There are short-term needs and then there are long-term consequences. The long-term consequences in the case of trees that I have experienced in the Village is that the trees seem to lose out. Then we get into a cycle of trying to fix that by taking phragmites and so on. I appreciate so much the Board's addressing this. Moving forward, it is a great opportunity to create a legacy that will be 200 years old in new oaks.

Ann Schnibbe, 8 Edmarth Place: I wish to speak with regards to the senior bus. Our bus caught fire, which rendered it unusable, the damage was that extensive. Before we ever had a senior bus, way back when, there was a lengthy process before we could obtain one for our Hastings seniors. Many meetings were held and there were discussions and trips to White Plains to meet with the DOT, which was one of the major organizations in charge of getting buses for the villages, all regarding to availability and purchase, et cetera. We finally did succeed in the endeavor to obtain a senior bus. From the outset, we were told that the primary job of the bus was to get seniors to and from the nutrition site daily. The nutrition site has just come into being, I think, around that period, late '70s, early '80s. The site was initially in Hastings. When it was moved to Dobbs, the need for a senior bus was apparent. At that time pretty much all of the villages in the Town of Greenburgh were seeking buses for their seniors.

At the meeting of May 19 I heard discussion about Dobbs Ferry's kind offer to help us out with transporting our seniors. They are a good neighbor to step in and offer their help, which I am sure would be reciprocated if the situation were reversed. Also at the May 19 meeting the suggestion that we could partner with Dobbs Ferry and not replace our senior bus did not sit well with me or our seniors. I made up an impromptu petition against the idea of partnering just because of this, signed by the seniors of our village and other residents who support our position. The names that are here are those that have signed so far. We will continue to seek signatures.

I have been informed that your reasoning for this consideration for partnering is that our bus is not filled to capacity at all times. I respectfully beg to differ with that opinion. It is true that there is not a busload of seniors going to the nutrition site every week, using the bus, some of the people drive, or on the weekly shopping trips. In recent years, unfortunately, we sadly have lost many of our seniors. This is a fact of life. However, there are many activities for the seniors for which the bus is very much needed. One great example of these activities is that our Senior Outreach worker, Ann Russak, has a very active program which includes lunches and entertainment on a monthly basis. This is open to all seniors in the Village to enjoy and is very well attended. These functions are held on a Sunday afternoon or sometimes a Saturday. A real boon for the seniors, specials on the weekends when weekly senior programs are not in session. The bus is certainly a necessity for these senior specials.

I have made copies for listing all the activities provided for our Hastings seniors. As you will see, the need for the bus is very much in evidence. Therefore, utilization of our bus should not be judged solely on the numbers going to the nutrition site or the weekly shopping trips. Our village has much to offer for all age groups. The senior bus is a truly great addition to the Village. It was an uphill battle for years to obtain this asset for us. I feel all of our programs, along with this asset, will ensure that our senior population will always be served. There will always be seniors in our community, nobody ages backwards. Do not partner us with any other village. Get us a bus. A 14-seat passenger bus powered by regular gas or diesel fuel will be just fine. I know it has to be ADA. The insurance received from the now-defunct old bus, coupled with some kind of grant, should provide the means to help defray the cost of, or at least a hefty portion of the cost of, another senior bus.

John Gonder, 153 James Street: Glad to see the large screen is taken down. I can see the last three mayors, I appreciate that. I noticed on the Board discussion and comments there is not downtown on the agenda so I will not make any comment on that.

You had approval of a local law tonight. A woman from Westchester County mentioned about the amount of money for the income limits. You passed that pretty good, you put it in the paper, and all of a sudden you are going to vote on it tonight. It probably took two, three months. The other one was the plastic bags and Styrofoam, and that went quite quickly. The firemen asked for certain things. My dad and other relatives were firemen and they got certain benefits. They deserved them because they spent a lot of time at 2 o'clock in the morning going to fight fires, especially 50, 60 years ago when there were some big blazes. Recently you gave them the same amount for the pool in Hastings than the county would give them. That was good, I think you should give them everything they need. Because if we had a paid fire department we would be up the creek in taxes. So I am all for that.

Your board here is probably all in the 1990s, came into Hastings. I'm in the '30s. I do not think you really care about veterans. You talked about it several months ago for about 10 minutes, and you put it off for maybe two years. That is disgusting that it takes that long. Especially when we had many, many veterans, Second World War and their families, these people worked very hard for all their things. They were veterans in foreign wars and you do not even want to give them a tax break. Now the school, seven boardmembers could come to conclusions quite rapidly and gave them a tax break. You only have five members and you push it off for two years. There are so many ways you can do it. Someone making \$100,000, maybe you give them one percent; someone making \$75,000 you give him maybe a two percent tax. Maybe someone like \$50,000 you give him 10 percent. You should consider it and not put it off for two years.

Danielle Goodman, 445 Warburton Avenue: Could not be as eloquent as Ann Schnibbe, but I wanted to give you a personal perspective, Honorable Mayor and Board of Trustees, of a niece of a 100-year-old man who does use the bus. He has used the bus since he moved here at the age of 88, my Uncle Steve. The bus has been, all these years, tended to by very competent, caring drivers. Jose Rodriguez was the first who was involved with our family. The second and most recent, Steven, and I do not know his last name. Equally competent and caring. You do not find those sorts of people on public transportation. They take good care of our elders. The bus is not a luxury, it is a necessity. I will try to explain why.

Many of the elders of our village do not avail themselves to any other service except for the bus. You are charged with the heady duties of the health, safety and welfare of your citizens. I understand that due to budgetary constraints you are forced to make very difficult decisions. The bus is necessary. Food, groceries, OK we are not filled to capacity. But as somebody who has driven to keep an independent household for my uncle, I can tell you that food and groceries is a major concern. The food has to be brought into the house, and that does not happen so easily. We are blessed to have a grocery store in the Village. I do not know how long that is going to be so let us look to the future with our decisions. Will the A&P be there in five years? I do not know.

Mobility. When you get old and someone takes the keys away from you and you are in the suburbs, not so easy. It is a source of anxiety. How am I going to get there, who is going to take me? These are daily concerns. And mobility is independence. These are trees that stand tall if they have transportation. They are not waiting on the schedule of relatives who are at work in the city or beholden to the charity of friends. It is part of their emotional well-being to be able to get up, out the door, to the bus and then into the Community Center or wherever the bus is going to take them. I know that when my earlier days of my uncle living here he just wanted to get on the bus to rid with Jose. He liked it.

Exercise. Well, maybe a trip to White Plains is a way to go out and not sit in front of the TV, and exercise. Public transportation does not have a Steven or a Jose to make sure you get home. Where are you if you do not get to the bus stop? How many people are on the bus? These are important things. And I would be remiss if I did not mention the great and wonderful Ann Russak, who does make the bus go always. We are lucky to have her and all of our recreation staff. So when you consider the cost versus the benefits, I hope that I have, from a personal standpoint, provided you with some understanding of the benefits of well-being. Can we get a grant? Can we do a fund-raiser?

And then lastly, political control. It is the same issue that dogs any consolidation of services. If the bus is in Dobbs Ferry or in Ardsley stuck in what will be massive traffic when the Ashburton Avenue bridge closes for repair, and it is Tuesday, and someone needs to get to

current events who decides, who makes that decision? To whom do we complain if Dobbs Ferry says we cannot send the bus to Hastings on a Tuesday. We have no standing to go to Dobbs Ferry and complain, we only have you to complain to, unfortunately for you. I hope that we can place this on the agenda when you could hear from the elders who use the bus. But as one grateful relative, belated many thanks for our family to the Village for the bus.

Tim Downey, 520 Farragut Parkway: Did everyone get my e-mail with all the links and thoughts and points?

Trustee Walker: The snow? Yes.

Trustee Armacost: You send multiple e-mails so you do have the reference which one. And they are all very helpful and useful.

Mr. Downey: Last week I did not do a very good job discussing the blower law. I would like to clarify a few points. When I discussed last week about the Village employees on Ravensdale Bridge doing the work and how, with the use of a machine, we could be doing this more efficiently, more quickly, more thoroughly, when we removed these tools from the DPW, from the Parks and Rec, I have spoken with men in both departments over the years. I have spoken to the Police Department also regarding this. When the Police Department has been called on the DPW or the Rec, employees who work with these pieces of equipment, we just went through a big process with Dobbs Ferry and the whole consolidation conversation. I do not see how it pieces together that we cannot have any trust or we cannot have the confidence that these grown men, given some conditions and terms and a conversation on how to use these pieces of equipment during what is now the banned time of year, how they cannot use it in a thoughtful manner. Which would, as was stated many times in the election, go along with the points that you have made such strong reference on, financial responsibility. Where we are getting more for our labor dollar.

Environmental. We heard someone talk about the Hudson River rising. If we cannot keep our storm drains clean of debris we can forget about the Hudson River. Let us just keep the pollutant and bottle caps and stuff, let us keep our streets clean so it is not in the storm sewers going to the river. The school has regular use of this in order to keep the parks and courts clean. And the courts, speaking also, is the Parks and Rec Department. The tennis courts, the pool surfaces where they are not tracking grass. Currently, they are using a broom and doing it infrequently. That is not a very good use of labor time. The school needs it for their activities in lower Reynolds. They are using it even during the year, the blower ban period, in front of the school. There is a reason for it. They need the tool to do the work. The private sector needs the tool during the current blower ban season. Nature's calendar, as I have stated, does not align with the current time of regulation.

