

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
JULY 7, 2015

A Regular Meeting was held by the Board of Trustees on Tuesday, July 7, 2015 at 7:32 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: Twenty-one (21).

APPOINTMENT

Mayor Swiderski: We have one appointment to announce, Elizabeth Galletta, to the Youth Council, a previous member. We welcome her on board again and thank her for service.

APPROVAL OF MINUTES

On MOTION of Trustee Armacost, SECONDED by Trustee Apel with a voice vote of all in favor, the Minutes of the Regular Meeting of June 16, 2015 were approved as presented.

APPROVAL OF WARRANTS

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

Multi-Fund No. 6-2015-16	\$ 20,906.34
Multi-Fund No. 7-2015-16	\$ 10,187.37
Multi-Fund No. 8-2015-16	\$404,420.01

PRESENTATION – New Village Business

Sasha Schwartz: I just opened a business called Scribble Art Workshop at 42 Main Street. We have a studio in Inwood, which is at the tip of Manhattan. We have been offering our classes at the Hudson River Museum in Yonkers for the past couple of years just to drum up some clients, and finally felt it was time to open up our own space. We opened on June 1, and the past month has been amazing. I met with the Architectural Review Board a month ago and I spoke about how even just doing work within the space was amazing. So many people have stopped by every single day, of every age, to say how excited they were that the business was coming to town, how excited they were that I was in there painting on my own most of the time. It made us feel very welcome and very excited to be part of Hastings.

Our summer schedule is limited to Monday through Thursday because a lot of people are going away. We offer classes for kids from 18 months, right now, up to age eight. In the fall we will offer classes for 18 months all the way up to teenagers, and in the fall we be open Monday through Sunday. You can visit us on www.scribbleartworkshop.com. We will be doing a lot of community events because that is a big part of our business and we believe it is important. We will be at the Hastings Flea this Sunday doing a free art activity and giving away free tote bags and coupons for our summer classes. Then we will be at the Hastings Farmers' Market on July 18 and we will be at the Irvington Farmers' Market on July 26 and August 16. We are very happy to be part of the community and we welcome any collaboration with other organizations or businesses.

Mayor Swiderski: Thank you, and welcome.

PUBLIC COMMENTS

John Gonder, 153 James Street: I live in the Pulvers Woods area. I just want to give you an update on the deer: three does, one doe had a large fawn. It must have been born late winter. Another doe had a single fawn, regular size. And one doe had triplets, regular size. Your experiment needs a little tuning. If you had eight feeders you should have eight shooters and eight assistants. You would get a lot more. And find out from the DEC if there are bucks around, and find out if you can hit a buck with a rubber band or something to chase them so the does come in.

Thursday I made a mistake. At 5:30, I put out my paper. Unfortunately, when I got home about 9:30 I see everybody is picked up except mine. This is the second time it happened so I was a little mad. I called the superintendent of the DPW. He was not in so I left a message, then I called Ms. Ballantine and left a message. I got a call back from Mike Gunther. I made a mistake because of the holiday. To me, every day is a holiday. We all make mistakes, and I want to apologize for making two unnecessary phone calls.

The attorney was talking about cluster housing a couple of weeks ago. We ought to also look at large pieces of land, like two acres, for single development homes; large ones with only maybe one or two children, not what we are doing to the Ardsley school district with these condos. Dobbs Ferry and Hastings dump a lot of kids in school, and we are going to have a lot of traffic down here on the railroad because it is easier to get here.

I think the Board makes mistakes every once in a while. How many hundred feet of sidewalks could I build for \$103,000? We could pay one-sixth of the fire truck for protection. We could add one police officer to keep the overtime down and maybe get more

traffic violations because there is a lot of them. Add one or two DPW workers to do our crosswalks, not wait until the summer to do them. I know we had Tim Downey clear up Pulvers Woods and other places and I do not think they chopped up the logs yet. Free swimming for all the kids in school. Give veterans ... I think you people hate veterans. For some reason, you put it off for two years. You can give them the tax break for \$103,000. I thought the Board was pretty smart, but now I am wondering. Why did you not cut the price down to \$51,500 and put an anchor fence on the Cropsey side and stainless steel on the other side? You did not even consider that. People that want to see Cropsey, they can drive underneath, go in there.

Tim Downey, 520 Farragut Parkway: I would like to respond to the Mayor's comments of the dialogue that I have been having over the last several meetings regarding the blower law. This will be the last time I will address it for some time. When the Mayor replied, as thoughtfully as he did, he mentioned that the folks he had spoken with were comfortable with the way the law was and did not want it changed. I am confident that there was not an attempt made to express in detail the type of changes to the law I want. Anyone who I have given the details of what I want to do to improve the law have said unanimously that that makes a lot more sense. I speak to a lot of people on this topic. Across the board, people were in favor of my version of it versus yours.

It is ironic that back on June 6 at approximately 11 o'clock in the morning the person who used to sit in the Mayor's seat was having his hedge trimmed by a local company. When the company was done with the work they used the blower to clean the sidewalk. One of the homeowners was home. I am quite sure that person knew what was going on. I have no problem with that usage of the blower because they were doing it responsibly, quietly, and leaving the Village neat and orderly versus leaving debris all over the sidewalk, which again, supports what I have said about using the machines responsibly. I believe one of the Board members sitting up there has a service that services their home who, from time to time, uses a blower on the property to keep it neat and tidy. I am pretty sure that person knows that machine is being used on the property. Again, it is being done in a neat and tidy fashion

I want a law that would frame what is currently going on day-to-day anyway. The no-blower law is a joke. The blowers are being used daily. What they have learned to do is use it responsibly and also followed my lead in changing over the equipment to the handheld machine. I call people out all the time when I do not see that being done. That is the difference from the way I wanted to do it, along with I wanted to rein in the terror that typically takes place in the spring and fall when the law is taken off. I want to educate those people because they affect the community at large. I also want to go into the ecological benefit of doing things responsibly.

When the Village Manager has a moment to speak, I would like to hear the comments regarding the Friends of Zinsser and the snow. What is going to be changed and is it going to be done in a manner that I am comfortable with. Or perhaps can I contribute and give better suggestions. I would like the public to know the changes or procedures they were going to address in trying to accommodate the residents.

In the last meeting Trustee Walker asked Kendra Garrison about the trees that died at the top of Zinsser parking lot. I was bothered by that statement. Earlier in the meeting I had said that those trees were killed through bad policy, neglect, and, killed at times by the operators of the machines. Later on, when you addressed Kendra, they said they died. They did not die, they were killed. There is a difference there. There should be an accountability. That area now is a wood-chipped, smoothed-over area. But if you go up there, you will see cars drive over from time to time. It will be two seasons from now cars will be getting stuck up there, they will be towed, they will be dragging muck over the parking lot. There needs to be something there to correct that, even if it is simply saying no parking or some boulders to block people from coming in there. We are not done losing trees there yet because there are still some trees that are buried up too tall with chips.

I would like to the Attorney to speak about the accuracy of the law. I brought the point about how the law was written. This is a question of law interpretation. If the law uses the wrong description of the machine, an inaccurate naming of the machine, would that be a problem for the enforcement or the utility of the law. When I challenged it in Dobbs Ferry I won in Dobbs Ferry. I would like to hear if we have a legal reply that has nothing to do with a position one way or the other. ?

Dave Skolnik, 47 Hillside Avenue: It has been awhile since I have been here, and a lot of things have changed, hopefully for the better. My question is regarding the resolution you passed at the last meeting with regard to the LED lights: is it still possible to either pull back on it or reconsider it, or has the contract been signed. I am asking because if there is still a possibility of reviewing some of the information, then I would refrain from giving as much latitude to my thoughts. On the other hand, if there is nothing to be done at this point, then that makes what I want to convey to you more to the point.

Village Manager Frobel: I have not signed a contract yet, but they have been given the notice to proceed. If you have a specific concern about your neighborhood?

Mr. Skolnik: I do, but it goes far beyond the concern for my neighborhood.

Village Manager Frobel: If you would like I could find the time to sit down with the firm and myself to go over it.

Mr. Skolnik: With respect, my concerns go far beyond dealing with the specific company. It is much more directed at the process that I spent a number of hours looking at last night, starting from a few meetings ago, where this was briefly touched upon. In the Manager's comments that I read last night, you did plan to return to that subject later in the meeting at some length. That never happened. Subsequently, there was nothing else in the process until this resolution appeared on the agenda. I take responsibility for being on an extended hiatus and not having noticed that. If I had, I would have been here speaking out at that time. I would plan on presenting you with the complete notes I made listening to the meeting of the 16th. Again, the question is a legal one, whether there is a possibility of returning to that and possibly allowing for further discussion.

Village Attorney Whitehead: It is not so much a legal issue. It was a policy decision that the Board made. If they have been given a notice to proceed, and I do not know when that was done and they may already be working, I am not sure the Board wants to reconsider.

Mr. Skolnik: I will do my best to convey what I feel finally strongly about, but convey it in a way that you will not feel the need to block out because it is coming with such aggression. You have to understand that especially after looking at this process and having been involved with it for some time I am absolutely repelled by it. There are some serious issues that are going to come back to you if we cannot address it.

Eileen Charles, 41 Fraser Place: I represent the Friends of Zinsser Park. There are a number of us here tonight, and we want to thank Village management. We want to show by our presence that the process will continue and some solutions are being considered for next winter in regard to the snow removal process of the Village and how it has been stored at Zinsser Park for a number of years. We are looking for options. We are happy to continue to work with finding solutions, but look forward to progress continuing during the summer and coming to a result before an earlier snowstorm this year.

Patrick Randolph Bell, Hastings-on-Hudson: Great job to Mayor Swiderski and Trustee Armacost on meeting with the Village at the Farmers' Market. You guys sat there for two hours, sometimes in the rain, fielding questions, giving answers and talking to people for longer than five minutes. Maybe because you were cornered in your table, but you talked to me for a while and it was great. You should keep it up. I would like the other Trustees to become involved as much as possible and maybe spread it to other events. In Irvington they do it also with the police. They have these coffees at one of the restaurants.

Somebody reported today number four, which is the first year, a deer had two fawns. I thought the first year deer were not supposed to get pregnant this year. It is on Hillside.

Crosswalks look great, Mr. Frobel. Thanks for somehow pushing it through, whether it was you or the county or the Town of Greenburgh. There is still one missing and it is a very important one across from hook and ladder and the Ambulance Corps and the Community Center. That is a very popular building used by children, the elderly and a lot of people. It is that main crossover. As of yesterday it was still no paint.

LED lights. Have you looked at their effect on the circadian rhythm of animals and if that is going to mess up our animals, which you care so much about when you talk about the deer. Those things will mess people up. You might see some more agitation among the people of Hastings when you start putting those big bright lights everywhere. When I walk home late at night I love to have that nice yellow glow rather than a bright blue light before I go home and try to take a nap.

The Infrastructure Committee meeting today. That was great. Mary Jane Shimsky was also there, I have never seen her work before like that. She was great. The bridge seems to be coming along. The whole bridge thing could be done by November. Afterwards I talked to Legislator Spreckman. Sweetest lady ever. She is wonderful. Also an artist herself, singer-performer. She writes plays, she has done lots of stuff. I mentioned the no male or female impersonator clause there. She is like, I have done shows with them before. She thought the state would overrule any kind of law anyway. She does not know why it is still on our books. I also spoke to her about moving our Village meetings to the Community Center for the elderly and the handicapped. She said the best thing I can help you with is get a petition. She said that sounds like a good idea to put it in the center of town and make it more accessible to some of the longer members of our community and those who may not be able to make it here as easily as they would like to.

Why is there only a one-month extension on this view preservation law? It says August 15, 2015. Why does it only last for a month? Are we going to redo it again after that for a couple years? The blowers used responsibly, as Mr. Downey was saying. People use them all the time, use them responsibly for like 15, 20 minutes. I do not see a problem with that. It is the teams of people that come in that have caused the problem. Maybe we have something where you could call up and say I would like to be able to use it today for 20 minutes, can I have permission please. Midnight to the end of music in the Village and all these events. Right now, the Prime is barely surviving as far as I can tell. They have this place packed on a Friday night. Hits midnight, all of a sudden a hundred people walk out the door. They rely on that income. By killing them off at 12, they have nothing. They are going to make more money in that next two hours, maybe, of playing music than they will the rest of the week. Your downtown comprehensive plans, one of them, is to promote and enhance the downtown social character. That is number one. Number two is to expand and

diversify the selection of retail stores and restaurants. This law that we have on the book, I guess from the Trustee who was here before, Quinlan, who pushed that through even though he never could vote on it because he had a horse in the race. It is killing the Village, or at least the downtown and nightlife, which the younger kids moving here are going to like. An electric van I would like to see for the senior van, even though I heard that is the one that blew up. I go to the Conservation Commission meetings, and we would love to see an electric van. The climate change art project, which is neat. The Saw Mill River Lofts project you are doing this study on, maybe that could be the art project. I would like to see, and make sure, that the Saw Mill ...

Mayor Swiderski: Ten seconds. Thank you.

Mr. Bell: ... is taken care of so it does not flood. I would also want to make sure that the parkland they give us ...

Mayor Swiderski: Patrick, if you continue you will not be called on next week.

Mr. Bell: Well, just make sure the parkland they give us is not ...

Mayor Swiderski: That is great. Public comment?

Brian Street, 19 Fraser Place: Relative to the snow removal at Zinsser Park, I have been trying to find an estimate of the total snow disposal that is required in an average season in the Village so we could be working on possible solutions.

Mayor Swiderski: "Average" is a tough word these days.

Mr. Street: I know, and I get it. It is all over the map. So I would be willing to say what is a five-year average. Maybe a way of getting that is the second question, which is an estimate of the total cost for snow removal including overtime, fuel, etc. over like the past five years. Finding that information would be helpful.

Andrea Olstein, 16 Fraser Place: I am here in support of my neighbors regarding the snow removal at Zinsser Park. For a number of years I have been awakened in the middle of the night during snow season. I also see the snow piles from various windows of my home, as well as the red and yellow lights from the trucks. The thing that disturbs me the most is that trees died because of this. That is somewhat careless. I hope the Village and the Village Manager feel this is a very serious issue and one that our neighborhood should not have to bear the brunt of for a number of years in the future. I am certainly hoping you will continue to work on finding a solution to this issue.

Danielle Goodman, 445 Warburton Avenue: This regards the Zinsser Park issue. We have been looking to share services in various ways with other villages or the Town of Greenburgh. We cannot be the only community struggling with this problem. Have we reached out to the other villages, have we reached out to the Town. Is there some vacant property somewhere where we could have a snow melter and share the services? I am a signatory to the petition. I live on the other side of town, but I do use Zinsser Park and it is pretty awful. I feel sorry for the residents, and the park should not be used for snow removal. I know we have cost constraints and place locations, but perhaps we could reach out, share services and share space. I know we have objected to other kinds of sharing, but this seems right for sharing.

Richard Ryan, 11 Rose Street: Before I say something about the contentious barrier on the Warburton Bridge, I would like to say something less contentious and congratulatory about our deer tracking program. The sighting database has been revived. This is a signature project for citizen science, and it speaks well for the Village and its citizens that they have been so enthusiastic about this. There are lots of interesting and somewhat contradictory results. Patrick had mentioned that a lot of people are reporting seeing fawns with tagged deer. We do not know if these are the fawns that belong to these deer. Deer without fawns adopt other fawns that belong to deer that have been hit by cars or poached.

I know, as a Uniontown resident, that the number of deer I had seen over the previous two years, and this is a completely subjective and anecdotal response, are not there. I have a hosta in front of my house at the curb as part of our host-a-hosta program that is flowering and is about this tall; last year at this time it was gnawed to a nub. Who knows why this is happening. Maybe the deer are annoyed and do not like being shot and are wandering off. But for whatever reason it is happening, there seems to be some kind of phenomenon here. I think it is a very cool thing and I am glad we are all involved with this.

I also wanted to talk about the Warburton Bridge barrier. A number of us have spent the last two Saturdays in front of the Farmers' Market gathering signatures for a petition to have a referendum to repeal the bond, that would finance what we regard as an observant, destructive and useless barrier that was implemented in the worst, most secretive and most anti-democratic possible way. I have been struck by an overwhelming number of people who said I knew nothing about this until the cover story in *The Enterprise*, and I am just shocked by this, and this is a terrible thing to do, and where do I sign?

Getting this issue to a public vote would be very easy for this board. It is not something that has to be done in a high-handed way, there is no need to pass the buck to the county. This board could decide to have a referendum, and especially members of this board who made their reputation as populists, as activists, as people who are in favor of a democratic and open

vote on these matters of crucial importance. Those members of this board who have taken those positions in the past are well-placed to allow this referendum to go forward. And then to go back to the county and say the people of Hastings have spoken; they do not want this, they think it is a violation of their commonwealth, their environmental integrity, their zoning laws. There are lots of different reasons why the people of this village are opposed to this. It would be easy for you as a board, and easy for those members of the Board who have, in the past, taken populist and progressive positions, to support a referendum and say let us give it back to the people, let the people decide. I call on you to take that position now. Or if you are not willing to, say why you will not. To take this process out of the secrecy, out of the veiled, patriarchal, bizarre way that it has been conducted. This would easily get to a point where the people can decide it. And I ask you all to do that.

Jim Metzger, 427 Warburton Avenue: There is a certain amount of invective about this bridge thing that upsets me. It was not secret, it was not underhanded, it was not backdoor. There were at least three meetings in this room where the bridge was discussed. There were meetings at the county where the bridge was discussed. These are public meetings. They were not held in some backroom somewhere. For the record, I was, and I continue to be, against the fence. When Facebook fires up again, let it be said I was against the fence. The county is solely responsible for putting a fence on this bridge. I implore the people who are putting this petition together, because I support the idea of not having a fence, to know there are many people in this village that want the fence. Let us put that to a referendum.

But here is where you need to be careful. If you get this village to pull their money from this bond you are going to end up with a one-inch square, black vinyl-coated chain link fence. Nobody will be happy with that. So we need to be careful where we spend our time and energy. I am asking the people that are spending all of their time and energy to go to the county. This board is not the place to argue this. It is a county bridge, it is the county fence. We tried arguing with them. They said no. I do not know how much clearer I can make that. If you have an issue with the fence go to the county. That is where this needs to be decided.

Brian Allen, 101 Southside Avenue: I hear a lot of talk about how there were public hearings. And there were public hearings, you were there, and all of them took place in 2013. The public hearings you are talking about took place in 2013. Mr. Frobel had the plans in 2011. No hearings took place for two years. In 2013, the county said you can have all the hearings you want but we are done: we are going out to bid, we are putting the fence up. We had two years and did nothing at all, and the entire narrative starts in 2013. You are right, Jim. We should have seen the fence. You saw the fence. No one saw the fence but you. Did you see the fence? So he did not show you the plans?

Mayor Swiderski: It was too early in the cycle.

Mr. Allen: Did he show you the plans?

Village Manager Frobel: The plans were on file here, and there was a narrative about it. But even at the date when we met with the county the plans were not finalized. There were only at a 90 percent completion.

Mr. Allen: The fence design was completely finalized. The specs you got, and the 60 percent in June of 2011, were final specs on the fence. This is the fence that some people are now claiming we will get if we vote down the bond. Which, by the way, is untrue. The county has not bought that fence. They bought the new fence. There is no chain link vinyl fence anymore. We vote down the bond, we go back to square one. Until the final fence goes on at the end of November, and I found this out today because I went to MaryJane Shimsky's meeting, they are going to put up an orange snow-mesh thing to keep people from throwing stuff off. We are going to have that for five months, until the final end of this project. They do not have any other fencing. The original fence is gone.

If we shoot down the bond, which you should do and do not make us go out and try to get some enormous number of signatures, we will not have the county fence because there is no county fence anymore. They will leave the orange stuff up until we buy something else or put the fence up. One side, get netting on the other, we need to have the discussion that we were prevented from having because you did not show the plans to anyone for two years. I talked to the county commissioner of DPW this morning. He said if we had had discussions back and forth before the planning went on all of this could have been addressed. But now it is too late, now the designs would have to be changed to put the brackets for the netting which is possible if the will is there to do so. But this discussion never took place because the public did not find out until the meetings started in 2013, in which some good work was done trying to ameliorate the problem that was already foisted upon us by the silence of the Board.

So that is the narrative here, and it is despicable. People hate this fence. Some people like the fence. We are collecting a lot of signatures. There are people signing the petition who say we want a vote on the fence so we can vote for the fence. Great, let us do that. Have the referendum. If the people speak, they want the fence, then I am wrong and everyone who thinks like me is wrong. The issue dies and goes away, we get the fence. That is the way things should be done. That is democracy. But by not telling anybody for two whole years, and then claiming there is nothing that can be done, go to the county, the county is my government, too. This is a shell game you are playing now between the county and the Village. I cannot talk to you people, I only have to talk to the county? The county says, if Hastings would have talked to us years ago we would have had a different outcome. But I

could not talk to the county years ago because you did not tell anybody about it. That is what the invective is about. Some people have been up here talking about the process not just on this issue but other issues. There is a process problem here. How can you not tell people about what is happening, and then say you have got one night to speak up against the LED lights? The county will not take it, the county has gone out to bid on the fence. Yes, we knew things June of 2011, but too late. You are going to get the fence or a better fence; we got a better fence for you. It is nonsense. That is not the way the process works.

Sarah Knox, 618 Broadway: I want to add my voice to the Friends of Zinsser Park, hoping that the Board and the Village Manager will continue to look for creative solutions. It was a dismal sight all last winter, and we do not want to have to see that again. It is a disgrace for the whole Village for the park to look that way.

Mayor Swiderski: A clarification on the view preservation amendment. Two years ago we passed an amendment to the view preservation law because a couple of incidents made it clear that the law as it was currently written was not working. Specifically, there was an issue where the view preservation law was invoked for a statue at St. Matthews and for a deck in the back of a building on Steinschneider lot. This was a costly process for the people involved in terms of time and effort, and maybe even money, and it was clearly silly. That was not the purpose of the view preservation law. The Board discussed it, figured out that there be a way to get around this requirement to have a presentation to the Planning Board. We put together an amendment that said if the Building Inspector believed the particular alteration would not affect views he would approach the Planning Board and either a second member or a member of the Zoning Board, is that correct?

Village Attorney Whitehead: The two chairs: the Planning Board chair and the Zoning Board chair.

Mayor Swiderski: Get them to agree and then that would constitute a waiver to the requirement for a presentation to the Planning Board. We created the amendment, and just at the point of passage we asked Clerk Maggiotto to remind us in two years to review the law because we wanted to see whether it was being over-applied and allowing things to come through which maybe should have gone before the Planning Board. Two years have passed, Susan asked for it to be put on the agenda.

We are going to review where it was used, those seven or eight cases, and if we find it was used fairly we are likely to pass it without a sunset provision, make it a permanent change to our view preservation law. We have that hesitation there because view preservation is a powerful tool to prevent things from happening and we did not want to cede that necessarily to three individuals instead of the usual Planning Board without first checking over a two-

year period whether it was being applied correctly. We will discuss that as part of Board procedures and determine if we are going to vote on that law or not, without a sunset, on a permanent basis, or maybe even with the sense of another two years. Let us see what the Board discusses and comes up with.

So it is not that there is one month more. Either that is an artifact of misreading or an error in the publishing. If we pass it, it will be for good or with another two-year sunset period or whatever we determine. But not one month, that clearly makes no sense. Small aside: Village code applies to Village projects, it does not apply to county projects. Villages do not have a say on the county or state projects that happen within our borders so it is not something that we invoked, for example, in the bridge project. It is something we can hold the residents and shop owners, or property owners in general, to who do something that may affect the view.

I am going to speak for myself. I suspect I am speaking for the Board when it comes to the bridge. I do not fully understand the narrative arc here around the referendum because the fencing is committed to, it has been ordered. We are going to pay for it either way; we have to. We provoked a process by insisting on a change to the fence that resulted in an outcome we believe is better than one-inch chain link. I understand the issue about 2011 versus 2013, but that did not happen. At the time, the Village Manager considered the plan far from complete and he did not present it to the Board. But are where we are: a fence has been ordered that is much better than chain link. We have been told repeatedly that a safety net is not an option. We are not pushing for no fence-no safety net because that is clearly not an option with the county. Instead, we pushed for a better fence. That better fence has been ordered based on the Village request. The Village lives up to our obligations, we are going to pay for the fence.

I could ask the Board whether there is agreement here. The Village stopped a process that was underway for an RFP. We got the county successfully to stop that process. We got Village volunteers, and this was publicly run with e-mails out to the community about what we were doing. We got a better option. Is it better than no fence and a net? Who knows? It is a better option than one-inch chain link. That is what we agreed on with the county, and they have ordered it.

It is ordered. The Village is going to live up to its obligation of paying for that. There are two ways to pay for it. You pay by bond, where you spread out the cost at 1.5 percent interest rate over 20 years. That is going to be \$7,000 or \$8,000 a year. It is not going to involve an impact on taxes, and it is something that pushes the impact over a portion of the life of the fence. It is the right way you fund a capital expense. The other alternative is to pay \$103,000 out of general funds. We would rather not do that. We have struggled to get

to the point where we are with a surplus in our general fund that insures a credit rating and a consideration by the bonding authorities to keep us at a good rating. So what we would do instead is raise enough taxes, it comes to about one percent for that year, to cover the expense of the fence. That hits current residents in a one-time hit which is not fair because a fence is a 50-year artifact. It is not the way you budget for capital expenses.

The question, at least to me, the way I take the question of the referendum is if the community votes not we are still on the hook. So what happens is, we do not use a bond to pay for this t, we pay out of general funds. Do I think that is responsible? I do not. Would I push, as a result, for a referendum when the net result is, either way, we have to pay for that fence? I will not. Maybe there are three votes on the Board to push for that referendum. I am not one of them because it is not the responsible thing to do, given the arc we are in here. I am laying out clearly how this story unfolds. If the county somehow can walk back the fence and go for another option, then it is a different discussion. But my understanding is, the fencing has been ordered and, at that point, the obligation is incurred. And the Village meets its obligations. What are we going to do, say no? The county will have a right, at that point, to sue for that cost.