I cited the Dobbs Ferry incident. I fought that ticket in Dobbs Ferry and it was dismissed. The only person who has ever had it dismissed, in part because I brought up to their village attorney the wording. When I showed him the legal document, and there is no reference of a leaf blower, it is called a backblower (sic). It is a legal document, U.S. patent numbers and so forth there. He was taken aback and realized they had an issue. He would probably like me to keep quiet about it, but I beat that summons. It was not because we were misusing it. It was a worker who was helping me out that day. They did not realize it was my company, otherwise they would have let it go because they have seen me in the past. They know I am responsible with it.

I have never heard any homeowner around the three major summer holidays like anniversary parties, graduation parties, let my house be a mess, I have company coming over. They want it clean. They do not want things tracked into their house. This tool is needed for that purpose. I have stated in the past, too, I would help draft the rewording of this so we do not have the chaos we have on the allowable time of year. The law, better written, could address those concerns, along with training and permitting, even.

Finally, on environmental concerns, which was a big one that was raised by the conservation committee. Shortly after I brought this up two years ago I attended the conservation committee meeting where it came up about how did things go with the blower law discussion. After some edgy conversation back and forth, later in the meeting one of the committee members brought up how they were going to London with their job. There was all this laughing and excitement. I thought to myself, how are you responsible. You can go to London and all the things that come along with that in terms of pollutants. Fly over there and come back, part of your job. Yet you will deny the person with the little handheld blower, the Village employee a little blower, the park person a blower that does a fraction. You could not, in 40 years, through the amount of environmental impact with that little blower that that one jet flight to London and back does. I know this because I have read the science on it. If you Google the effects of jet airline traffic on the environment you would be astounded by what that does to the environment. It is no coincidence that some of our heating issues have started when jet air traffic started in the '50s, '60s, not just commercial, military and so forth throughout the globe.

Mayor Swiderski: We are heading a little past 5 minutes.

Mr. Downey: So I would like you to consider and have a conversation on this. I would like to ask the Village Attorney if she has thought about this, the wording, if there could be some response to this. Going forward maybe we could consider using what Greenburgh does, a time clock. It is very helpful for gauging yourself as you speak.

Patrick Randolph Bell, Hastings-on-Hudson: I like the clock idea and I liked how this beautiful woman said Honorable Mayor and Board of Trustees. That's a great way to start. You should pass that senior rent increase exemption law. I would still like to see if there is any other way for the other elderly in Hastings. I do not want to have see them move to Florida after living here for 50 years because they cannot afford their own rent anymore in case something does not work out. About the storm drains, our little stickers that say "drain to river" almost all have worn off. If we can get some more of those stickers and stick them on the storm drains that would be great.

I started a new thing this week. I have been sending in official notice of defect to the Village. I have sent in two so far about broken curbs, a broken sidewalk. I would like to encourage the entire Village to do this. It might be the only way to get our board to do something sometimes on this. It seems the only way sometimes you listen is if you have the threat of a lawsuit hanging over your head. I am going to start a Facebook page. Maybe I am going to call it Hastings Defects where if you guys will post pictures and addresses as close as possible to the defect, that is the best way I can get notice in. If you give me the closest possible there is no way they can deny it. I will try to send it to the Board once a week. New York City does this with Big Apple Potholes. This is the best we can do. Talk to your own attorney, figure out how to send this in, because there is no way you can sue the Village for a slip and fall, or you hurt your car, if they do not have official written notice of defect. Find someone to look it up for you, someone who is a real attorney. I think we can change the Village and make it more beautiful. If you do not have enough people to fix them all, maybe we can hire a couple more guys.

With Ms. Maggiotto over here, there was a FOIA request that came in that was supposed to be turned in a long time ago, from another person in the Village. The response was it will come back July 31. It is ridiculous. That is not what the law is. It is not how it works. She used to have a couple assistants. Our village has a lot of people interested in government, high school kids who are now graduating. Why do we not hire a couple of kids for minimum wage. They can work in the office. They can work for every single one of you. Involve the young children in Village government. It is a great start for them.

Mr. Downey and everybody here was talking about the trees they cut down in Zinsser Park. There was also a tree cut out right here, I do not know why. You are probably going to say something was wrong with it. But I noticed what is going to happen now. At the Farmers' Market there was already a car parked right over where it was. Was it a way to extend your parking lot, to get more parking? Was it a way to put more Farmers' Market stuff there? It is going to happen. There is going to be something right there. If it is something with the trees let us know what is going on. I talked to somebody on the Tree Board. He said he was also willing to record all his meetings and let people know so no one ever has to question

again why this is going on. I encourage you to get every single board and commission and every other committee in this village to do the same thing, and have Raf post it on the Village website. We all would know what is going on in our village government. I do not understand why we are not doing it now. We have got big cameras in this room, we have got them in the Community Center for everybody to watch what is going on. Then they will never question you ever again. They will know exactly what is going on and there will not be these issues.

Let us see what else we have here. You did do some work this week around the Village I noticed. I talked to Westchester and they said we are going to move a few weeks ago about a few problems. Mr. Frobels mentioned that in the meeting. I was like I will call these guys up. You have fixed a few different things. I noticed the emergency exit sign they said is not supposed to be up there is still there a week later, maybe a month later. Just take it down. It is not an official emergency exit. It should not be up there.

How much do I got, only about a minute?

Mayor Swiderski: A few seconds.

Mr. Bell: OK, hold on a second. Oh, by the way there are thousands of dollars of trail cameras for the deer in that room sitting there, unlocked, at all times, most of the time. This is not a storage room, that is the conference room. Put it in a safe place. Thousands of dollars of equipment just laying there, anybody can walk in and out of. It is not right. Someone has got to move that stuff.

Mayor Swiderski: You are past the five-minute mark.

Mr. Bell: Give me just 30 seconds? Give me 10 seconds of one thing and 10 seconds of the other. One is very positive for you. You sent out a Boy Scouts e-mail. I was a Cub Scout and a Webelos Scout, and the Scouts in the Village are great and the leaders are great. But on a national level, the Scouts are anti-gay and anti-atheist. I do not think the Village should be using their resources to promote an organization that is against a lot of our community. They are a billion-dollar corporation. They can advertise for themselves. And the last thing, a positive thing. At 10706 we have multiple threads ...

Mayor Swiderski: We are ...

Mr. Bell: This is positive for you, sir.

Mayor Swiderski: I truly ...

Mr. Bell: Just give me 10 seconds? Ten seconds. We had multiple threads and posts about people, high school kids, dressing a certain way. You wrote a beautiful e-mail, sir. You wrote a beautiful Facebook post. I want to encourage you to send that out to *The Enterprise* or on the Village-wide e-mail to address this because not everybody is on Facebook. But if this is really something going on in this community ...

Mayor Swiderski: We are ...

Mr. Bell: We will mention it in the meeting later. That is all I hope for.

Mayor Swiderski: Mr. Bell, we function by the rules here.

Mr. Bell: I appreciate your extra time, the extra couple minutes. One-and-a-half minutes, I appreciate it.

Mayor Swiderski: And I should state that speaking before the mic is not a right, it is a privilege.

Mr. Bell: You can kick everybody off, or just me off? It is everybody or nobody, that is how the rule goes I think.

Mayor Swiderski: No, it is not. If I have to contest each time you are up at the mic with you stretching the rules I do not have to call on you.

Mr. Bell: I have asked for the Tim Downey clock right up here.

Mayor Swiderski: Fine. But you were given a warning a minute and a half before the expiration. You find this a game. I am telling you the five-minute mark is the mark you keep.

Mr. Bell: It is not a game, this is public politics. This is talking to the Village.

Mayor Swiderski: Mr. Bell, I am not discussing with you, I am telling you. This is not a game, you have got a five-minute mark, you speak to the mic and you speak to us, not the crowd. Those are very simple rules.

Mr. Bell: This is for everyone here. You cannot just ...

Mayor Swiderski: I am not objecting to anything. It was kind words said at the very end.

But at the five-minute and 10 mark, five minute 30, six-minute mark at some point you are stretching the rules. I give everybody a warning right before five, and I did so here. This is not going to proceed like this. I am saying so right now.

Mr. Bell: OK, whatever you would like to do, sir. Thank you very much, and I appreciate your time.

Richard Ryan, 11 Rose Street: A number of us have started a change.org petition about the barrier on the Warburton Bridge. In a little over a week it has already gotten over 100 signatures. I urge all members of the Board to look at that petition. It is not surprising, given the very public-spirited and civically-involved nature of our community that we have really intelligent comments. But by often somewhat rambunctious and not as intelligent as we would like social media standards, the comments on the petition opposing the barrier and the rationales for opposing the barrier are articulated and well thought out. It shows that the opposition to the barrier is considered, it is civil, but it is also very determined. Those of us who are involved with this effort, one of the initial more well-organized steps that we are going to take to try and make sure this barrier does not occur. I urge all the members of the Board to take a look at the petition and read the comments carefully, and consider the depth of the opposition to this poorly conceived piece of anti-public infrastructure.