Mr. Bell: [off-mic] ...work on six to ten other bridges. They could sell this fencing, pay for it. Let us have an open dialogue.

Mr. Allen: [off-mic] Let us have an open discussion, where you guys respond to the voters.

Mayor Swiderski: I can ask the Board if there is somebody who disagrees and would like to offer a countervailing argument, but it is where we are. Is it a failure of process? I do not think so. I think this unfolded as one of many, many decisions the Board makes. We proceeded in a rational and correct and public way, and it was fair and decent. I am going to open up the floor to the Board.

Trustee Armacost: My understanding is that it is an issue of payment. Do you pay over time or do you pay all at once. The issue is heavy for people if we have to have \$103,000 put into the general fund next year. That will raise taxes by more than one percent, just that one line item. It is not something that can then be spread over time. The expense needs to be spread over time. It cannot be spent all at once. If you choose not to do it, if you choose not to spend anything at all, if we say we are not going to spend any money at all, what will go up is exactly the fence that no one wants.

Village Attorney Whitehead: And the county will probably sue the Village because the fence has already been ordered, based on the Village's commitment. It is likely the county could sue the Village for the difference in cost that the Village agreed to pay.

Trustee Apel: I agree with the Mayor and Niki at this point. Have you gone to the county board, have you brought this up with them? If you have not it is going to be futile. You are going to go out, you are going to get signatures, you are going to come here and there is nothing we can do with that. I do not know how many times we have to say this. Coming to us with a petition, we are not the right body you are supposed to come to. You have to go to the county. We have repeatedly told you what has happened, what the procedures are, where we were when we found out what was going on and what we did about it, and how we mitigated it, and how we are trying to save the taxpayers money by having a bond.

If you feel strongly that you want to deal with this, then you need to go to the county. They have meetings just like here. You can present to the county and hear what they have to say. What I do not understand is how many times do we need to repeat that our hands are tied, even though you think they are not but they are because we do not have control of the building of this bridge. Believe me, we would love to have control but we do not. And when we found out what was going on I thank the volunteers, Jim Metzger and Mitch Koch, for coming with those beautiful designs, researching and finding this stuff that we can look through. I am very thankful that my fellow Board members are willing to support it and to vote for this bond. Otherwise, we are going to be stuck with that chain link fence. It is upsetting to us, but we are stuck. You think you can find a better way, then go to the county.

Mr. Allen: My problems with this narrative are that you say when you found out.

Mayor Swiderski: What does it matter?

Mr. Allen: It matters because ...

Mayor Swiderski: It does not matter.

Mr. Allen: You had found out two years earlier. Now your hands are tied because you did nothing for two years. When the people then find out, the general public, not just the people who did good work trying to ameliorate the fence from a bad fence to a not so bad fence, you say, Oh, Brian, you have got to go to the county. Well, you go to the county. You are my representatives. I have no power over the county, they do not know me. You are the mayor.

Trustee Apel: We have, that is the point. We have been in discussions with the county and this is what we negotiated with them. You do not like what we negotiated, so then you go to the county.

Trustee Armacost: We have been discussing it for years.

Mr. Allen: But not for four years, for two.

Mayor Swiderski: This is not a loop. I think all our positions are clear.

Mr. Allen: You are just going to give up and say if the public does not like that, we did not tell them for two years and now we are stuck, the public should go to the county. That is what I am hearing.

Mayor Swiderski: That has been clear for awhile now, I understand that. But the narrative arc here is at the final third of the story. They have already finished half the bridge, the fencing has been ordered, this discussion is two years ago. It is, and we are not where we wish we could be. I do not function in that way.

Mr. Allen: [off-mic] because of the two years we lost?

Mayor Swiderski: But I do not function in that land. I function in the here and now, dealing with reality. Not would it not have been nice ...

Female Voice: [off-mic] people do not want that fence.

Mayor Swiderski: And that is an opinion of people on one side of the issue. We are not going to find out unless you force a referendum. And even then it does not matter, we have got to pay for the fence.

Male Voice: Mitch Koch signed our referendum petition. He said he opposes the fence. The designers of your solution do not want it. I mean, come on guys. This is ridiculous.

Mayor Swiderski: But they are realists, as well. And they are here because they are, in the end, realists explaining how this narrative unfolded.

Male Voice: So let the county sue us. I am serious.

Mayor Swiderski: I am sitting up here and that is not the road I am going to take. We have to move on with the agenda. I just wanted to be clear where we stand on this. There is no more discussion.

55:15 APPROVAL OF PROPOSAL FOR ENGINEERING SERVICES FOR SAW MILL LOFTS PROJECT

Village Manager Frobel: As part of this project the county is providing a grant for some related off-site improvements; drainage and a few other items. The grant requires the Village to be a party to that. It is a tripartite agreement, and our responsibility is to provide oversight. We do not have the staff. What we need is an engineering firm that will represent our interests and help us throughout this program, and that is what this resolution reflects.

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

WHEREAS, Westchester County has established a Fair and Affordable Housing (FAH) program to provide infrastructure and other improvements to support affordable housing, and

WHEREAS, Saw Mill Lofts, LLC proposes to develop twelve (12) affordable rental units in the development known as Saw Mill Lofts, and

WHEREAS, the proposed development requires the assistance of the Westchester County FAH program to subsidize the costs of infrastructure improvements in order to assure the affordability of the units, and

WHEREAS, the Mayor and Board of Trustees on August 27, 2014 authorized the Village Manager to enter into an Intermunicipal Developer Agreement with Westchester County to facilitate the Saw Mill Lofts development and to take all necessary steps to implement the work appended to the agreement, now therefore be it

RESOLVED: that the Mayor and Board of Trustees approve the proposal of James J. Hahn Engineering, P.C., Brewster, New York, to prepare specifications and inspect the construction of items contain in a public bid package for the Saw Mill Lofts project at a cost of approximately \$28,000 to \$35,000, such costs to be reimbursed to the Village by Westchester County.

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	

56:15 AUTHORIZATION OF GRANT APPLICATION TO NYS COUNCIL ON THE ARTS FOR CLIMATE CHANGE SCULPTURE PROJECT

Bruce Levy, Chair, Village Arts Commission: This is a proposal for a grant in collaboration with City Lore and the Village Arts Commission. The Arts Commission has not been able to apply for grants because we are a commission. But in the last two years, the New York State Council on the Arts has made different types of grants available, so we can apply for this grant in collaboration with City Lore. It should be noted that most of these are in-kind, matching grants, not a laying out of money. The grant is initiated from City Lore. The concept is to have an arts competition for a sculpture that would be placed in MacEachron Park that would relate to, and show the effects of, climate change. To be educational and to be an arts project, but a major part of the grant is also to help with economic development. It would be a sculpture that would attract people and bring people as a destination to see what was going on. Also, we are looking into doing collaborative work with the environmental group from the high school, Friday Night Live, and other events in the Village. Meg Walker and Trustee Lemons are involved working with us on that. The grant is approximately \$95,000. It is a long shot, but it would be decided in a few months. It would be beneficial to the Village and educational, and it is an art project.

Mayor Swiderski: So is this a permanent installation?

Chairman Levy: At the moment, thinking about a permanent installation. But it depends upon responses we get. The idea is it would be an open competition. Perhaps five projects would be selected, and each of those artists would receive a small stipend of \$2,000 to develop that project further. Then a selection of a finalist. The Arts Commission would be involved, and we would also be inviting scientific people, as well, and perhaps other art-related personnel to be part of that review process.

Village Manager Frobel: But in answer to your question, Mayor, this is to be complete from the beginning to building the structure and placing it on our property. WE have talked about MacEachron Park, and maybe by then we will have some waterfront property we can site in on.

Mayor Swiderski: I hope your project is not that long.

Village Manager Frobel: I think it is an exciting opportunity. When they came to me a few weeks ago with it I certainly embraced it. I think it has got a lot of opportunity here. Our part is going to be a little site work for public works.

Mayor Swiderski: I think it is great, perfectly tuned to both the community and the waterfront. Who chooses the winner?

Chairman Levy: That is a little up in the air. The Arts Commission will be part of that review process. But there will be other invited technical people and art people to be part of it. We will make sure we have an odd number of people selecting.

Mayor Swiderski: It is not an entirely facetious question. I would want to make sure there is, ideally, a local majority on the selection committee.

Chairman Levy: We have nine people right now, and the grant only had two or three or four other people we might invite to be part of that. The selection committee will be a majority of local residents. Everybody on the Arts Commission is fully in support of this..

Trustee Lemons: This is one of those win-win-win things because it is a very little resource demand on the Village, and it leverages the tremendous artistic resource we have got. It is a great interdisciplinary project because it pulls on the science but does it through the arts.

Chairman Levy: We have to remember it is still a long shot

Village Manager Frobel: The competition will be very difficult.

Trustee Walker: I wanted to thank Steve Zeitlin, who came up with the idea. He is the head of City Lore, a Hastings resident. He has done some interesting community-based art projects in New York City and upstate New York. He is working on one in the South Bronx right now, a cultural trail, with a lot of community involvement. He understands this is a reflection of who we are, as well, and what we want to say as a community. I think that is important. And City Lore is a very strong organization to partner with, which is good. My only concern is cost. But we will be setting up a budget and have to make sure whatever art project is selected is going to stick to the budget. There are a lot of ancillary costs besides paying for a piece of sculpture. Something we do need to be concerned when we look at the project, and I am sure you will, is these things have to be maintained over time. We have to think about schedule the Village can afford to sustain, that there are not the long-term costs.

Chairman Levy: All those considerations will be taken into account when we are selecting the final piece of sculpture that would be involved.

Trustee Walker: Great. Thank you, Bruce.

Chairman Levy: And do not ever forget that the Earth without art is "eh."

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

RESOLVED: That the Mayor and Board of Trustees authorize the Village Manager to file an application in collaboration with City Lore for funds from the New York State Council on the Arts 2015 Regional Economic Development Council Program for a climate change sculpture project, such grant requiring a 50% match to be paid from in-kind services from the Village and a contribution from City Lore.

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: Since there are some residents here, I want to report on Zinsser Park and snow removal operations. We had our first meeting. There were probably 15 residents attending, along with staff. We went over a lot of detail as to our procedures. We talked frankly about the obstacles that we confront when we fight a storm. We talked about our operations as to the tension between commuters, the downtown merchants, and the pressure to remove snow from the downtown in a rapid manner.

We also spent a lot of time talking about alternatives. We talked about some of the technology out there today in terms of snow melting, and we talked about the storage capacity. I do not have a final report to the group, by any means. Trustee Armacost is going to meet with us. We are going to go over some of the suggestions we received from the residents over the weekend. A lot of them keyed in on some of the things I spoke about at

our meeting back in June. We still have homework to do. So that is where we are at. No final report yet, looking at all the alternatives, and we expect to have another meeting with the residents before we have our final report to the Board.

Trustee Walker: Are you going to be looking at the possibility of partnering with other municipalities, at least talk to them about what their solutions are? I have been reading about this issue. In fact, there is a big pile of snow that is still melting in Boston. Some municipalities are using snow melters. But they are expensive. It would not be something the Village could do on its own.

Village Manager Frobel: We are looking at sharing services.

Trustee Armacost: It is environmentally problematic.

Trustee Walker: I do not know it is. I think they have ways to filter out contaminants.

Mayor Swiderski: You are burning carbon one way or another.

Trustee Walker: That is true, you are burning carbon. But there is a way to at least filter out all the toxic substances and garbage.

Village Manager Frobel: But I did share with those in attendance, and it is in my report, talking to people in the industry about their experience, the cost, and how it is probably not practical to share that equipment with a neighboring community. When we have our final report we will go over all those objectives and findings.

Trustee Lemons: All the comments we have gotten have been good and constructive. It is important that as all the options are looked at that the whole burden of it does not fall on one neighborhood or one group of people. Maybe there is a way to defuse this. It is a very difficult problem for us and there is not be an excellent perfect solution, there just is not. But we need to, if we can, distribute that load so it does not all fall in one place, literally and figuratively.

Trustee Armacost: In addition to the Friends of Zinsser that have written interesting and creative ideas to us, we have also had some interesting ideas from Mr. Downey, and the DPW team has ideas. One of the things I want to make sure we do, Fran, is make sure we pick up all the ideas from the different people who have advocated them. Some of them are in contradiction to one another so there are going to be tradeoffs. The solution, at the end of the day, will be the optimal one. But there may be there are some things we cannot do as a result of having made the choice we have made.

Mayor Swiderski: Optimal is defined as, I think, how Dan defined it, which is satisfy some. It will not satisfy anyone fully, but it will achieve some sort of sharing of pain.

Village Manager Frobel: And my report talks about we are coming back to back with two severe winters. I will find out the snowfall amounts for the last five years but, for example, last year we moved in excess of 5,000 cubic yards of snow which is a tremendous amount of snow. Those are just some of the obstacles we are up against.

Trustee Armacost: The other point I would like us not to drop, and I have made a commitment to the Friends of Zinsser that I would raise in an annoying way if it comes to that, is the importance of planting trees where the trees were taken away, and having a coherent plan for that and a plan that does not make us lose a season. We are coming up now, and that is why I think the summer is very important. Because we are coming right up against that season and a number of people have quite eloquently raised this point. So let us make sure that is part of this discussion.

BOARD DISCUSSION AND COMMENTS

1. Options for Replacement of Senior Van

Village Manager Frobel: We have our final settlement from our insurance company, a very favorable settlement. We explored the opportunity to join with Dobbs Ferry. In my report, I talk about the program concerns and transportation logistics, all certainly workable but would require a change in the way we do business. It does offer some anxiety from the seniors because they are used to having their own service, on demand, and it has worked quite well. So it would take some change. As I demonstrated, the cost savings between joining with Dobbs and continuing with our own program, although more expensive it is not dramatically more expensive. I think the cost is that intangible cost, where we would lose control of the vehicle to use when we wanted it. What we did find out is that not only is the van, of course, used by seniors but there are a host of other social service type agencies or programs that use the van on occasion: the PAL program, the baseball program at times, museum tours, garden tours. But even at that, although I have not reached a number with Dobbs Ferry as to what the per diem cost would be. It probably would still be less than what it would cost for us to run it ourselves. But again, not dramatically.

Mayor Swiderski: Can you give us a sense of the numbers?

Village Manager Frobel: Dobbs is looking into the one-year agreement for \$21,000 a year. If we run anywhere from 15 to 20 special programs that could add maybe another \$2,500 to

\$3,000 a year in out of pocket expenses to us besides the rental of the van. Dobbs wants to minimize those numbers of special events. If they share the two communities in attendance then there is no extra cost for Hastings. It would be distributed equally. It is hard to determine, but it does vary. If I said to you there are 15 or 20 of these special events throughout the year, and we would have to come up with a per diem cost, and I do not know if that is \$100 a day or \$200 a day, even with that, Mayor, it would still be cheaper to join with the Dobbs Ferry program.

Mayor Swiderski: OK, so it is \$25,000, let us just say, that we pay to Dobbs. What is our expense?

Village Manager Frobel: I looked at the cost of a new van and depreciation for probably a 10-year life expectancy, although we would do better than that. Our vehicle does not get high mileage. If we were buying a new vehicle we would go longer than 10 years, but say it was 10 years. Our cost per year would probably go up to about \$27,600.

Mayor Swiderski: So we would be spending \$2,000 extra a year.

Village Manager Frobel: To keep our own vehicle.

Mayor Swiderski: That is not a lot of money.

Village Manager Frobel: That was our thought.

Trustee Armacost: But we are getting \$67,400 in insurance. The cost of the van is how much?

Village Manager Frobel: We have been scrambling for the last few days because when we got the good news just last week on the settlement we were looking at several options. As I noted, Kendra, Anne Russak and I met with the seniors. We went over all this with them. They would be happy even with a used van. So in answer to your question, we have been looking to see what it would cost for us to buy a new van and whether there are some good used vans out there in the marketplace. The answer to both those questions is yes. We could find a van with relatively low mileage for probably around \$24,000 or \$25,000. Or we could look at a new one, which would cost us upwards to \$50,000. Under the insurance settlement.

Mayor Swiderski: With the insurance settlement, we get paid whether we replace the van or not.. the right way to consider is what you did, which was \$25,000 versus \$27,000. Because if we choose not to buy the van we can put the money in the bank, right? So it should be considered. If it is a \$2,000 difference, then it is not a whole lot of money.

Village Manager Frobel: We do not know this for certain, but we explored the state bid and are looking at the county bid to see if there were vendors already approved for the purchase of this kind of a transit van. The state bids are mostly these small school buses. They do not have a current bid, as I understand, for this kind of a transit van. I have got the county pursuing it for me to find out if they have recently gone out to bid. But we have also talked to some vendors nearby who have the type of vehicle that we are looking at. So 14-passenger, the handicap lift, the tie-downs for the chairs; very typical of what we had before, although gasoline-powered. We are not recommending the hybrid. This price reflects a gasoline-powered engine.

What we are looking for is your direction. Would you like us to pursue a used van? Do you think we can go ahead and look for a new one? Or are you still inclined to consider the Dobbs Ferry combination?

Trustee Armacost: I think it would be useful to have our own van. Given the way you have described it, it sounds like there are too many constraints. The partnership with Dobbs sounds like we would be negotiating on a daily basis the use of the van which would become a big burden from an operational point of view. We should be buying a van, either new or used, and that is your call, which one you think is more appropriate.

Mayor Swiderski: Sensible.

Trustee Walker: I agree. I think we should purchase our own. It gives us a lot more flexibility. I am hoping we can find other uses for a van. For example, we have talked about doing a shuttle for commuters at the end of the day, the way Dobbs does. That is something we can look into if we have our own van. We certainly cannot if we partner with Dobbs. There are other instances where we like to have a van, when we are having an event in the downtown and want people to park down in the commuter lot, bring them up. We have used the van before for that sort of thing.

Trustee Apel: I concur with everyone. I think it is a great idea. I would rather have the control and the decision-making over when we want to use the van, and not have to worry about dealing with somebody else. Whether it is used or not, I think it is a matter of safety, what this van looks like, and whether it has got all the bells and whistles you need, backup parking and whatever they have today. I think that is important. Also seat belts, whatever they have in there. I would not buy a used van because it is used. It would have to be pretty special. If not, then you have to buy one that is new.

Trustee Lemons: Fran, you feel pretty confident of those numbers?

Village Manager Frobel: I do. We have looked at it closely. We can isolate our expenses down to very close to what it costs us; Dobbs has given us a proposal for a one-year arrangement. The unknown is the number of special event.

Trustee Lemons: That would only raise the cost with Dobbs.

Village Manager Frobel: Yes.

Trustee Lemons: So it sounds like what you have made is a fairly conservative estimate. The cost comparison is \$2,000 or less. Might be less if there are more of those special things. I can see if the tradeoff were between some flexibility of scheduling or dealing with that, and a very large annual difference. But I do not see the argument, because it does not seem like there is that cost-benefit problem.

Mayor Swiderski: WE keep looking for savings and it is surprising how little these efforts yield. If it is a \$2,000 or \$3,000 difference I would value your time at something. Let us arbitrarily say \$50 an hour. I am going to imagine that the pain you will suffer negotiating those extra trips out of Dobbs is going to add up to \$2,000 over the course of a year. So the management impact of irate seniors knocking down your door, and how irritated that they could not get it that night. It is not going to be worth it.

I think you have got the guidance to make a decision that makes sense in terms of buy versus use. I am going to have to figure out how to explain to Hartley once again that a relationship is off. So it goes. If it was a \$10,000 difference I think it would be a different discussion, but \$2,000 is just noise. It will be lost in the hassle.

Trustee Lemons: Some of these things do not scale. They scale to a certain size, then if you scale up you really do not benefit.

Village Manager Frobel: Anne Schnibbe is here. I know you came out tonight, I told you I did not know if you had to. Did you want to offer any comments?

Anne Schnibbe: No, I appreciate it. I have not heard the vote, but I guess it is going to happen.

Mayor Swiderski: There is no vote. The direction is provided to the Village Manager to seek buying or leasing a van, and I am stuck with the enviable job of explaining to Mayor Connett once again the marriage is off.

Ms. Schnibbe: Thank you very much.

2. Comprehensive Plan – Looking Forward

Mayor Swiderski: How many years since we have passed the plan?

Trustee Apel: It was 2011, so we are working on it.

The Comprehensive Plan Implementation Committee comes before the Board a couple of times during the year to tell us what has happened in the past and what is going to happen in the future. We have tonight with us the chair of the Comprehensive Plan Implementation Committee who will tell us about the plan, the past and the future, and a request to the Board.

Mr. Metzger: I am chair of the Comprehensive Plan Implementation Committee. We spent close to three years going through the minutiae of how the Village operates. We came up with a plan to give the Trustees and the other boards in the Village and the residents a road map on the concerns in the Village at that time and what we should be looking at to address the issues that we identified. Over the last three or four years, I have been meeting about every six months with Trustee Apel and Susan Maggiotto to discuss the issues that have been addressed and that we have accomplished that were identified in the plan. I would like to go through what we have accomplished in the last six months. Under downtown objectives, to enhance the quality of downtown spaces, the Village improved Juniper Plaza on Warburton Avenue with planters and trees. The benches were refurbished by one of the restaurant owners there. The plan is encouraging people within the Village to take initiative to help improve the Village.

Recently Hastings was the major venue for the River Arts music tour of 2015, by all accounts very well attended. We partnered with other villages. Hastings was far and away the largest venue to hear music. We had another Downtown Crawl in May of 2015 that was as successful as the first one. Something I would like to see continue. It is a great way to try new restaurants, try old restaurants, and get your friends to go places they did not know existed, even though places have been here for decades. It is a great way to encourage people to come into the downtown and socialize. It is what small town living is all about.

Under protecting the large tracts, protect and enhance environmental quality of the Village, the deer management program was expanded in 2015. Also on the large tracts, the Village worked to improve existing parks. Funds were appropriated to upgrade Reynolds Field so we know the playground is moving forward. It is going to be great for the kids the same way the senior van is going to be great for the seniors. Now we need to do something for all of us in the middle. That was just a little thing that I throw out.

Trustee Armacost: That is the Village Crawl.

Mr. Metzger: We are all moving towards that senior thing. Objectives for the waterfront, the final report was submitted to the Board from the Waterfront Infrastructure Committee. It is a very exciting development. The DEC came before us to discuss the updates. Always moving slower than we would like, but they are moving.

Under circulation, improved pedestrian connections between neighborhoods. The Village implemented a policy of construction of the stairs between Warburton Avenue and the Quarry Trail. That was part of a private project in the Village. Those stairs have been completed, and people are using them.

Environmental sustainability. We heard today that we issued a notice to proceed to complete LED lighting throughout the Village. I am very excited to know that we are going to be improving the lighting and reducing our cost. This is what environmental sustainability should be.

Quality of life. Continue to recognize the need and importance of affordable housing. The three ownership units on Washington Avenue have been completed. There is a process under way to select people who will be able to buy and move into those units. Under protecting existing affordable housing, we increased the income eligibility levels for senior and disabled renters for SCRIE and DRIE programs.

Mayor Swiderski: We added DRIE.

Trustee Apel: The committee is going to continue to work on reviewing the Comprehensive Plan as it stands now for things that still need to be done, and hopefully over time we will bring those things to the Board. A lot of things are already on our projected Board discussions. I would like to ask permission from the Board to enlarge the scope of the committee to include the future, to work with the community on things that were missing from the plan or that need to be added to the plan.

Mayor Swiderski: This is essentially a five-year update?

Trustee Apel: Yes, it would be an update. We have a pretty good idea of what has been happening, but we also have seen things that are not there. The committee would like to know that their scope can be enlarged so they can start looking at that and then work with the Village and the residents, and come back to the Board with suggestions for things that need to be added to the Comprehensive Plan.

Mayor Swiderski: Who is on the committee these days? Who is left?

Mr. Metzger: The committee was never formally disbanded. I have been in touch periodically with a few members who are interested in continuing. Three people said they would like to continue, in addition to myself. Ellen Hendrickx was a consultant because when we started the committee she lived within the Village. Since Ellen was part of the original Comprehensive Plan, we asked her to come on as a consultant. I am not going to ask her to say today whether she would want to continue doing that. But we may have as many as five members of the seven-member committee who would want to continue.

Mayor Swiderski: Would you object to new blood?

Mr. Metzger: I would not. That would be up to the Trustees.

Trustee Armacost: So is this still the Comprehensive Plan Implementation Committee as opposed to a new Comprehensive Plan Committee? To me it is not implementation. It is new.

Trustee Apel: It is an updated, expanded version of the original Comp Plan. In the past, if I remember correctly, there were 12 members?

Mr. Metzger: There were 11 members of the Comprehensive Plan Committee.

Trustee Apel: I think we have had some discussions that with the members that have said yes, they want to continue on, we would like to enlarge this committee. Even if it was seven, we would still want more. I think it would be helpful.

Trustee Armacost: I think we are reconstituting the Comprehensive Plan Committee, but with maybe new people.

Mr. Metzger: The Implementation Committee was a very insular committee, in that we were reviewing items in the plan. We were not adding or subtracting, merely identifying a relevancy order for the Board to consider. I would believe that this next phase would involve public outreach. We would want to have meetings, and it would require additional members in order to organize that. One of the key components of the plan is on page six. It says, "The Trustees should commit to reviewing the Comprehensive Plan and its contents every five years in order to assess and address the continued relevancy of the plan." It is a living document, and things have happened in the last four or five years that we should be identifying and presenting to the Board for their consideration.

In an e-mail I tentatively put together to ask whether people would be interested in moving forward with this new phase, one of the things I had written was, "Our goal as a committee would be identify items to be included or expanded upon in the plan, and to conduct community outreach for further suggestions. We would then present these proposed revisions to the Trustees for discussion and adoption." That is what we are looking for, if the Board wants to reconstitute a committee to look at the plan and figure out what is missing and what needs to be expanded upon.

Trustee Apel: We have been looking at what we are accomplishing and what needs to be done, but we now need to say what is missing and what needs to go forward. Whether we change the title of the committee, whatever we want to do, but just to be able to go on to the next phase.