Ms. Goodman: Did I miss something about the barrier? Is this not a county bridge? And did that train not leave the station? A bunch of us came here and fought the barrier, but it is the county's bridge. The Mayor and the Board patched in some citizens who helped design a better barrier. But we pretty much had no choice. The county told us if we were to get a new bridge, which we very much needed, we had to have the suicide fence. Case closed. So Peter and the Board, Peter in particular, Mayor Swiderski, went to the county. There were meetings, and all of this is water under the bridge. I am not sure what a petition is going to do now. I was not in favor of the barrier. If there is anything that could be done to change that, it is not within the jurisdiction of this board. You need to take yourself to Supervisor Astorino and his infrastructure people. And I might add, two people working, three people working. I live down there so I walk across that bridge and see it in the middle of the day, it is no wonder it is taking two years. It is abominable.

Mayor Swiderski: It is a county bridge, and the best target for the petition is the county because it is their bridge, their contract, their money, their contractor and their process at this point in time.

Mr. Ryan: Does the Board have any intention of taking any kind of action to prevent the unpopular, obstructive and possibly legally defective barrier on the Warburton Bridge from being erected?

Mayor Swiderski: It is a public comment period, it is not a question period. I will, for the record, state I do not intend to take action. I have taken the action I have in the past as far as I am going to. At this point in time, the proper authority to carry the petition to is the county. It is their process, their bridge, their contractor and their money.

45:15 ADOPTION OF LOCAL LAW NO. 1 OF 2015 REGARDING SCRIE AND DRIE

Village Manager Frobel: We have had several workshops, we have heard from some experts in the business. Hastings was one of the leaders in adopting back in 2006 or '07. It is time to look at the income levels, and that is what this law will do for us.

Trustee Walker: We are adding disabled persons to the senior citizens that are already in here.

Village Attorney Whitehead: That is a clarification. It should have been there before, and it was not. The law always covered disabled, it is just a reference was missing.

Trustee Armacost: Just to reiterate that this has the full support of the Senior Council, who were here last time supporting it.

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

RESOLVED: that the Mayor and Board of Trustees hereby adopt Local Law No. 1 of 2015 amending Article VII of Chapter 260 of the Code of the Village of Hastings-on-Hudson, Westchester County, New York, to increase the income limits for tax abatement for rent-controlled and rent-regulated property occupied by senior citizens or persons with disabilities.

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

(deleted language in ~~strikeout~~, added language in **bold**)

SECTION 1. Section 260-38 of the Code of the Village of Hastings-on-Hudson is hereby amended to read as follows:

§ 260-38. Statutory provisions adopted; application of provisions.

The Village of Hastings-on-Hudson hereby adopts the provisions of § 467-b, as amended, of the Real Property Tax Law of the State of New York. Hereinafter, there shall be provided a tax abatement in rent-regulated apartments where the combined income of members of the household containing senior citizens (62 years of age or older) or disabled persons does not exceed ~~\$24,000~~ **\$50,000**, and provided that, pursuant to § 467-b of the Real Property Tax Law of the State of New York, the benefits of such abatement are passed on to such senior citizens **or disabled persons.**

SECTION 2. SEVERABILITY

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

SECTION 3. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

ROLL CALL VOTE	AYE	NAY
Trustee Marjorie Apel	X	
Trustee Meg Walker	X	
Trustee Nicola Armacost	X	
Trustee Daniel Lemons	X	
Mayor Peter Swiderski	X	

VILLAGE MANAGER'S REPORT

Village Manager Frobel: This evening we did hear a position about the senior van. We are exploring with Dobbs Ferry the opportunity that may exist to share a van. We have details to be worked out. Both departments have shared their calendar to make certain that we can adequately cover the needs of our seniors. We had begun to cost out the price for our share

of the equation. Dobbs, as you know, has the new van. Dobbs had offered their old van to us to fill in the gap. Our driver does not have the CDL so he is not able to drive it.

Mayor Swiderski: Was he able to drive the previous van?

Village Manager Frobel: Yes, it was a smaller van. When we spec'd it out that was a concern. We wanted to make sure we had maximum flexibility for driver capability. And now with that CDL, Steve does not have it. Kendra has taken steps to work out some alternative transportation for our seniors during this interim period. The insurance company has not indicated what the payout will be for the loss of the van. But we are exploring all the options. We are very sensitive to the transportation needs, and only when we are certain we can match it perfectly will be back to you with a recommendation.

Trustee Armacost: Have we considered helping Steve become licensed to drive a commercial vehicle?

Village Manager Frobel: I am not aware of that. He has never shown any interest to me of that, although there has never been a need to.

Trustee Armacost: Maybe he did not think about it or no one suggested it to him. If he has the capability of passing the test, then that may be a way. It probably is not a bad thing if he is qualified at a higher level anyway.

Village Manager Frobel: We can ask. Let us look at that.

Staff is continuing to work on the Zinsser Park matter as it relates only to snow removal operations but that report will be comprehensive in nature. We are looking at how we store snow and dispose of it during the winter months. Although part of that focus will be on the Zinsser Park equation, we are looking at the entire operation.

Mayor Swiderski: And the request that you replace the van and staff it ourselves.

Village Manager Frobel: We are looking at the cost. We have explored buying a used van. Part of the expense is the hydraulic lift. We have got a host of options we want to look at. But I did want to report that we are in conversations still with Dobbs Ferry on that.

Trustee Walker: I know we do not have it on our agenda tonight to discuss the Zinsser Park proposal, but I was wondering what the next steps were in terms of the Parks Commission and Parks and Rec Department.

Village Manager Frobel: We y have receipt of their report. Kendra and I have spoken about it. We are going to be analyzing it. She would like to go to the Commission with some of the suggestions. Some of them are very practical, some very short-term steps that we can take. Some things we want to guard against, we do not want to make the same mistakes today that they made 50 years ago: putting trees in close proximity to playground apparatus. So there are options we would want to look at. But we are taking it under close advisement. Perhaps in a few weeks we will have some recommendations back to you as to what our next steps will be.

Trustee Walker: Then we can put it on the agenda and have a discussion at that point.

Trustee Armacost: There is a group of concerned citizens in the Hopke-Olinda who have also approached us. They have a set of concerns which relate both to trees as well as to signage in that area. There was a sign that helped large trucks understand they could not use that route, which apparently came down because of an accident. They are requesting to get that up as soon as possible. If we can do that, that will help them at least in terms of the signage issue. It is hard to know where that sign is, but if that sign does not exist, if we can get a replacement sign soon that would be very helpful.

Village Manager Frobel: I am not sure where that sign was. There is one on either entrance to Olinda. There is one on the Broadway side and on Farragut. I was there today, walked the neighborhood. I, too, have spoken with the woman who was leading the group. I will be meeting with her later on this week on-site. But both signs are up that I saw, unless it was a third sign. Some of questions, too, were the signs that indicated no overnight parking. In working with the Chief, he is uncomfortable with the way the signs are situated and they are fading. We are going to be working on that. Mike has placed an order with the Town of Greenburgh for some replacement signs.

Trustee Armacost: I would be happy to help support on that. One of the concerns is that the signs were not fully upright. If we can get the signs upright and standing there in a purposeful way to text their message that would be useful.

Village Manager Frobel: We think part of this disconnect, if you will, is the Warburton Bridge because you have got detouring up Washington now. For a truck driver, he cannot make the right from Broadway onto Farragut so he has got to figure out how to get there. We are working on a host of things we need to do to redirect traffic. We will have after I meet with the neighbors.

BOARD DISCUSSION AND COMMENTS

Mayor Swiderski: Mr. Gonder noticed that downtown was not here. We have had the same items appearing week over week but we have an ambitious schedule over the next six months of activities so we have thrown out the pro forma Board discussion format. It will be those items we need on the agenda to move an ambitious agenda forward. You will see different items every week depending upon what we are working on that week.

1. Increase Recycling

Mayor Swiderski: One of the items identified out of the three key projects the Conservation Commission wants to push this year is addressing our waste stream. Probably the single-most important component of that is increasing recycling. I am going to turn the mic over to Dan who, in part, will be leading that.

Trustee Lemons: Just to reiterate what the three priorities are for this year from the sustainability-conservation perspective. One is solar installations, which we hope to have a big push on in the next year. Another one is walkability, Complete Streets. This one is recycling waste management. Elisa Zazzera has been the major presence, along with others on the Conservation Commission, for whom this has been an interest for some time. It has risen to be a priority and something we are going to be working on.

Waste management is a very large chunk of the DPW budget and the DPW budget is a large piece of our budget for the Village. So from a financial point it is important but, of course, there are other reasons why it is important to us. It is important because of simply being responsible citizens, and understanding the contribution that waste has to our carbon footprint and to all the problems that result from not handling waste well. We want to do something, and I think that is a sentiment that is shared by many in the Village. It was also addressed in the Comprehensive Plan. We are picking up a thread that has been waiting to be carried forward: the implementation.