Trustee Armacost: To me, it is two different things.

Mayor Swiderski: Yes. There is a conflict there. The Implementation Committee's job was essentially done on presentation of the prioritized projects. We are working through that list, so it goes away until it is needed again after the change to the plan.

Trustee Armacost: The way these temporary commissions have worked is that we have solicited CVs for people in the Village, some of whom have been involved in other commissions and committees and some of whom are new and have contributed a huge amount and have been very useful resources. Obviously the people who are on the Implementation Committee have a fabulous CV because they have already been doing a lot of work in this area. There would be nothing to prevent them from doing it, but I think it should be a new group of people and we should agree on what the criteria are for selecting those people.

Mayor Swiderski: A new group, not necessarily all new people.

Trustee Armacost: A new mixture, congregation of people.

Trustee Lemons: We should have new faces. After five years you need a fresh look. It is not to totally reinvent it because there is a huge amount of work and it is still very solid. But also it needs pushing out here and pulling in there, and that is where fresh eyes are good.

Mayor Swiderski: If we have checked off things in the plan does revision of the plan include deleting the stuff that has been checked off? Do we see the update including that? Hiring a Downtown Advocate is done. That is a checkmark. So does a revised plan need to reflect that?

Trustee Apel: You mean you want to have a totally rewritten plan?

Mayor Swiderski: Well, not rewritten, but it does not just have to be asked. I am just throwing it out there, if you are going to open up the plan.

Trustee Armacost: The job of that group is to decide. For example, the Downtown Advocate was hired for a year. So far, the Downtown Advocate has done an amazing job. One of the recommendations might be this should be a more permanent position, or the number of hours should be expanded, or this was done as a successful experiment and we achieved our goal. But that group's input will be helpful in collaboration with other members of the community who will have views on these things.

Mayor Swiderski: I am going to push the point again. If something is checked off, so fine, Downtown Advocate is a one-year experiment. But if there is something checked off that is done, we are just accreting to the current plan. There is the opportunity to deduct from it.

Trustee Walker: Oh, yes. You can update it.

Mayor Swiderski: It is done, or it is no longer relevant to the community. Both those things could result in a drag-out. I am just saying that if we are going to open up the plan it should be opening up the plan if we are going to do this.

Mr. Metzger: This would be one of the things we would immediately be discussing. How do we approach this process? And as Trustee Lemons said, one of the things we need to be careful of, as someone who has gone through this process for many years, it is so easy to slip into what if we changed this, I do not like the way that was written. No, we are not here to change the plan and we have to be on guard for that. We need to either check off the things that have been done, add things that need to be added, but not change the original plan.

Mayor Swiderski: I am not talking wordsmith.

Mr. Metzger: Right. So the idea here is that we, ideally, present something to the Trustees that would be a consolidated document that would say in, let us say, 2016 this is where are, these are the things we need to be addressing for the next five years. It would not necessarily be adding on whether you would call it an addendum or an appendix, or volume two. The first thing we would probably be looking at is how to address that.

Mayor Swiderski: I want to make sure your remit includes a true review of the plan, not just additional wantables.

Trustee Armacost: Yes, exactly. There could be whole sections that are not necessary to look at again, and there could be whole chapters that are missing.

Mr. Metzger: That is why it is expanded on, or added to or reduced.

Trustee Walker: And implementation could be part of the plan. We came at it later, the committee, but it could now be incorporated right into the plan.

Trustee Armacost: I think we have to be really careful about that, because it is a different function.

Mayor Swiderski: It is a different function and, ultimately, that is ours.

Trustee Walker: I disagree. We are going to review this plan. Ultimately, that is ours, too. We review the implementation recommendations at the same time as we review the update of the plan. To me, a lot of comprehensive plans have implementation sections and it is an action plan; what are you going to do first, second, third.

Mayor Swiderski: But I also want to make it doable in a reasonable time frame.

Trustee Walker: Right. But we do not want to come back again. The implementation is a necessary part of a plan rather than trying to delay and come at it later.

Trustee Armacost: Part of the challenge is the capacity of our volunteers to commit. For example, if they think they are committing to developing a plan we will get some interesting stepping up to the plate. If they think they are in it for six years because they are implementing, too, it is a whole different act.

Trustee Walker: This Implementation Committee has done a terrific job in overseeing this for a number of years. But an implementation section to a plan does not necessarily mean you are committing this committee to do that for the next five or six years.

Mayor Swiderski: You are prioritizing while you are creating it.

Trustee Walker: I think it would be helpful.

Mayor Swiderski: When we did the original Comprehensive Plan, we had a formal written description of what their charge is. Let us dig that up and modify that.

Mr. Metzger: Mr. Mayor, I do not know that it was ever a written charge. There was a public meeting with the Board and Mayor Kinnally, and it was when our group met for the first time at the Community Center. I believe it was a verbal charge. So you may need to look at that meeting.

Trustee Walker: There was a preliminary committee, of which I was a member. We wrote a report that spelled out the charge of the committee.

Trustee Apel: If we can find that that would be helpful because we have been looking all over for it.

Trustee Lemons: Whether there was or was not, there should be this time.

Trustee Walker: Since I wrote it I can probably find it.

Mayor Swiderski: Every committee this board has set up has had a formal charge, and I want to stick to that.

Mr. Metzger: We welcome being given direction.

Mayor Swiderski: Right. I do not want to belabor the point, but implementation is different from whatever we call this. We should spike the Implementation Committee and move to this new phase. I do not want there to be you serving on two different committees. That is sunset, and we are now moving into a new phase of a review and revision.

Mr. Metzger: I have not thought a whole lot about implementation of this next phase. But it seems to me that you want to do the implementation after the project is done as opposed to during it. Because otherwise it is going to start driving the project. I would rather be reviewed after, as a separate section.

Trustee Armacost: I agree.

Mr. Metzger: But to Trustee Walker's consideration, part of the Comprehensive Plan could call for an Implementation Committee after the plan is adopted by the Trustees.

Mayor Swiderski: That is fine.

Trustee Walker: I just would like not to have the delay we had before in prioritizing the elements in the plan. It is already prioritized, we are going to just be adding a few more things. Maybe they can slip in here, and it would not be that difficult.

Mr. Metzger: Part of the issue with the time frame was also bringing up a lot of people to speed on what was in the plan. There is a lot of nuance in the plan. There were meetings where we spent the entire meeting trying to understand what the plan was saying so we could identify how important it was and what it was referring to. One of the reasons it is nice to have continuity among the boards as they move forward. Again, it is up to the Trustees to decide. I am volunteering to be on that committee if you will have me. Once again, I would tell them I do not want to be the chair, but I have a feeling I know where that is going as well. But we would like to start the process. The Comp Plan was written about five and a half years ago, and then it took about a year and a half or so for the review and acceptance. We are at that point where we should be considering moving to the next phase.

Mayor Swiderski: So who has agreed to either find, or write, a charter?

Trustee Walker: I will look for the previous one and start there.

Mayor Swiderski: And provide that to Marge. Marge has volunteered to propose it.

Mr. Skolnik: There is some component of this that I am not quite understanding, and that is where the Conservation Commission comes in in relation to the implementation of the Comprehensive Plan.

Mayor Swiderski: The Comprehensive Plan was implemented by a range of entities, depending upon the element being implemented. Some go to the Safety Council, some go to Planning, some go to us, and some go to Conservation. The Comprehensive Plan is not a document of the Conservation Commission. It is the Board's document. And we are about to engage in a discussion around cluster zoning, which is something in the Comprehensive Plan and is on our desk here to do. The conservation plan worked on those topics that were specific to them. They were just one of the implementing bodies.

Mr. Skolnik: I will not pursue it beyond saying what is in the description of the process I kept on hearing about Implementation Committee. But it seemed as though they were working on a certain view, a global rule and then handing that off. But the hands-on implementation, as you seem to be saying is happening at a few different levels. One of them, for certain kinds of things, would be the conservation approach.

Mayor Swiderski: Of course.

Trustee Armacost: Like the Green Building Code, for example. That was something the Conservation Commission implemented, but it is one tiny line item. Huge, but one line item.

Mayor Swiderski: What is the source of confusion here?

Mr. Skolnik: It seems to me there is some level of activity that is taking place somewhere in the texture, in that case, the example I am using, the Conservation Commission. Where something gets digested and metabolized there, and then it is moved, presented then, to you in a process. It remains vague. Just in the same sense when you were again describing what Jim was saying, reaching out to the public for the review and getting a certain amount of input. But after that input, it sounded again like beyond that it was all going to be feeding into a process that already is existing, which includes these engines of process. The idea of it being, you will understand when I reach out to you more about what I was talking about earlier. Why that remains a bit of concern to me.

Mayor Swiderski: I am not being facetious here, but elves do not do this stuff. It is the volunteers on the committees and the Village government that implement the proposals that are sequenced in priority by the Implementation Committee.

Mr. Skolnik: But that ought to be stated in the whole description.

Mayor Swiderski: That is how everything gets done in the Village. It is not like there is a special category of how things get done because it is originated out of the Comprehensive Plan. The Comprehensive Plan queues up an agenda, but it is not the only agenda we follow. We do all sorts of projects in addition to that, and those are handed off to the Planning Board or we do it or we hand it off to the group of volunteers, whatever.

Trustee Armacost: To me the thing that is special about the Comprehensive Plan is that there were multiple points where people could bring their opinions together to say these are things that are important to us that we want to see our village do. Those ideas came to us, and we did not agree to do all of them. Some of them involved a lot of money, we did not have money at that time, they came during the financial crisis, they were things that happened later, there were other things that for other reasons we did not do. Then there were a whole bunch of things we did choose to do. We chose, amongst ourselves, in front of the public, to implement those things. The Implementation Committee was a watchdog, if you like, to say you said you had these things in the Comprehensive Plan and did not get around to doing them so we are flagging them because we think they are important, so develop a plan to implement them.

Mayor Swiderski: Prioritization. And we reviewed the priorities, we argued over that publicly, and we passed it

Mr. Metzger: I get the impression that David is asking one question, you are answering a different question. The Implementation Committee may be a misnomer to some people. We did not implement the Comprehensive Plan. That is the short statement. We reported to the Trustees a prioritization of levels of importance of what was in the plan. It was up to the Trustees to then take those issues and disperse them out to various boards, committees, et cetera, or like the Downtown Advocate creating a new position, to implement the items that were in the Comprehensive Plan. I believe that is the short answer. The Implementation Committee did not implement. We suggested items for your review in a prioritized order. You then took those items and, at your discretion, distributed them to various committees.

Mayor Swiderski: Let us call it the Prioritization Committee the next time around.

3. Consideration of Cluster Zoning Overlay

Trustee Apel: We have discussed in the past about the large tracts. A concern of mine was protecting the Village for future development. The one way to do that was to have cluster zoning. So I have been in discussion with our lawyer. Linda is going to explain what she has found in our laws and what she recommends we do next.

Village Attorney Whitehead: I found that the Village did previously adopt what was called conservation or cluster housing districts. However, it is not in the zoning code. That is very unusual. Someone would normally go to zoning to look to see what you can do on your property. This goes back to 1981, and then was amended in 1986 and 1988 and 1989. It was done for two specific projects: Hastings Landing in 1981 and later for the Riverpointe property, which authorized a type of clustering on those properties. There are some other issues with it. Because it is not in the zoning code, your zoning code section that enumerates the districts does not reference those districts. Chapter 112, where they are, said they would be mapped on the zoning map. The zoning map calls them something completely different. It says cluster overlay districts.

So there are some things that, first, I would recommend cleaning up. I had some suggestions on ways we can do that. I do not think we want to just fold them into the zoning that we are looking at doing now. My understanding is that the focus with cluster zoning is on the southern gateways along Broadway and the large tracts, the big properties. What you are going to do is adopt a provision in the code called probably a gateway cluster overlay district. You need to help me identify which properties we are going to map the lay on. I think I know, but I gave you a list of questions. It is all the Andrus parcels, the Graham School, the church property right in the middle of that. Those are the southern gateway properties, which are also classified as large tracts. This is a methodology that works best on large tracts to preserve the sensitive areas: the slopes, the views, wooded areas, wetlands.

In this zoning, pursuant to section 7738 of Village law, you will authorize the Planning Board to modify the requirements of the zoning code to allow for cluster. But my understanding is you want to go further than that. You want to have the Planning Board mandate that if someone comes in with a subdivision on those properties they have to submit a cluster subdivision. The way 7738 works is, the subdivision process still remains with the Planning Board. But this Board gives the Planning Board the authority and can set certain criteria and limitations for the Planning Board to look at in their review. Interestingly, the Chapter 112 provisions that were adopted had a very odd, back and forth review process involving the Village Board much more. I do not think that is necessary, but that is up to you. There are some issues and some cases that talk about proper delegation and what is and what is not. But this proposal is certainly well within the provisions of 7738.

The first thing we need is to identify the parcels. I went back to the Comprehensive Plan. These fit into, in the large tracts discussion, both large tracts and gateway. They are the ones that if any of those uses ever disappeared from those parcels, they would be the ones most likely to be subdivided.