We realized we needed to have a better understanding of what is happening with our waste management; what kind of waste are we producing, how much we are producing a month, what kinds. We want to work with the superintendent of the DPW, Mike Gunther, and other key people on his staff to develop some manageable reporting system to augment the data we already have so we can get a good picture on a month-by-month basis for a few months, what the waste stream looks like; the amount of recycled waste, the commingled waste paper, garden and leaf waste. We need metrics to understand the impact of anything that we do. That will be the first thing we would like to do.

We also want to set some goals, and we can do this at the outset. We do not have to wait for the baseline data because it is clear that we want to improve on what we have done. We got an award for recycling again this year, and Hastings was credited with a 28 percent rate, and we need to set a goal. We want to get that to 35 percent over the next few years. That is a reasonable goal. We do not want to just, though, increase recycling. We also want to decrease the total amount of waste. We want to diminish the total tonnage including recycling. We need to have a goal there also over the next two or three years, something like a 15 percent reduction. We will know better when we get our metrics on what the realistic goal is. But we need to set a goal and work at the ways we can reach it.

It is another way for this community to take the lead in Westchester County and regionally taking this seriously. We all understand the importance of it. This is going to involve community education, further working with the schools, and trying to understand in our own areas. Maybe we can do this by the truck route. But understanding how much waste is being generated in the areas that we inhabit so there is more of a sense of I can do something and I can see a change in the area where I am living, and that will contribute to an overall reduction. That, in broad strokes, is what we want to do. But the concrete step is to get the metrics in place.

Trustee Armacost: Is this a subcommittee of two, or is there a group that is bigger than the two of you involved in this project?

Trustee Lemons: Haven Colgate is very involved, and that is part of the work she does professionally in schools. That is a good question with a good point behind it, which is that we need to broaden that.

Trustee Armacost: Do you need a subcommittee and more resources?

Trustee Lemons: Yes.

Trustee Armacost: Because already, the members of the Conservation Commission are fairly stretched thin, so to think about the kinds of people you need to support in that effort.

Trustee Lemons: In the last Conservation Commission meeting, that was stressed with regard to all three of these areas, that that effort needs to extend beyond that group because that group gets stretched pretty thin. We have in the Village, it is pretty clear, a much larger group of individuals that will engage and will see that as important and worth their time.

Trustee Armacost: I think there are others who would be. I am very interested, for example, in the solar issue. That is part of what I do on a day-to-day basis. So I think there

is a subcommittee there that would have an interesting set of recommendations, both on the policy side as well as practical implementation-related suggestions, beyond the same people, because people wear out.

Trustee Apel: I was going to ask when we thought we would be getting this report. But if we do not have a committee to get the information, then it is not going to be for awhile.

Ms. Zazzera: Yes, we do need more people to help. But the record-gathering part is not when we will need those people. The record-gathering can happen prior to getting a subcommittee.

Trustee Apel: So first we need to gather the data. Who is going to do that?

Ms. Zazzera: We wanted to set a time when we could meet with Mike Gunther and the drivers or any other members of the crew, to look at how we are going to gather that data. Dan and I discussed numbers we want to get. It is a matter of the process so we can know what would best work with their daily routine. That meeting has to happen first.

Mayor Swiderski: As the effort generates numbers worth talking about it will be scheduled again on the Board agenda to describe what we are seeing.

2. Infrastructure plan

Mayor Swiderski: This is a heads up on an effort that Fran, Niki and myself will be working on. While we have allocated 30 percent more money this year for street resurfacing, that is a mechanical street resurfacing effort that goes as far as it goes. There are elements of the physical infrastructure we drive on that we want to look at a more coherently. The asphalt curbs last a season or two and they are for the birds. There are stop signs that have gone white with age and merit an inventory and then replacing. There is a more careful inventory of the streets, and maybe a determination of whether we need an engineer's look at it. We need to come up with a comprehensive plan of attack to address the worst of the streets, the curbs, the signs, and begin to look at sidewalks.

I make less of a promise on sidewalks right now. That is a separate issue because of the expense. But the deterioration of the streets over these winters has been brutal. We have finally gotten ourselves financially to the point that we can imagine a curb that is not rolled asphalt, and an effort that is more comprehensive. So Niki, Fran and I will take a look and there will be an interim report at some point in the summer. And then a report at the end on our recommendation to the Board on how to properly attack this, with an eye toward what we can afford and an attempt to address what we have heard repeatedly are real issues.

I am going to stick a big ugly caveat on that. Remember that 9-A, Broadway, Warburton and Farragut are not Village streets. We will be pushing those entities to fix those streets, but we are dealing with the state. The state has said at least preliminarily that Broadway does not need a resurfacing, which is amazing to me. There has been pushback from the county on Farragut. The approach to Five Corners, and I hate to use the word third-world, but I have been to Costa Rica and it is reminiscent. We have issues there that, unfortunately, we cannot address. But we will be pressing those authorities to try to upgrade at least the worst of it so we are not just fixing the periphery and the main trunk roads in this village remain undone. That would not seem to be fair to us.

Trustee Walker: That is great and I am glad for putting it on a schedule. But I did want to address sidewalks. I know it is expensive to replace them, but it might be a good idea in the next year to do an inventory so we get them on track and thinking about it down the road.

Mayor Swiderski: Right. Farlane and Hillside have been identified already.

Trustee Walker: Those have been identified, and in the Comprehensive Plan we have identified a number of missing sidewalk areas. Pulling those things together for the next wave of sidewalk construction or repair would be a good idea over the next year. I will reiterate that we have to get the downtown sidewalks on a capital plan.

Mayor Swiderski: That is a big deal and is a needed deal, as well. I do not think it is this year, but in two or three years out we are talking about a pretty comprehensive overall.

Trustee Walker: Right. And in some cases we may need to get an engineer or landscape architect. In the case of the downtown it would be good to have a landscape architect look at it, and then get a cost estimate. and do a design in the next year for the downtown.

Mayor Swiderski: Dan talked about Complete Streets. We have talked about demonstration projects this year to try to enforce street calming. Whether that is trying out speed bumps, just do it and see if it works, or necking the street in, or whatever it is that we try, that is not what we are talking about on infrastructure. It is a separate initiative and will be reported separately and managed separately. But we are going to have to be able to chew gum and walk here at the same time on quite a few projects. So there is going to be a lot of delegation here and tracking of multiple streams.

Trustee Armacost: We need to make clear that this is a commitment which is not going to happen all in one year. It is going to happen over time, and we are developing a plan. There are going to be people who feel that their neighborhood is the most important neighborhood

and needs the attention first, and there are going to be an equal number of people who feel their neighborhood is more important for another reason. So people are going to be disappointed. That is what is going to happen in the process. We are going to do our very best to create a good plan that is fair and covers as many people as possible, but we know some of you are going to be disappointed with us.

Mayor Swiderski: You cannot re-pave, you cannot fix everything all the roads but on our own road mileage we can begin to talk about getting it right.

3. Large tract options

Mayor Swiderski: Large tract options come out of discussions we have had over the years, but more recently getting to the next big segment of the Comprehensive Plan, which is addressing the greenways, the entry points into the Village, as well as the large tracts that remain unbuilt which by and large are near the entrances to the Village. The concern is that there not be a turnover and sudden building on one of these plots that we did not plan for and figure out how to avoid a negative outcome for the Village; defined as tract homes built up to the density allowed, getting rid of the green. A green patch that defines part of how we identified coming to this village, its oasis. Execution on the Comprehensive Plan has fallen to Marge, who is going to be running this initiative with our Village Attorney.

Trustee Apel: We have had studies in the past and analysis, and we are at a point now where it is time to take some action. We know what our goals are. If you have read the Comprehensive Plan, you know that we have great plans for the large tracts such as diversifying our tax base, enhancing our gateways, making everything look beautiful, providing things for seniors. We need now to protect ourselves before any sales are made on some of those large tract properties. We have ways of protecting our views and our gateways. Our lawyer has looked over some things and has come up with a summary of options we can discuss so we can move this forward. I am going to turn it over to Linda, who is going to tell us what she is going to recommend.

Village Attorney Whitehead: These are not, in general, vacant tracts at this time. A lot of them have institutional uses and similar types of uses. So it is a good idea for the Village to be planning ahead, thinking some day those uses may go away and those parcels may get sold for development. The Comprehensive Plan looked at that and considered what the Village would ideally want for those parcels. Some of these are the largest properties in single ownership in the Village. Some have some environmentally sensitive areas on them. The views into them are important to the Village, especially in the gateway areas. All of this is addressed in the Comprehensive Plan. It is about protecting those values the Village has seen and recognized in those properties through the comprehensive planning process.

I went back through the Comprehensive Plan and looked at the recommendations and how those recommendations can be implemented, and came up with a number of options the Board can consider, none of which are mutually exclusive. You could do one, two, three, four, all of them, some combination. This is to start the conversation.