Mayor Swiderski: I would like to ask the Board to consider adding the state properties. I do not know if it is realistic to worry about it happening, but along 9-A that is all state land.

Trustee Walker: County. State along Saw Mill Parkway and county along 9-A.

Mayor Swiderski: Right. Unrealistic as it is, one day the county could decide they want to sell the land. All that land is residential right now, R-20. So if we are going to do this cluster zoning we are talking about gateways, a legitimate gateway is the Ravensdale to Farragut stretch.

Trustee Walker: Most of it is wetland.

Village Attorney Whitehead: But a lot of it is not terribly buildable.

Mayor Swiderski: Not all of it, but I would rather, if we are talking gateways, it is another one.

Trustee Armacost: What is the church parcel?

Village Attorney Whitehead: 95 Broadway? It is just next to Graham, right at the intersection of where Broadway comes back together. The church closed

Mayor Swiderski: No, it is active. It is a new owner.

Trustee Armacost: But it is still a church.

Village Attorney Whitehead: For now, it is a church. But the fact that it has recently had problems and been sold make it that we would want to include it.

Everything else along New Broadway and Old Broadway, in that area, are single-family homes. Some of the ones further north on South Broadway are on large lots, but they are long and deep and slope in the back. And they are smaller so I do not know that they would be as appropriate for this. You want to use the clustering on larger lots so I did not propose including those.

Vanessa Merton, 111 Pinecrest Drive: This is making me so happy I can hardly contain myself.

Mayor Swiderski: Vanessa, I do not think I have ever heard that.

Ms. Merton: No, I do not think you have.

I did have a question about the shift in the delegation of authority to administer. Not that I was really paying attention in 1981, but I think the reason the old law was formulated as a Village law rather than a zoning code provision, and directly administered in a sense by the Board, was because we were thinking about large tracts. We were thinking about some of the most important properties in the Village. And now, clearly, we still are. I just would put out as a possibility to consider that there is some virtue, when you are talking about that type of pivotal, character-defining property that whether it would make sense to have the Board retain an ultimate authority for decision-making even if the Planning Board had a initial cut at it. Because this board is more accountable, this board is more directly accountable to the people and that seems appropriate for this type of property.

Has anyone had occasion do a buildout of all the existing zoning on these properties, what we would be talking about. I did it once badly, and it came out to about 300 units. It might be useful in going forward just to have somebody do that analysis.

Village Attorney Whitehead: With the steep slopes and other things it is hard.

Mayor Swiderski: Right. But there was a committee that worried about this for a couple years.

Village Attorney Whitehead: The Comprehensive Plan refers to a large tract study.

Trustee Walker: I did a buildout study.

Mayor Swiderski: I thought the number was significantly higher than 300, but they were talking about all multi-acre.

Village Attorney Whitehead: Was that before steep slopes?

Mayor Swiderski: I do not know if it was incorporated in it.

Trustee Walker: No, I do not think it incorporated all the possible permutations like steep slopes.

Mayor Swiderski: It was Village-wide, and I think it came to 800 units.

Village Attorney Whitehead: Susan, do you know that study, referred to on the Comprehensive Plan, a large tract study from 2006?

Trustee Walker: I was involved in one around 2000-2001.

Mayor Swiderski: So was Patty Speranza. She may have led it.

Village Attorney Whitehead: We can certainly look back at those.

Mr. Metzger: One piece of property that keeps getting left out of this discussion is the very southern end of Warburton Avenue at Riverview Manor. A number of years ago there was some thought that the catering hall may sell. They own four or five pieces of property there which could be subdivided back into one larger piece of property. Being that is as close to the Ginsburg juggernaut that is happening in Yonkers, as we have in Hastings, we should make sure that piece of property is included in what we look at.

Village Attorney Whitehead: This is where we get into looking at size. That piece is split up to two different sides of Warburton, so I do not know if on either side it would be big enough to warrant looking at clustering. But it is something we can look at.

Trustee Walker: There are two other pieces that might be worth looking at on the northern end of the Village. One is a piece of Children's Village property that juts into Hillside Woods. The other is on Judson. It butts up against Judson and Dobbs Ferry. It is not officially part of Hillside Woods or Hillside Park, and it was left R-20.

Mayor Swiderski: There is also the corner of Hillside Woods, the northeast corner.

Village Attorney Whitehead: I do not know if those are gateways the same way because they are not on a main road.

Trustee Walker: No, they are not really gateways.

Mayor Swiderski: Let us keep to the main road and keep this clean.

Village Attorney Whitehead: The piece along 9-A we can certainly include. But not only is it a lot of it wetlands, it is floodplain. We will include it.

Mayor Swiderski: I just do not want a 2030 administration to sell off the county land and we are scrambling.

Trustee Lemons: We found this in the Comprehensive Plan. So 124 units was the estimate for the gateway.

Trustee Armacost: It says North Broadway but it means South Broadway.

Trustee Lemons: It is on page 41. I think it is trying to say all large tracts.

Village Attorney Whitehead: All of these parcels are zoned residential except for Newington-Cropsey. The calculation is done as part of the large tract study, and it says on North Broadway, developed to the full capacity. That probably should be South.

Village Attorney Whitehead: The next question, once you create this, additional properties could be put into this at a later date. You want to look at do you want to set a minimal lot area for a property to be subject to mandatory clustering. You do not want to ask someone to cluster on a half-acre or one-acre parcel. There is a number there, when you get to three, four, or five, where you want to say this parcel is big enough that we want you to cluster. Because it will preserve some valuable open space. On a smaller parcel, what you are going to preserve is not going to be so significant.

Trustee Armacost: What are you seeing in other municipalities?

Village Attorney Whitehead: I have seen five, I have seen eight, I have seen 10. Meg, what is your experience?

Trustee Walker: That is about right. I do not think I have seen less than five.

Village Attorney Whitehead: I do not think I have seen less than five. I do not think in a small village that is already largely developed I would go as high as 10.

Trustee Armacost: So what would your recommendation be?

Village Attorney Whitehead: Probably five or eight.

Trustee Apel: You could have somebody that decides to buy a few houses on a block, rip them all down.

Village Attorney Whitehead: Do you know how big the 95 South Broadway church property is? We may want to look at that as our cutoff.

I will go back to Vanessa's question about which board has authority later. Let us just run through these. Section 7738 allows you to, in varying the code, allow for single-family detached, attached, semi-attached, any combination of those. I assume you would want to permit any of those. What a lot of codes do, then is if you are going to permit attached to limit usually to six or eight the number of units that can be in a building. That is a scale thing to keep the buildings from getting to be too big and create space between buildings. They can attach them, but any building can only have up to six or eight units in the building.

Trustee Apel: How does that play off our affordable housing? If you build it a certain size you must have affordable housing.

Village Attorney Whitehead: The number of units in a building does not matter, it is the whole development. This is just saying that if you are doing a townhouse development you cannot have one big building with 13 units in it.

Mayor Swiderski: I have no idea what is reasonable.

Village Attorney Whitehead: Six and eight are pretty standard.

Trustee Armacost: Really, four is too small? Four is kind of attractive, but OK six.

Mayor Swiderski: Six as a minimum or six as a maximum?

Trustee Armacost: We want to limit it in a way that seems reasonable. So maybe four is too little.

Village Attorney Whitehead: I think four is low.

Trustee Walker: I think four is low, but maybe six. We can have a few examples of these. They are not necessarily townhomes. There are a lot of different ways of clustering. But at any rate, we do want a maximum so we do not have something gigantic.

Village Attorney Whitehead: You could also do it by square footage. You do not want a building that is more than a 5,000 square foot footprint or an 8,000 square foot footprint. But that is what you want to control in some ways, how big that building footprint is.

Ms. Merton: Ordinarily I would always want it to be as small as possible and as little square feet. Yet I think about Hastings Landing and that does not seem oppressive and there are quite a few units. I do not know whether it is 10 or 12 or something, and the way they are put together it does not seem bad. I do not know how this works in terms of other issues like affordability, like it is cheaper if you build them together. Maybe it creates the possibility of more affordability. But Hastings Landing is not a bad development.

Village Attorney Whitehead: Because they are really not visible.

Ms. Merton: But that is the idea. Hopefully, these will not be. That is exactly the idea of cluster zoning.

Village Attorney Whitehead: You can choose to let the Planning Board use their planning discretion, or you can set a maximum.

Trustee Armacost: I would like to know more and see images of what it would look like with different amounts. I do not feel we should be making this decision right now. Maybe Meg can make the decision.

Village Attorney Whitehead: There are a couple of things you could do. You can look at Riverpointe and look at Hastings Landing. There are complexes in Dobbs Ferry and Irvington. I happen to live in one in Irvington where I think there are six or seven units in my building. We have got a lot of topography so it does not look bad. I live in Pennybridge Manor in Irvington. We are a total of 72 units, but it does not seem like a big development. You can also, as Peter is doing right now, go on Google Earth and look at their big developments.

Mayor Swiderski: It looks like there are five in each of the three Riverpointe buildings.

Village Attorney Whitehead: And those are big units. Those are 3,000 to 5,000. In Hastings Landing the units are much smaller. So when you say there are a lot more in a single building, they are much smaller units than the Riverpointe units.

Ms. Merton: To the idea that was floated about leaving it up to the Planning Board, I would suggest that you should pick a number, or set of units or square footage or something, and not leave that kind of decision to the Planning Board, which is under so much pressure from each individual applicant to try to help make it work. That is what the law is for. The law is to provide a way that nice people can say no. That might be important for this.

Village Attorney Whitehead: That is why I gave you this list of questions. We can run through them now, but I think what I am hearing and it is a good idea is, this board has to take this list of questions and do some homework on your own.

On question four, this is pretty simple. When you give a cluster authorization you are authorizing them to modify lot areas, coverage, setbacks, all of those things. The one that is a bigger issue is, if you do want to authorize a change to the maximum height. You probably do not. I think you do not want them to build three-story buildings. You can say that you cannot give that authorization, which means that whatever they do has to stay within the height that is currently permitted in the R-20. Similarly, you can say, and this was not in my list but falls under the same thing, you do not want stacked units, you want them side-by-side. That is something to think about. I can tell you that more residential developers are now looking at buildings stacked, even if they are only two stories or two and a half stories. They are looking more at flats than two story units.

Trustee Apel: As opposed to townhouse types, they are going to be apartments.

Village Attorney Whitehead: Yes, they are flats. They do that for a number of reasons. Some people want to live on one story. So they can put two units, one on top of the other, and provide people with one-story living. They might have to provide elevators, but there are some residential developers that are looking at that option.

Mayor Swiderski: Are there not height limits already?

Village Attorney Whitehead: There are height limits already. You do not have to vary those. So it is a two-part question: one is height limits, and one is if you want to say they have to basically be side-by-side and no stacked units.

Trustee Walker: Architects are getting creative in designing multi-family that does not look like multi-family. I think part of the pressure is that developers have been eager to build

rental apartments as opposed to condos and for-sale units in the last few years. So there has been much more interest, just like there was at Saw Mill Lofts for rental.

Village Attorney Whitehead: I can tell you from some of the things I have seen, a lot of the rental developers prefer doing stacked even in a two or two and a half story building. It works better for them. I do not know if you are OK with allowing that or would not want to allow that. And they may look like townhouses. Once you keep the height down, it stays with that residential look.

Trustee Apel: I think that is fine, either way.

Trustee Walker: In a way, it is more appropriate for senior housing.

Mr. Metzger: As an architect, with all deference to this board this is not the time or place to be deciding what this should look like. You need to bring in people who have some expertise. As a quick example, if you decide you do not want stacked units, now you are forcing a developer whose business model is to make as much money as they can as easily as they can to hire an architect who will accomplish that for them. We want to preserve the Village. We may decide you want stacked units and have a smaller footprint. I do not believe we are ready to make that decision tonight.

Village Attorney Whitehead: They are not saying this is what you have to build, they are setting parameters.

Trustee Walker: But we are not even setting them tonight. We are just discussing what they could possibly be.

Mayor Swiderski: If we want to move forward at all we need to have this discussion.

Trustee Armacost: What is useful is the way Linda has framed the question forces us to think more and request assistance from people who have spent even more time than any of us, apart from Meg, on these things. the questions are quite helpful for me, and I am feeling ill-equipped to make a decision as a result of the questions having been raised.

Trustee Walker: Jim, you are saying perhaps we should hire a consultant? Or engage you.

Mr. Metzger: No, I am not the person to do this.

Village Attorney Whitehead: Jim, you need to understand that all they are trying to do is say what are we going to permit. They are not trying to say what is going to get built.

Trustee Walker: But he is even concerned about that.

Mr. Metzger: As an example, you could set cluster zoning up to say we are requiring 150-foot setbacks from any public thoroughfare. You can back into what gets built. In New York City, it is all determined by setbacks, floor area ratio, site coverage. There are a whole bunch of things that get plugged in. It tells you this is the size volume building, now how do you slice that up to make something that is usable, as opposed to saying we are going to allow two stories, you do not necessarily need to make that decision.

Village Attorney Whitehead: But the objective of what they are trying to do here is different than what you deal with in New York City because they are trying to deal with a large parcel of land and say we want to concentrate the development in certain areas of this property so we can preserve remaining portions of the property as open space and preserve the environmentally sensitive areas. So they are trying to set parameters.

Trustee Apel: If we were to decide on whatever size piece of property that we want 100-foot setbacks and we want buildings no more than two stories, then when the builder pushes this thing to that area he cannot build anything. I do not know whether 100-foot setbacks would allow a developer on an X-acre piece of property to make any money.

Village Attorney Whitehead: But your density should come out to the same thing it would come out to at R-20. That is the basis of the density. You are not restricting the number of units. In fact, in a lot of cases the construction becomes less expensive because they are building less roads and infrastructure by concentrating it in one part of the site.

Trustee Apel: But again, it is like one of those squishy little things. If you squish it and you have a certain density, then the height might have to go up. And we have already capped it.

Mr. Metzger: As an example, there was a piece of property just up the block from Amjo's that decided to enforce cluster zoning on, which was a good idea. It was three or four various pieces of property. The configuration of the property made it impossible to design anything that would fit on that site because it was a bunch of little narrow. So without looking at the properties, just to say five acres is a meaningless term if that five acres is 100 feet wide and 40,000 feet long. Even the parameters need a little more study of what the size is and the various pieces of properties are. If you have a triangular piece of property it is going to determine a very different building siting than if you have a rectangular piece of property. They could both be five acres.

Village Attorney Whitehead: Most of these properties are very large.

Mr. Metzger: I understand that. Andrus is a triangular piece of property

Mayor Swiderski: Part of what you are saying is the hell that we were led to before that we abandoned this effort a few years ago because we bogged down and tried to make is site-specific. We are trying to come up, here, with the template that is a little more general so it actually happens this time.

Mr. Metzger: I am suggesting that possibly you empower a group of people to study this.

Ms. Merton: No! No!

Village Attorney Whitehead: If anything you retain a planner.

Trustee Armacost: You have lot of experience with other municipalities that have enacted these kinds of provisions. You can tell us what was successful and what was not, from a practical point of view. Some of this is hard for me to visualize. If there is a tool that allows you to visualize the implications of the choices it would be useful.

Village Attorney Whitehead: We talked about this before when we first started on this endeavor. I said, yes, I have a lot of land use experience both representing applicant and municipalities. But I am an attorney, I am not a planner. We talked before about the fact that this is an exercise where a planner might be helpful to you. That is something this board has to decide. And a planner can help you do that visualization. They have tools that can show you what something would look like.

Trustee Apel: Would it be a problem, it probably would, because I am more in a hurry to protect the Village, if we initially with these large lands decided we had to have mandated cluster housing and 100-foot setbacks and just get that law out there, then worry about all these other specifics? Because if we do not have anything, that would be like the minimum.

Village Attorney Whitehead: Then you are giving the Planning Board a lot of discretion if someone does come in before you get all those other things. Nothing is on the market. It is not like somebody is coming in with an application tomorrow.

Ms. Merton: That can change tomorrow.

Trustee Apel: I do not want to spend six months on this.

Village Attorney Whitehead: There is always a moratorium, but this severe.

Ms. Merton: This situation does not warrant a moratorium. It warrants making a rule.

Village Attorney Whitehead: Right, it does not warrant a moratorium.

Ms. Merton: As a lawyer, not an architect, you make a law and if you do not like it or if it is not working, you change it. It is not that hard to do. You do not need to study and study and study. You can make some decisions, see how they work out. You can retain the potential for a variance if you want to do that in a particular situation, although I am not sure that is warranted. From what Linda has seen, from what she has put together in terms of what other communities have been able to do, I think you are very close to being ready to produce something that can go into effect. Then, as Marge says, you can tinker to your heart's delight and the architects can shower you with wonderful ideas, and you can change the law to respond to those. The law is not that rigid that you cannot make sensible decisions at this point.

Village Attorney Whitehead: The next question was very typical. Do you want to require a buffer or additional setbacks around the boundary of the project? The reason for that, first of all you may want a setback from the main road and that is part of your gateway issue. But sometimes they will require an increased setback around the entire boundary because your neighboring development may be on traditional 20,000 square foot lots and this is a denser development so you want to create some distance, even if it is only 50 feet or 75 feet between them.

Trustee Apel: Can you make a different setback, like 100 feet from the road and 50 feet from the side?

Village Attorney Whitehead: Yes. I think part of what is going to drive some of these distances is like the church property, the smallest.

Mayor Swiderski: Right, it is 100 foot.

Village Attorney Whitehead: We need to take a look at that piece.

Trustee Apel: If this room is 50 feet, is that enough?

Trustee Walker: Not really, when you are dealing with the Andrus properties or Graham along Broadway.

Trustee Apel: So can we make it different depending upon the size of the property? Or is just 100 feet off of Broadway, whatever it is?

Mr. Metzger: Do not forget the parking for all of these units.

Village Attorney Whitehead: You are not going to put parking in your buffer. A buffer is a buffer. It is left green, it is landscaped, you cannot build any structure.

Trustee Walker: When we were looking at what is established mostly along Broadway, but even on 9-A, most of the buildings were set back 200 feet. We did not want to propose 200 feet because that seemed onerous. But there was quite a serious setback.

Village Attorney Whitehead: I think 100 feet from Broadway probably works. We just have to double-check the church property.

Then it is just requirements for ownership, user control of the resulting open spaces, it can also be done by the Planning Board on a case-by-case basis. Generally, you are going to have a homeowners' association which can own them. You may, today, get some rental developments, in which case the owner would own and manage them. You want to allow, if it is not overly sensitive land, recreational facilities and things like that to be built in some of the open space areas. Then you want the rest of the open space areas to be restricted from further development.

Trustee Walker: Have you seen any cases where land that was preserved was given a conservation easement?

Village Attorney Whitehead: You have to have somebody to accept the conservation easement.

Trustee Walker: The Westchester Land Trust.

Village Attorney Whitehead: More often you just see a deed restriction, a restrictive covenant.

Trustee Walker: I was concerned because the taxes might be decreased if it was given a conservation easement.

Village Attorney Whitehead: But not if it is the result of clustering, they will not get that, because they are not really offering it. They are not giving anything up. Conservation easements are a very interesting science, if you will.

The cluster law, 7738, was changed a few years ago. It used to be that clustering was only allowed for residential uses. You have some nonresidential uses permitted in this zone, mostly by special permit. Is it something where you would want to maybe permit both a special permit nonresidential use together with some cluster housing, or do you want to keep it to strictly residential.

Trustee Apel: It depends. You mean like having a doctor's office or a small store?

Village Attorney Whitehead: A store, retail is not allowed.

Trustee Apel: But you are talking about a doctor?

Village Attorney Whitehead: No, I am not talking a home occupation type thing. You have mostly institutional and not-for-profit uses that are permitted by special permit. You could even have someone who wants to build assisted living on part of the property and have residential on another part of the property.

Trustee Apel: Is not one of the things we want to do is have revenue for the Village?

Village Attorney Whitehead: That was another topic. If you go back to my last memo, it talked about looking at other uses that could be permitted by special permit. That was one of the items in my original large tracts memo, and we decided to focus for right now on cluster zoning.

Trustee Apel: Right. But I am saying as part of the cluster if you allow for not-for-profit types of things to go in there.

Village Attorney Whitehead: It would be whatever is allowed under the underlying zoning.

Trustee Armacost: The thing we spent a lot of time talking about was the assisted living scenario. We were agreed that we would want that to be able to be permitted.

Village Attorney Whitehead: That is something we can do separately from this. It is a very simple change. We also talked about fixing the definitions for the senior. That is a separate item we did talk about at some length when we talked about this before, updating your definitions of senior uses, and then updating the special permit uses permitted in your residential zones. Assisted living as it exists today did not exist when your code was written. Most of the assisted living developers today are for-profit and pay taxes. You can do that separately.

Trustee Armacost: What is the process for moving that forward?

Village Attorney Whitehead: My direction from our last conversation was to focus on the cluster.

Trustee Armacost: I thought you were going to do that because it was easier.

Trustee Apel: We gave her the harder task first, yes.

Mr. Metzger: And that brings up the other issue of commercial development versus residential development. On these large tracts, it is our last chance to possibly get substantial commercial development, increase our tax base without increasing the number of children going to schools. One of the discussions we had with Walter Stugis, who is the head of the Senior Committee, back when we wrote the plan there was a business model to do assisted living, for example, in the Andrus Home. Assisted living on the upper floors and a commercial medical facility on the ground floor that people would use to see their doctor or their dentist. It would serve the assisted living facility, but it would help provide a commercial tax base for the Village. Am I jumping ahead again?

Village Attorney Whitehead: No, you are jumping backwards. That item was in my memo from the last meeting, where we talked about all the large tract recommendations. There was a recommendation even in the Comp Plan. It talked about expanding the commercial uses permitted on the southern gateway parcels because of the proximity to Executive Boulevard and the commercial uses there. That is a topic for another day.

Mayor Swiderski: If we do not limit the scope here to the discussion we are going to be sitting here in a year without anything done. It has got to be an overlay and it has got to be straightforward, otherwise we will never leave this room.

Trustee Lemons: So how do we get these eight questions answered here?

Village Attorney Whitehead: Most we have already gone through now. They need a little more research by all of you, looking at some existing clustered developments. I can help point you to some outside of Hastings, if you want. The other piece of it is, if you want some more analysis consider whether you want to retain a planner to help you with some of that analysis. Then Buddy will get me the information on the church lot because I think it is the one that is going to drive some of this. It is by far the smallest of these.

Trustee Armacost: So we are only talking about the southern gateway.

Trustee Walker: And 9-A.

Village Attorney Whitehead: I am not sure how those lots break up. I would have to look at a map to see if they are multiple lots or if the county has a single big one.

Trustee Walker: It is mostly a single big one, with a few funny little insertions. There a couple of private pieces within it. That is the odd thing about it.

Trustee Armacost: It is pretty thin.

Village Attorney Whitehead: And we may end up wanting to call the 9-A one something different. We may want different parameters on it because of its irregular shape.

Trustee Walker: I will send out the buffer report again.

Village Attorney Whitehead: And then, Susan, if you can find that large tract, if you can.

Mayor Swiderski: It is still not clear to me, though, how we take these questions and come to a consensus.

Trustee Armacost: Five, six and seven we could just say yes, yes, yes. To me, those are not ones that I need a lot of research on. I already have spent a lot of time thinking about those points. The ones which are trickier are like number two: is it five, eight or ten? On number three, is it six or eight, or is it square foot?

Village Attorney Whitehead: That is number eight. I talked about it under three, but it is actually eight.

Trustee Armacost: But is it six units, is it eight units, or is it a square footage issue? Those are the points where I need to spend time understanding or visualizing. I do not know if it requires a planner. Maybe Meg has a secret tool in her tool kit to help us with those.

Trustee Walker: I would not want to limit creative abilities here and creative design ideas. Sometimes when we think we are restricting it to not have too big a building or not to have stacked units we, in fact, might be shooting ourselves in the foot because we are restricting something we in fact might prefer.

Village Attorney Whitehead: I think the consensus was that you were OK with the stacked units. So we are not going to prohibit the stacked units.

Trustee Walker: If we are permitting stacked units that means that probably there could be more units clustered together because they would be stacked.

Village Attorney Whitehead: Well, they are going to do the same thing. They are going to go like this. You are still going to have your building that is X size, and instead of having this you are going to have this. They are going to have about the same number.

Trustee Walker: Multiply it times two.

Village Attorney Whitehead: No, because they are going to be bigger.

Trustee Walker: I see what you are saying. They are going to be bigger that way.

Village Attorney Whitehead: You are going to get close to the same number of units in a building whether they are stacked or side-by-side.

Trustee Walker: But the configuration is, they could create a courtyard building.

Village Attorney Whitehead: You want to allow creativity in design.

Trustee Walker: Which would not look like a gigantic building. There are a lot of different ways to do it.

Trustee Armacost: I think we have agreed on one, we have an answer to one. We have an answer to five, six and seven, or at least I do, and the answer is yes for me in all of those cases.

Trustee Walker: Right, but we have to figure out what the number is then on the setback.

Trustee Armacost: For me it is at least 100, but maybe others disagree.

Village Attorney Whitehead: It is 100 from Broadway.

Trustee Apel: But we are not sure about the church property.

Village Attorney Whitehead: Do you want to do sides and rear.

Trustee Apel: Right. I think we did.

Trustee Armacost: And the ones which are pending for me are two, three, four and eight.

Village Attorney Whitehead: The only question on four is do you want to allow the height increased over what is permitted in the zone today. That is the only question in four, building height.

Trustee Apel: What is the height?

Dep. Bldg. Inspector Minozzi: It is 35 feet, or two and a half stories.

Trustee Apel: But having what the build-out would look like by making all these restrictions is important. I feel like we are having a discussion on form-based planning here by squishing it in.

Village Attorney Whitehead: But this is very typical. This is done all the time.

Trustee Apel: No, I am not disagreeing with it. I think it is the right thing to do.

Mayor Swiderski: It is the right thing, and ultimately you are constrained by the zoning for the site. You are restrained by the R-20 for the site. So it is not like suddenly you can squeeze in so many units. There is a maximum constraint on the number of units on the site. All we are trying to do is cluster them in the center and away from the road.