The first of these, which is recommended in the Comprehensive Plan and is a good way to allow the property to be developed but still protect some of the open space character and environmentally sensitive lands, is to require that any subdivision of the property be done as a cluster subdivision under Section 7738 of the Village law. That provision of the Village law allows the Planning Board, when authorized or required by the Board of Trustees, to vary the lot area, setbacks, all of those types of dimensional requirements to allow the clustering of the homes on a site to avoid the cookie-cutter subdivision that could result in a development covering an entire property. Instead, it brings the development area closer together and allows for preservation of open space and environmentally sensitive areas, views, buffers, things like that. It is a very common zoning methodology used on larger parcels of land to reduce the impact. The density cannot be increased. So while setbacks can be decreased and lot area can be decreased, the overall number of units, or density that can be permitted, in a cluster subdivision cannot exceed what would be permitted in a conventional subdivision of the property. That is your starting basis for how many units could be developed. This board can identify areas within the Village, such as these large parcels. I think it is very appropriate to apply it to large parcels only. You are not going to cluster on smaller properties.

Mayor Swiderski: If you have a big plot of land that is 10 acres and right now it is zoned for R-20 which is, half-acre zoning, you could theoretically put 40 homes on that property.

Village Attorney Whitehead: It is not that simple an equation. The actual number is less because you have got to lay out roads and areas for stormwater management and things like that. But that is the general idea.

Mayor Swiderski: The process of dividing that land up to accommodate those homes is known as subdivision. So when you sell your big plot of land they apply to subdivide it into the parcels that correspond to homes. What you are saying is you can have that plot be cluster zones for the 40 units to land up in the center of the property, but no more than 40 units. The 40 is the upper limit.

Village Attorney Whitehead: Yes, it becomes the upper limit. And the Planning Board approves the subdivisions, and they have to go through a process where they would review the different things. But you could take that minimum half-acre that you started with and

reduce that down to each unit needs to only sit on 5,000 square feet. That would allow you to bring the development into a much smaller portion of the property, and allow the remaining portions of the property to remain as restricted, undeveloped open space.

Some of the other things you can do, and it could be up to this board, you can specify the housing types. You can say we still want it to be single-family lots, but they can be smaller single-family lots. You can permit semi-detached, which is two houses attached together.

Mayor Swiderski: Is this all part of cluster zoning, or you are on another idea?

Village Attorney Whitehead: Yes. This is all part of cluster. You can provide for attached, like townhouses. You may not want that. But these are some of the options the Board can identify that you want the Planning Board, or will allow the Planning Board, to consider as part of clustering. Again, the areas that remain as the open spaces become restricted because you have used the density attributable to those spaces. You can also tell someone when they cluster that you want them to provide a buffer of 50 feet or 100 feet around the perimeter of the property that would keep those houses in the middle. The higher concentration would not impact adjacent properties where they might be on half-acre lots. Those are some of the benefits of requiring subdivisions to be clustered.

Trustee Lemons: If you take your 10 acres and you use zoning, you basically set parameters, but you are still not specifying exactly how that would eventually be developed, right?

Village Attorney Whitehead: You are creating parameters for the Planning Board and the applicant to apply.

Mayor Swiderski: Does this have to be tailored to a given lot, or is a lot generically cluster zoned with a 50-foot setback?

Village Attorney Whitehead: There a couple of different ways the law allows the board of trustees to authorize clustering. It can be done on a property-by-property or project-by-project ad hoc basis, where they have to come to the Board of Trustees and ask for you to give the Planning Board permission just for that property. Then you can set specific parameters just for that property. That gets a little cumbersome because at what point in the process do you do that. That is not what we would recommend. You could provide a cluster overlay zone that you would apply to any property over five acres that a subdivision is proposed on those particular properties. You can identify the properties to apply the overlay zone so that any subdivision would be required to be clustered.

Trustee Apel: If the objective for these large tracts is open space when you come in and you see it, we cannot prevent the owner of the property selling of bits and pieces as time goes on.

Village Attorney Whitehead: He has got to subdivide to sell off. That is a subdivision application.

Trustee Apel: So if he subdivides and he wants to sell off just the part by the street.

Village Attorney Whitehead: He has got to go to the Planning Board.

Trustee Apel: And that is the area that we do not want built on, but we do not have any control over it.

Village Attorney Whitehead: In my list of options to look at there is another method to address that concern and the roadway frontages. I can jump to that one just quickly.

Mayor Swiderski: Are there further questions on cluster zoning?

Trustee Walker: Just to clarify, it is the Planning Board's jurisdiction.

Village Attorney Whitehead: You can set parameters.

Trustee Walker: We set the parameters, but the overlay zone would require them to use it. It is not up to their discretion.

Village Attorney Whitehead: You could make it so you directed that on those parcels any subdivision has to be a cluster zone subdivision.

Trustee Walker: Right. Then the applicant has to go through the process of looking at what the number of units would be in a standard subdivision excluding roadways. And we can exclude sensitive environmental areas.

Village Attorney Whitehead: Yes. This is always a tricky one, when the Planning Board starts the process to establish the number of lots, they would ask the applicant to provide a conventional subdivision layout that would lay out roads and lots, that complied with all the requirements of the zoning ordinance: the half-acre, the setbacks, the road lengths, the road configuration, the steep slopes. It might even go so far as showing areas for stormwater management, which is a big issue today. The Planning Board would work back and forth with the applicant to reach agreement on what that number is, based on that plan. Then the applicant would come back with their cluster subdivision plan with that number of units.

The Planning Board would then focus their review on that.

There are a lot of environmental benefits to clustering. It is intended to restrict and preserve environmentally sensitive lands. It also reduces the length of road, which in today's world where stormwater is such an issue, reducing the amount of impervious surface is very beneficial to the environment, to the municipality that has got to worry about where the stormwater is going. There are a lot of benefits aside from just preserving some open space.

Mayor Swiderski: So when you overlay it on the existing properties, if they are not going condo, if they are not selling off but adding structures, what happens with the cluster zone?

Village Attorney Whitehead: Those existing structures are generally institutional or commercial structures. If someone buys the property intending to do a residential subdivision those structures are going to come down because they are not going to fit in with that. They would have to find a reuse for that structure. Now, it is possible that if they found a reuse for that structure that is permitted under zoning they could create a lot that would house that structure for that use going forward, and the cluster subdivision could work around that building.

Trustee Armacost: Like, for example, having an old age home with houses nearby for people who are not necessarily old age.

Village Attorney Whitehead: Right. Now, you have requirements for how many acres that old age home has to sit on. So the lot for that building would have to still meet that requirement. I do not think you want to start varying that. A good example is some of the options that have been looked at for the old Reader's Digest property in Chappaqua. They have looked at preserving the old building, but doing a residential cluster subdivision on other parts of the property because it is a very large property.

Mayor Swiderski: I am talking existing property owners, and there are a few people in town lucky enough to have five acres. Let us say we say that all five acres and up a cluster zone applies. They want to add a greenhouse, or a church wants to add a ...

Village Attorney Whitehead: It would not apply to that because they would not be subdivided.

Mayor Swiderski: So it does not restrict existing property rights.

Village Attorney Whitehead: Correct. This requirement would overlay the existing zoning. The existing underlying zoning would still be in place for the uses that are there. This would only apply if someone were to subdivide the property.

Mayor Swiderski: So it does not disrupt existing property rights, but it protects us from the sale to a developer.

Village Attorney Whitehead: Protects what the development could be in the case of a sale to a developer.

The Comprehensive Plan also talked about potentially permitting additional commercial or institutional, other nonresidential, uses. Part of this was looked at as economic, that possibly there are other uses there that could generate tax revenues and not have a significant draw on municipal services. You do have, right now, a list of nonresidential uses that are permitted in these zones, mostly by special permit. Generally, the existing uses, while they may predate the requirements for special permit, could be there today by special permit. This would be a matter of looking at that list and expanding and updating it. It needs to be updated, particularly in the area of senior uses. It has got some very old, antiquated language. Senior uses have evolved significantly in the last 20 years, with independent living, continuing care communities, assisted living facilities, memory care facilities. While we could look at the language in your code and try to apply those under different language that is there, I think it may be getting time to update that.

This is a topic that has been talked about throughout the county. The Westchester Municipal Planning Federation did a program on this in April about both medical and senior types of uses, and the changing world of medical care and the types of uses. Right now, your code even allows a hospital. Hospitals are not being built today, but other types of medical facilities and outpatient facilities are. Maybe it is time to look at whether some of those might be appropriate. The Comprehensive Plan points out that particularly at the southern gateways there may be some demand for these types of nonresidential uses because of the proximity to Executive Boulevard and how that area has developed. Hotels might be another one. Of course, if you did allow these as a special permit on any of these properties you would again have a minimum lot size. And the Planning Board, when they review a special permit and have to undertake a State Environmental Quality Review Act, a SEQRA review, would look at things like traffic impacts and some of the other potential impacts. But this is one of the things that was recommended in the Comprehensive Plan. And one of the implementation items for the Board to consider is expanding and updating the list of nonresidential uses that could be permitted on the large tracts. You could end up with some low-impact development. You would control the size of the building that could be built. You have a low floor area ratio, you require larger setbacks, if you are putting a

nonresidential use on the property. What you could end up with is a relatively low-impact development of these properties with potential financial benefits to the Village, and yet protecting the views into the property and some of those other things.

Trustee Walker: Some years ago there was a proposal for a continuing care retirement community on the Andrus Retirement Community property. One of the objections of the Board was that it was going to be a non-profit.

Village Attorney Whitehead: I think there were some other concerns as well with the heights of the buildings and some of the visual and other things. But the Village cannot deny an application because it is a not-for-profit.

Trustee Walker: You cannot specify that only senior housing that is for-profit will be built.

Village Attorney Whitehead: You cannot. Although I can tell you that more and more of the assisted living and memory care facilities are being built for profit. Even a lot of the nursing homes are being bought with the not-for-profits are getting out of the business and being bought for for-profits. And, by the way, a lot of the large tracts right now are owned by not-for-profits and are not generating any tax revenues.

Trustee Armacost: This topic of senior usage and living in place, and some of these kinds of innovations, are a real concern of the Senior Advisory Council. There is a subgroup of people who are particularly interested in facilitating that. So this would be welcome.

Mayor Swiderski: Are you saying you are interested in changing the language so it allows for those uses?

Trustee Armacost: Yes, I would be interested and I think they would very much welcome that. Of course, that does not mean anything is going to happen for the next 10 years, but at least we have laid the ground.

Village Attorney Whitehead: It is an important update, if you look at the language that is in the code.

Mayor Swiderski: It is a lot of work, or is it basically changing definitions?

Village Attorney Whitehead: It is changing definitions and then changing the permitted uses to match our new definitions. You have almost done a little of it. In the MUPDD zone you use a different set of definitions for senior housing than you do in the rest of your code. Other municipalities have started to do it. There is a body of work to work from.

Trustee Armacost: That would be something that is definitely worth doing immediately.

Trustee Apel: If that had been in place at the time the Andrus Home asked for the changes on their property, would they have gotten them as-of-right? Because there was a big density thing, and like a million buildings, and the height.

Village Attorney Whitehead: There is no such thing as as-of-right. But you can do things like control the height, you can control the density. And some of your current controls do not work with the way senior living is today. But you can absolutely limit height for these facilities, number of beds per acre or units per acre. So there are ways. And we are also talking about them remaining special permit uses so they have to meet those criteria in order to be allowed. In my recollection, not being in Hastings but being around and hearing a lot of the Andrus discussions, a lot of it had to do with the proposed height of the buildings and the visual impact.

Mayor Swiderski: Visual impact and density.

Trustee Apel: The density was huge. They were going to add three more huge buildings and a hospital.

Village Attorney Whitehead: Right. So you can control all of that through zoning. That is a good example of it would have been better if you had zoning in place. That process would have been easier. If you had zoning that said these are the requirements you have to meet you would not have had that long, drawn out battle, if you will, over what is the appropriate numbers if you proactively look at it and create those criteria.

Trustee Apel: Sounds good.

Village Attorney Whitehead: I know we have gone off on a bit of a tangent but I think it is important for the Village to look at these different uses. Even things like updating parking requirements for some of these uses is something that everybody is dealing with right now.

Moving on, the next option that the Village can look at, this one also would apply not just to the large tracts and is also a recommendation in the Comprehensive Plan, is enhancing your environmental regulations. You have a steep slopes law, but you do not have any regulation for wetlands and water courses. The Planning Board considers impacts on those during their SEQRA review. Because this is to a large extent a developed village you do not have a huge amount of those. But they do exist on, or adjacent to, some of the large tracts. They exist along the Saw Mill and the river, but we are not addressing the waterfront here.

The Village could consider, as have many other municipalities in Westchester, the adoption of a wetlands and water courses law which would regulate activities within those areas and within an adjacent buffer. Just like the steep slopes law it does not prohibit, but it requires a permit and it would require an analysis of the functions. And if those functions are preserved, it could require mitigation. New York State regulates freshwater wetlands, but only those over 12.4 acres, and the Village does not have any that are that big. This would be intended to protect the smaller wetlands, nothing that is mapped by the state.

Trustee Armacost: How big is our biggest bit of wetlands?

Village Attorney Whitehead: You probably do not know because they are not mapped.

Trustee Walker: There is a significant amount of county property running along the Saw Mill River. River edge wetlands, it is very significant.

Trustee Armacost: But I am talking about Village, not county.

Trustee Walker: Right. But it is within the Village.

Village Attorney Whitehead: Probably the best way this would work would be when an applicant would come in with an application for development on their property they would have to retain a qualified professional to inspect the property and either delineate the wetland areas or provide a letter stating that they have inspected the property and there are none. Given the way the Village is developed already, I would recommend that you have the Building Inspector have the ability to waive that requirement for a property that clearly has no wetlands or water courses. But this also can help you protect not just your wetlands, but your water courses: ponds, streams, by requiring a setback from those, as well.

Trustee Lemons: So we would define what a wetland is?

Village Attorney Whitehead: As have probably 85 percent of the municipalities in Westchester County.

Trustee Lemons: That seems prudent.

Trustee Walker: We even recommended that in the LWRP 15 years ago.

Village Attorney Whitehead: And it is recommended in your Comprehensive Plan.

Trustee Armacost: I'm unclear why we have not been able to move on this. This feels like a déjà vu conversation on this topic. What was the block for us on this wetlands issue?

Village Attorney Whitehead: I cannot tell you, but I can tell you that a lot of the smaller municipalities have not done it because they are largely developed and it can really impact the ability of development. I can tell you as someone who also has represented developers, you have small lots, they are largely developed. If you take a small lot and put a 50- or 100-foot buffer around a tiny little wetland you have basically taken away everything.

Trustee Armacost: Any buildable land, you are saying.

Village Attorney Whitehead: Yes. It would have to be very carefully done. In the more heavily developed villages and those with smaller lots, you have to be careful how you do it.

Village Manager Frobel: How do they define wetlands?

Village Attorney Whitehead: Everybody does it a little differently. They use a combination. Some just take the state's definition, but without the 12.4 acres. Some use the Army Corps definition. We would recommend you bring in a consultant, a professional who works in the wetlands field, to help draft this. It is soils, it is vegetation and it is hydrology, or some combination of the three.

Trustee Armacost: Do you have examples of wetlands laws from a municipality that is similar to ours, which are smaller and perhaps more dense, which would be an interesting proxy for us to look at. I do understand the point that you do not want to create a law that makes a plot of land unbuildable for someone; that takes away all the value of the land.

Village Attorney Whitehead: You cannot do that. That is why they are permitting ordinances, they are not prohibiting ordinances. But it is also the kind of hoops you would be making somebody jump through. I will take a look at some of the southern Westchester villages. I know Rye has one, but Rye also has one acre zoning so it is very different. They have areas that are not as densely developed and a lot of wetlands.

Trustee Walker: There are what we think are wetlands on several of the large tracts so it is relevant when we look at large tracts. That is probably why we did not look at it before.

Village Attorney Whitehead: Because in most of the Village it is not really relevant.

Trustee Walker: Right, on the smaller lots it is just not relevant. It is relevant on some Village property, like Hillside Woods and even Zinsser Park.

Trustee Armacost: Burke has quite a lot of wetland in it.

Village Attorney Whitehead: One last thing on that. Another way to enhance the use of environmental regulations is to adopt a provision where when you determine your density or floor area ratio you have to deduct areas of certain steep slopes, for instance over 25 percent, and areas of identified wetlands or water courses. This would, again, apply not just in these large lots, but even with steep slopes. You have a piece of property that is smaller. You have a piece of property that is an acre, and about 10,000 square feet of it, or almost a quarter of it, is steeply sloped, over 25 percent slope. You are going to build something that has a floor area ratio requirement. You can build basically 0.2. I am using an uneven number. You have 40,000 square feet, if it was 0.1 you would be able to build 4,000 square feet. You would deduct from that 40 the 10,000. So your FAR would be based on 30, and you would only be able to build 3,000.

Mayor Swiderski: And not on the steep slope part.

Village Attorney Whitehead: It is a way, again, of just taking all of that into account. Again, in a smaller built-out community it may not work as well. But it is used around the county, again, to try to control the density on these environmentally sensitive lands.

Mayor Swiderski: So if you are like 80 percent of Hastings and are on a slope.

Village Attorney Whitehead: The house I grew up in could not be built.

Mayor Swiderski: I am getting there. You are already at a disadvantage. So you land up suffering for the presence of the slope, while somebody with a level piece of property does not suffer at all.

Village Attorney Whitehead: Right. And that is why I said like over 25 percent. But I think that with the slopes in the Rivertowns this concept does not really work. It is used more in parts of the county where an entire property is not likely to be on a steep slope.

Trustee Walker: But there are other environmentally sensitive areas that we could include or not, such as major rock outcroppings, and old growth trees. Some of these large tracts have perhaps some of these things.

Village Attorney Whitehead: This is definitely something the Planning Board should have identified and looked at as they are going through their SEQRA review on projects. It is usually an important factor for them.