Trustee Walker: Linda, can we authorize the Planning Board to consider things like sensitive environmental areas, the wetlands and things like that?

Village Attorney Whitehead: You can. In giving them the authorization you can say that your purpose of doing this is to preserve environmentally sensitive areas, steep slopes, and that they should look at that in considering the layout. I have all that kind of language.

Trustee Walker: Good. So we do not have to put all those laws in place in order for them to take it into consideration.

Village Attorney Whitehead: No. Even if you look at the enabling statute, that is the whole purpose of clustering. You are going to copy that purpose into your law.

Trustee Apel: Are you going to send us a summary of what you need information on now?

Village Attorney Whitehead: I can also at this point try drafting something with blanks. Or ranges.

Trustee Armacost: I think ranges would be helpful. By the way, what I am agreeing with on seven is nonresidential. You framed it as an either/or, so when I say yes on that I am saying I would like there to be the ability, for example, for assisted living facilities.

Trustee Walker: Initially, we are talking about what is in the zoning until we change it.

Village Attorney Whitehead: Right. So assisted living technically is in one of your definitions.

Trustee Walker: We are going to change that. There are some nonresidential uses that are already in the zoning that are allowed.

Village Attorney Whitehead: I think we are going to say that nonresidential use is permitted by special permit.

Trustee Armacost: Yes, that is what I am agreeing to. Exactly.

Mr. Metzger: I just want to say again we need to make sure that if the opportunity presents itself for a small commercial use, headquarters for an office building or something like that, that seems to be the way things are going. I just want to make sure we do not lose sight of that because commercial is critically important.

Trustee Walker: That is a discussion that is going to require a lot of community input.

Village Attorney Whitehead: Because aside from anything else it is a traffic issue.

Mayor Swiderski: Why? Because the usage in the current zoning is not something we have to open up to the community. It is set.

Village Attorney Whitehead: Right. That is why this language relates to that.

Trustee Armacost: So, Linda, we can get movement on two, too. For me, five to eight acres.

Trustee Apel: Is that under two, or four?

Trustee Armacost: That is under two.

Village Attorney Whitehead: Number two is a minimum lot area.

Trustee Walker: Let us check the size of the church property.

Mayor Swiderski: It seems to be more than 5 acres.

Trustee Armacost: But in terms of a range, 5 to 8. Smaller than 5 seems very small to me.

Trustee Walker: We do not have an upper limit.

Village Attorney Whitehead: You do not have an upper limit, and you have a minimum of 5 acres.

Trustee Armacost: I am saying somewhere between 5 and 8 is the minimum.

Village Attorney Whitehead: OK, I think I have got enough.

Trustee Walker: Then we will need to discuss how many units.

Trustee Armacost: We are left with four and eight.

Village Attorney Whitehead: The setbacks. No, five and eight.

Trustee Armacost: No, five we decided, which was the 200.

Trustee Apel: I think we do want a buffer around the entire subdivision.

Trustee Walker: We need to look at those numbers.

Trustee Lemons: We need to look at your previous study.

Trustee Apel: I think we want to have buffers, we just want to know what they are.

Village Attorney Whitehead: So that can be done with blanks for now, or with 100 feet from Broadway and a blank for the other.

Trustee Walker: I say keep the existing height limitations. They are there for a reason. We do not want this to stick out like a sore thumb.

Village Attorney Whitehead: I think you are going to want to. I do not think you want to allow over two and a half.

Trustee Walker: I do not think we do.

Trustee Armacost: Yes, I agree. Keep the existing height limitations

Trustee Apel: I am with that.

Trustee Armacost: Then the limit on the number of units in a building.

Mayor Swiderski: It is going to be driven by the limit on that zone, right?

Village Attorney Whitehead: No, the total number of units in the development is driven by the density.

Trustee Apel: So we do not have to come up with it.

Village Attorney Whitehead: But you have got multiple buildings. Cluster development can have four or five buildings. Do you want to limit the size of those buildings? That goes back to do you want to avoid one big long building and have it more broken up.

Trustee Walker: Or is that going to be something that is up to the Planning Board to decide on a case-by-case basis. That may be something we do not want to limit.

Village Attorney Whitehead: That is always possible, however it looks.

Trustee Armacost: I think we achieved the goal.

Trustee Apel: Good job.

Trustee Walker: This is great. Thank you, Linda.

Trustee Armacost: Thank you very much.

4. Reenactment of Local Law No.4 of 2013 Amending View Preservation Requirements:

Village Attorney Whitehead: As you mentioned before about the sunset provision, the way the local law was adopted for the waiver was that it would expire if not reenacted by the Board by August 13, 2015. You have to go through the process of reenacting it. Buddy has prepared a summary for last year, although I do not think there has been one since.

Dep. Bldg. Inspector Minozzi: We did not have one this year yet, but we do have a potential one coming.

Village Attorney Whitehead: Right. So this is pretty much to date. There have been seven. The most important thing is there have been no complaints from any of the neighbors.

Dep. Bldg. Inspector Minozzi: Yes, that is probably the biggest thing. Mayor Swiderski mentioned a couple of the projects; I would like to add one on to that. A generator was supposed to go on Maple Avenue in the ground, and they chose not to go to view preservation because they did not want to spend the time or the money on it. So they scrapped it. That is another one that should be added to our example list, why we did this.

It has worked out tremendously, I feel. I am in 100 percent support of it. My predecessor had a lot do with the designing and going forward with it. But I have been blessed. He handed I to me after it was set. So I have been personally involved in the seven that are listed here, from concept to reality. They all start with the same thing. They come to the office, we sit down, we talk about the project. I ask them to bring in some sketches so we can see some pictures. In the beginning I would discuss it with Deven but now I have been doing it myself. If it warranted the waiver, then I would follow along with the process, usually by e-mail. That works wonderfully. The Board chairs do ask for specifics. They want pictures, they want top-down maps. And the architect or the applicant has to provide those things, some simple drawings. It has worked beautifully.

Village Attorney Whitehead: And Jamie and Matt, the Planning Board and Zoning Board chairs, both felt it should be this way.

Dep. Bldg. Inspector Minozzi: They are both in favor of it. They are not easy on me.

Village Attorney Whitehead: Because they ask for a lot.

Dep. Bldg. Inspector Minozzi: Some they ask for more than others. They take it very seriously. Fifty-two Washington, which is our affordable housing, with the air conditioners on the roof they drove me crazy. But I understand why. It is a little bit tighter of a district, and they wanted to make sure that nobody was affected. We even had the contractor put cardboard boxes up on the roof where the units were going to be, and then take pictures again before I finally got an approval out of them. That was probably the hardest one to get. The other ones worked quite well. Unfortunately for Juniper, they got the waiver but they never built the bathroom. I do not know what is going on with them, if they are ever going to come back in and do it again. But that is close to expiring by now.

Village Attorney Whitehead: So you can see all the ones that got the waivers were things that were not going to be visible and have any impact on use. That what is was intended for.

Dep. Bldg. Inspector Minozzi: And I will tell you the truth, 102 Maple Avenue is a gigantic addition that had absolutely no impact. Not just because the size of the job does not mean that it is going to have an impact. That is a very big job and it had no impact whatsoever. This is why this is so great.

Trustee Walker: And typically, it is very clear to you. It is black and white.

Dep. Bldg. Inspector Minozzi: It is black and white, there is no gray.

Trustee Walker: And if there was a gray, then it would have to go.

Dep. Bldg. Inspector Minozzi: No, if it is not 100 percent black or 100 percent white I would not even recommend it for a waiver.

Village Attorney Whitehead: And Jamie and Matt, if they had any question they would say this has to go to the board. They are in the position of granting waivers.

Trustee Armacost: I think we are in agreement to either having another two-year hiatus.

Mayor Swiderski: Why?

Dep. Bldg. Inspector Minozzi: Could I make a suggestion? I feel you should make it law.

Trustee Walker: Permanent?

Village Attorney Whitehead: Without a sunset.

Mayor Swiderski: There is no need for a sunset.

Village Attorney Whitehead: So that is what I drafted and e-mailed out to you late this afternoon. You have to y repeal what you did because it included the sunset clause, and reenact it.

Mayor Swiderski: What is the public requirement here?

Village Attorney Whitehead: You have a public hearing.

Village Attorney Whitehead: Schedule it for August. That is why I got the law ready today.

Trustee Lemons: My question about not having a sunset is how dependent is the effect of carrying out of this depending on the people who are doing it. We have, right now, a particular group of people who are clearly doing it well and doing a good job. They will not always be doing that job.

Village Attorney Whitehead: If you think it is not going well you can always repeal it. And you can have the Building Department continue to give you an annual report.

Trustee Armacost: It is useful to have an annual report. I found it quite helpful.

Mayor Swiderski: It is a sensible and powerful tool. Let us schedule it. We cannot have a vote that session, right?

Village Attorney Whitehead: You can. A lot of boards will vote the same night. The problem is, your law expires. If you do not vote that night you will have a couple of weeks where there is no waiver provision in effect.

Trustee Apel: I think you can vote that night unless there is a barrage of objections.

Mayor Swiderski: Let us schedule both the public hearing and the vote on this for that meeting.

Village Attorney Whitehead: You need a motion to schedule a public hearing.

On MOTION of Trustee Armacost, SECONDED by Trustee Walker with a vote of all in favor, the Board scheduled a Public Hearing for Aug. 4, 2015 at 7:30 p.m. to consider the advisability adopting Proposed Local Law D of 2015 to reenact view preservation waiver requirements as follows:

Reenactment of Local Law No.4 of 2013 Amending View Preservation Requirements:

Section 1: Section 295-82 (View Preservation Districts) of the Zoning Code is hereby amended by adding the following new paragraph:

D. Waiver of View Preservation approval. Notwithstanding

the requirements of Subsection C above, View Preservation approval shall not be required where the Building Inspector determines that the erection or exterior alteration will have no negative effect on the view of the Hudson River and the Palisades for neighboring properties and adjacent public property and rights-of-way, and that determination is confirmed both by the Chairperson of the Planning Board, or another Planning Board member designated by the Chairperson, and by the Chairperson of the Zoning Board of Appeals, or another member designated by the ZBA Chairperson.

Section 2: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 3: This amendment to the Zoning Code shall expire on August 15, 2015, unless reenacted by the Board of Trustees.

5. Community Outreach – Opportunities for Residents to Meet with Boardmembers

Mayor Swiderski: Niki and I sat for two and a half hours. There was not a moment where there were not at least a couple of people at the table. There was a constant stream of people interested in talking. We heard a range of issues from motorcycle parking at the parking lot, to potholes, to curbs, to Niki even throwing in a couple of things. Bread and butter issues, for the most part.

Trustee Armacost: Yes, there was some praise of things that we have done which is always nice to hear. There were some useful suggestions on things that could be improved. There were some people who had genuine complaints. And we gave people advice on how to approach us and how to approach the Village Manager and other departments in order to be able to resolve some of those issues. We handed out a lot of calendars. We handed out some voter registration forms. We welcomed two families that were so fresh to the Village they had not even been here a month. It was quite lovely to talk to them and find out why they had moved to Hastings and what they already found interesting about Hastings, and a little bit about the history of the Village and some of the interesting, colorful people who have lived here. So it was a great experience.

Mayor Swiderski: I am going to organize this, strike me dead, every other week. There are issues around the sunshine law here. We cannot have three of us, so a maximum of two. I

am not volunteering to be there every other week, so begin to look at your calendars and give me an indication of when you are interested. I think there was enough interest that it would be ideal if there are two. It was a rare moment where both of us were not fully engaged.

Trustee Armacost: Exactly. I would be happy to do it again. I really enjoyed it.

Mayor Swiderski: I did, too. But I think every other week is reasonable, and we will bring a stack of materials each time and off to the races. I think it was an interesting way.

Trustee Walker: I think it is a terrific idea.

Mayor Swiderski: An alternate way of getting input.

6. Other

Trustee Lemons: To balance all these comments about how we cannot seem to consummate any kind of relationship with Dobbs Ferry, we did consummate a relationship today with Dobbs. We submitted together a joint proposal to Solarize Westchester.

Trustee Walker: Congratulations.

Mayor Swiderski: A lot of work.

Trustee Armacost: What we should say is that Dan did an unbelievable job. He pulled together a lot of material and put a really coherent proposal together. So you deserve the praise for that.

Trustee Lemons: It was a productive effort between Dobbs Ferry and us.

Trustee Walker: Who were you working with in Dobbs?

Trustee Lemons: Paddy Steinschneider. Rob Baron is the lead there, and Jeff O'Donnell, who is a Trustee, former long-term school board chair, I think, It was a good group to work with. Niki and Kerry-Jane King on our side. So we are the core group.

Village Attorney Whitehead: Do we know how many other submissions?

Trustee Lemons: No idea. If you find out, let me know. They are going to make a decision, they said, July 10.

Village Attorney Whitehead: The first round was very successful, the communities that participated in the first round.

Mayor Swiderski: We are going to participate, whether we win or not. This is going to happen whether we latch on to another community's outcome or not.

EXECUTIVE SESSION

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

ADJOURNMENT

On MOTION of Trustee Walker, SECONDED by Trustee Armacost with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 10:45 p.m.