The last thing goes back to a point the Mayor made earlier. That would be the possibility of adopting a scenic corridor overlay or a buffer setback. This would be particularly important along the gateway areas where you are concerned about the view from the road as you come into the Village. On those properties you would require an undisturbed or landscaped buffer along the frontage. It could be 50 feet, it could be 100 feet. This would ensure that any development would not impact the views from the road and would protect these views.

Mayor Swiderski: But do you not accomplish that with a cluster overlay with a 50-foot border?

Village Attorney Whitehead: You do, but this would apply even if a different use was being put there. Also, you can require that it be landscaped. If you have a cluster, yes, their houses may be put in the middle. But they could still clear along the road frontage unless you require an undisturbed or landscaped buffer. So if you are trying to protect the view into the site you want to make sure that has to remain either undisturbed or landscaped.

Trustee Walker: Perhaps you know that we did a study of potential buffer zones two or three years ago. But we did not hire any professionals. It was a visiting Serbian student and I that went around. We took a lot of pictures. We will have to update it, but we looked at what type of buffer and what setback we would like to see on the various gateways, and what kinds of things would be preserved. We have a report on that. We have a basis to start from. Then we realized we had to talk to the property owners, and that is when we stopped. We needed to review it with the community.

Village Attorney Whitehead: I have seen this done a couple of different ways. The Village of Rye Brook instituted an overlay zone with a 50-foot landscaped buffer requirement along Lincoln Avenue. The Town of Harrison in Purchase, which are much larger lots, has a 100-foot buffer setback along certain roads. But those are generally two acre lots.

Trustee Walker: If you look at some of the gateways coming in, you have large tracts and then you have much smaller lots, and then you get back to large.

Village Attorney Whitehead: You have one unique property that you have to keep in mind. Marge just pulled up the buffer zone analysis. One of your large tracts is in an oddly unique parcel: the Andrus Home, with Broadway surrounding it on two sides.

Trustee Walker: And steep slopes.

Trustee Armacost: To the point about tree preservation and the environmental issues, have you seen legislation that requires property owners of large tracts to take care of their trees, for example, not allow them to become smothered in vines?

Village Attorney Whitehead: I have not seen that. Tree laws throughout this county have been one of the most contentious things, and they are all over the place.

Mayor Swiderski: But we do have the diameter law that if it is more than an acre you cannot take down a large tree without permission.

Trustee Armacost: I am talking about taking down the vines so the trees do not die because the vines have killed them. That is one thing that we can do something about. Some of the other things are harder to do something about. But getting rid of the vines helps preserve them.

Mayor Swiderski: That is a tangent, and I do have to end this discussion.

Village Attorney Whitehead: These are some of the options that came out of the ways to implement the recommendations of the Comprehensive Plan. I know you wanted to discuss this with the Planning Board, as well, but the Board needs to focus on next steps: which of these you want to prioritize.

Trustee Apel: To protect ourselves we should start with the cluster subdivision and do it as soon as we can because we do not know if anybody is going to want to sell off their property. We need to protect ourselves while we are working on these other things. Following along with that could be the overlay, which would be the other pieces of property. But the bigger pieces of property are the ones that I am concerned about. If Linda could draft some laws, we could be discussing what we want to do with clustering. We could move that along, and we could protect ourselves and put that in place. At the same time we are moving that along we can be discussing these other things; what else we want for these pieces of property, what else we want to put in for special permit. You said we could do these in tangent, but they do not have to be all in one thing. I am for protecting ourselves right away.

Village Attorney Whitehead: I will say from a SEQRA standpoint, because you do have to review zoning amendments, under SEQRA you do not want to break it into too many pieces. That could be what is called segmentation. Under the state Environmental Quality Review Act you have to analyze the potential environmental impacts of an action if your overall action is amending zoning with relation to large tracts. Then you do the cluster and then you do something after and something else, you are not looking at the big picture of everything altogether. SEQRA wants you to look at the impact of all the pieces of that action.

Mayor Swiderski: So try to do this relatively simply, otherwise you complicate the SEQRA and review process.

Village Attorney Whitehead: Again, some of these would not fall into that because they apply not just to the large tracts.

Mayor Swiderski: Specifically to Marge's proposal.

Trustee Apel: This is my concern. We need to tell us we are protecting ourselves. We want to make sure there are no surprises out there, that there is anybody that is going to want to sell all their property. I do not want to get bogged down, and we know that everybody has got an opinion and we are going to have a million meetings. If we are more focused and could bite off the chunks that we could, and deal with them and get them passed rather than two years later we are still discussing whether we want to add A or B or C to the special permit, when all we need to do is to protect ourselves and get the cluster housing in there.

Mayor Swiderski: From a SEQRA perspective, Linda?

Village Attorney Whitehead: We could work this in a way that we can focus on your priority, what you really want to do in implementing your Comprehensive Plan is adopting cluster zoning provisions. You may, in the future, look at some of these other things, but you are not certain yet that you are going to.

Trustee Armacost: Can we, while we are doing that, get in the updated senior living language?

Village Attorney Whitehead: That is separate. While it will affect some of these zones, it is a broader code thing, and I think it is a good idea to be looking at that. One has nothing to do with the other, but both are something that should be done.

Mayor Swiderski: There are two ideas on the table. Marge has offered up the cluster, and Niki wants to expand the language. Marge, just clarify. The expansion of the language includes alternate senior housing types. Do you want to see that happen?

Trustee Apel: I definitely want to do that.

Mayor Swiderski: I wanted you on the record so I could go to the next Board member and ask what they want.

Village Attorney Whitehead: And that affects much more than just the large tracts.

Trustee Apel: I am not saying I do not want to do all of these things. I am trying to figure out just what to do.

Mayor Swiderski: What we do without muddying up the issue.

Trustee Armacost: And what can we do separately. What I heard Linda say is there are some things you can do discretely like, for example, this language which affects more than this. So it is not addressing exactly the problem, which is the large tracts. It is like a sub-issue. But it is doable and we can tick it up so it is done. What I am hearing Marge saying is, her top priority is dealing with the cluster issue because we want to make sure we are covered. Linda pushed back a bit, and said you need to do everything together. Now she has backtracked from that. So if we can do that, then that would be great.

Trustee Apel: I think this was a wonderful analysis and it gave us everything we needed for the Comprehensive Plan. What is going to protect us, what can we do, and what can we do in a timely manner.

Trustee Lemons: I agree. I think that is a priority, what you said, Marge. But the other thing in terms of protecting us, a scenic corridor seems important to me.

Trustee Apel: What is a scenic corridor?

Trustee Lemons: A scenic corridor for preservation.

Trustee Walker: A buffer or scenic corridor.

Village Attorney Whitehead: We can work that into the cluster, but then it would only apply if someone were doing a subdivision. It would not apply if someone was doing something else on one of those properties. But if Marge can send me what she just found I can take a look at that.

Mayor Swiderski: To finish your thought, in terms of the various options provided here by our attorney, did you favor it or are you in accord with Marge?

Trustee Lemons: No, I agree with Marge's priority. I think that is number one.

Mayor Swiderski: But priority as defined by safety or priority as defined by the zoning method chosen. Are you expressing a preference?

Trustee Lemons: No, the zoning method that she described.

Village Attorney Whitehead: The cluster.

Mayor Swiderski: Given that it is a separate item, but that it has been also put on the table, what is important to Niki and Marge on that housing section is the definitions.

Village Attorney Whitehead: I think it is a separate thing.

Trustee Armacost: I am in agreement with Marge. My problem is that I keep having this déjà vu experience, where I feel like every two years we have this exact same conversation and I feel like I am in the Twilight Zone.

Mayor Swiderski: That is why I would like some closure here.

Trustee Armacost: What I remember saying the last time we had this discussion, before your time, Linda, is can we segment this so we can get some things ticked off. We did not get the answer that you have given us, which is pretty much no, you think about it all at once. That was not the problem. The problem was, people are going to disagree with it, and that seems overwhelming. I think all of these things are important. However we can do it, for me it is about practical implementation so I am not sitting here ever again thinking did we not just have this conversation before.

I am in favor of cluster. Whatever it takes I am in favor.

Mayor Swiderski: And, obviously, the expansion of the language.

Trustee Armacost: Yes, obviously the expansion of the language.

Trustee Walker: I agree we should move ahead with the cluster overlay zone. I am thrilled that maybe we can do it efficiently and quickly. If we set the threshold fairly large it will be easier than if we get into five acre whatever. We have to look at that. I do not know what the threshold is but it only affects a certain number. When you get into other things like the scenic corridor, one reason we did not move ahead was because it affected a lot of people.

Village Attorney Whitehead: You can do the scenic corridor as an overlay and overlay it only on certain areas. That is one way they do it.

Trustee Walker: When you look at the buffer zone, that may be effective. We were afraid that it was going to affect a lot of single-family homeowners and not just the institutions, and then it was affecting their ability to do anything with their property. That is what we were concerned with, and that is one of the reasons we did not move ahead. If we can do it in a simpler way, I am all for phasing this in and changing the language of the assisted living, et cetera. That applies to a number of our zones, not just the large tracts and the overlays.

Trustee Armacost: Just updating the language.

Trustee Walker: Essentially, building on other areas, the ability to build other kinds of senior housing.

Village Attorney Whitehead: That really has nothing to do with the large tracts. That is Village-wide.

Trustee Walker: That what I was saying. It is Village-wide so it is not segmentation.

Village Attorney Whitehead: Right. Those senior uses are permitted by special permit in a number of different zones right now in many parts of the Village. As you said, the Senior Council is interested in it. I think it will enhance things.

Trustee Walker: Some of these things that are enhancing, for example, the environmental regulations and preserving wetlands, when you do a SEQRA it is only going to have a positive environmental impact. You still have to do it, but it is not going to be a lengthy review. You are not going to be doing an Environmental Impact Statement on it, are you?

Village Attorney Whitehead: Not likely. You want to start with an Environmental Assessment Form that gives a summary of what is being done and how it could potentially affect the environment. Then you, as the lead agency for that review, would have to make a determination of significance, whereby you determine either that the proposed action will not result in a potential significant adverse environmental impact and you make what is called a negative declaration and SEQRA is done; or you determine that it may result in potential significant adverse environmental effects, and then you have to make a positive declaration and do an Environmental Impact Statement. That turns into a lengthy process.

Trustee Walker: In terms of enhancing the environmental regulation, the stumbling blocks there are mapping the wetlands, defining them, having an understanding of what we are impacting, and also defining it. Any of those sensitive environmental areas would have to be defined, and have an understanding of who it is going to impact.

Village Attorney Whitehead: In the Comprehensive Plan, there is a very rough map that was done from the National Wetlands Inventory. It is done from aerial mapping. But that is not accurate to rely on.

Trustee Walker: It is not official. I would like to address all of these things, but I agree we should phase it in. As Niki said, we keep bringing these things up and then we cannot follow through because we get overwhelmed. If we address the senior uses in the language that is one thing. But in terms of potential commercial uses like hotels or whatever on large tracts, can we bring that in later?

Village Attorney Whitehead: Yes.

Mayor Swiderski: The attraction to me of the cluster zoning overlay is that it structures a right to the property without taking anything away or causing controversy by adding something that neighbors might object to. You are not saying you cannot build.

Village Attorney Whitehead: On larger parcels developers often desire the cluster because it is a less expensive way for them to build. They are not building as much road and infrastructure.

Trustee Walker: And everything around us is either townhouses or condos.

Village Attorney Whitehead: I will do an outline. There will be questions in it that the Board is going to have to give direction on.

Mayor Swiderski: So the takeaway here is that the Board is interested in a cluster zoning approach with the possibility of considering a buffer as part of it, and that it would be applied to properties of a certain acreage and up. Is that a good summary?

Village Attorney Whitehead: Right, and we can go back to the Comprehensive Plan and take a look at the size of some of those tracts. Again, clustering should apply to your larger tracts. You are not going to cluster on a one acre or half-acre sites.

Mayor Swiderski: And similarly, the four Trustees were clear on the interest in expanding the senior definition for allowing uses.

Village Attorney Whitehead: It is updating the language.

Mayor Swiderski: And with two separate efforts, unrelated, to be pursued separately.

Trustee Apel: And are taking a schedule when we want this done by?

Mayor Swiderski: I think the language change is straightforward, right?

Village Attorney Whitehead: That is more straightforward than the cluster.

Mayor Swiderski: But it can be lifted, I am sure. It has been done elsewhere.

Trustee Walker: Then we have to understand the potential impact.

Mayor Swiderski: So on the cluster work, is there a sense, Linda, in terms of timing and coming back with an approach on how to address this?

Village Attorney Whitehead: A rough draft could be done certainly by summer. It will be a very rough draft for the July meeting. But you are also going to want Planning Board input, and you have got some planners on your Planning Board who might have some suggestions. I know that Richard Bass, in the past, has offered students.

Mayor Swiderski: I just want to get this going. So let us shoot for the first meeting in July for a draft.

Trustee Walker: Is there anything in here that you feel exceeds your capacity as attorney and gets into planning?

Village Attorney Whitehead: When we get into SEQRA and doing the EAF and some of these things, from a time standpoint, we talked about this before. That is why I said maybe there are planning students around who might be interested in helping out with looking at some of these things. But yes, it is mostly things I am capable of doing, but it is a big time commitment.

Trustee Apel: Are the senior definitions also going to be the same time?

Village Attorney Whitehead: The cluster is going to take longer so you want to start it sooner. I am not going to promise to have both of those drafted in a month.

Trustee Apel: But maybe that one would be by the August 4 meeting.

Mayor Swiderski: We do not have many meetings in the summer so I want to make these things get on the schedule.

Village Attorney Whitehead: My vacation is not until after your second meeting in August.

Mayor Swiderski: I am asking for a brief advice of counsel after the meeting. I wanted to ask a few questions about the proposal from a developer.

Mr. Downey: I want to be brief on timely topics that were spoken of tonight. With the tree conversation with Zinsser, planting, while it would be desired for September, typically is done much later than that: October, November. Unless the trees are purchased and held, or inspected or stored someplace, you are going to have to wait until what is called "bud set." That only happens when the leaves come off. So there may be a delay and I wanted to make sure they knew that. Regarding trees and the vines, that is something in terms of redefining the Tree Board's role, having a maintenance component. The Building Inspector and I discussed it. I said let us keep it simple for now. But down the road that is certainly something that should be thought of.

Trustee Armacost: I would love to work with you on that and support you because I think that is important. Then we do not have to bring trees down. They can be healthy and stay up.

Trustee Walker: I remember when I was planner we tried to put in those kinds of provisions when we did site plan approval in terms of maintaining the trees that were required to be planted in the site plan. But the problem is enforcement. That is something to consider.

Trustee Armacost: You can do the same thing as you do with fire alarms. Vines are pretty obvious.

Trustee Walker: But there are other things in terms of taking care of the trees. It is very difficult to enforce.

Mr. Downey: Those are two different things, in a sense. We should have a written policy. Let us start the process of communicating an expectation, and then you build from there.

Trustee Walker: No, we put the expectation in the site plan approval process. It is there.

Trustee Armacost: I understand that as a planner you are going to talk about that. We are talking about a recycling plan for the Village; we have shifted behavior and shifted the way people think about it. It took a long time, and it started out with a little bit and then a bit more. Now it is ambitious and now we have targets. We started out with a vine squad,

which was a group of individuals where some of us have chipped in. It is time to move in the same way as we have on recycling into something more comprehensive with trees. I think we are thinking in a similar way. If there is no other regulation out there it is going to be cutting edge. But if we really do care about the trees and the greenery in the Village, we need to care in a way that preserves them before they have to be pulled down and we have to replace them. There are two parts to it. The replacing is very important, which is what people are asking for in Zinsser and Hopke and other places. But what we are talking about here is creating a vision for preservation in the future so we are not bringing down 200-year-old trees because there are a bunch of vines around them.

Village Attorney Whitehead: And there is a distinction between Village-owned trees and trees on private property.

Mayor Swiderski: The only issue I have here is that there is a perceived obligation on us to maintain the million trees.

Trustee Armacost: I think we need to walk our talk. And this is a long conversation.

Mayor Swiderski: But before we walk our talk we want to make sure we are not obligating ourselves.

Trustee Armacost: Absolutely. It is a long conversation, and it can be a conversation that happens over time. But I do think we cannot be putting obligations on other people and not doing it ourselves.

Mayor Swiderski: Exactly why I am not immediately saying great idea.

Village Attorney Whitehead: It is a big obligation.

Mr. Downey: This next one was Dan and recycle. It is interesting that you nailed the target of what I said in the election at the Community Center about 35 percent. The reason why I came to that is from years of looking. I work in the community and I peer into the barrels when people cut their stuff. I see the math there. So it is not even just a function of data. It is difficult sometimes to put the DPW men in the middle of this because of their friendships with people, they do not want to be tattling. But here is where if we had students we can enlist or if we hire, we do a data collection in different areas in different points, and we do it different times of the year. Then we get an average so we can say we are missing X amount. I see it in bags all the time every single week.

The last one is with infrastructure and curbs. Irvington did their big bond and road rebuild curbing a couple years ago. Reach out to them or other communities where they can tell us the pitfalls they may have run across where they streamlined it and worked out the kinks and bugs so we are not reinventing that. You mentioned a couple meetings back about throwing five grand at a consultant. If you can throw five grand and it brings you back 50, that is a good investment. Year ago I had spoken to the Thalle plant up in Fishkill. He said to me, you need to hire, when these communities go together for the paving contract, an engineer that can help define the specs. If you look at what we are doing currently it is not working, both from a process standpoint by over-milling the roads instead of leaving some of that material for base because we have taken out the binder and the sub-bases. Also, I know pavers in New Jersey, if they were to try and leave the Jersey plants with the material that we get out of Mount Vernon those plants would be shut down and they would not reopen until the problem is fixed in terms of the material that comes out. So an engineer can give you the teeth to say no, this is what we need to do going forward. Michael is out there patching sometimes days behind these guys.

ADJOURNMENT

On MOTION of Trustee Armacost, SECONDED by Trustee Walker with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 10:15 p.m.