

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**REGULAR MEETING**  
**SEPTEMBER 15, 2015**

A Regular Meeting was held by the Board of Trustees on Tuesday, September 15, 2015 at 7:35 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

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

**ABSENT:** Trustee Nicola Armacost

**CITIZENS:** Ten (10).

**APPOINTMENT**

**Mayor Swiderski:** We have one reappointment, to the Board of Police Commissioners, Tim Barnes. Thank you for your service in the past, and moving forward.

**APPROVAL OF MINUTES**

On MOTION of Trustee Apel, SECONDED by Trustee Lemons with a voice vote of all in favor, the Minutes of the Public Hearing and Regular Meeting of September 1, 2015 were approved as presented.

**WELCOME NEW VILLAGE MERCHANT**

**Mayor Swiderski:** A tradition here is when there is a new merchant in town to give them the first crack at the microphone to describe their store, their hours, who they are appealing to and whatever else they want to say, in three minutes. So to our newest, welcome.

**Ellen Sledge, Penny Lick:** Thank you very much for having Penny Lick. It was a lot of fun opening this past weekend. I am sorry for the traffic jam it caused. Our hours are Tuesday through Saturday 12:30 to 9 p.m., although we will be closed for the next two days because we are completely out of ice cream. You clap, but I am going to be sleepless for the next two days. I had made what I thought was enough ice cream to carry us through the month of September, including all birthday parties, festivals and Farmers' Markets. Thank you very much for having us. Barbara is not here, but thank you to her. Because of her, you do not have a fourth nail salon in town, you have an ice cream company that is getting a very reasonable rent. She guided me step by step through the process; it was a huge help. With a small business, you have a steep learning curve and that learning curve gets steeper all the time and never ends. I am grateful for her help. It made my life immeasurably easier.

**Mayor Swiderski:** In addition to ice cream, any catering or other services you offer?

**Ms. Sledge:** We do ice cream catering, we do cakes. Somebody has already booked a birthday party in our kitchen for this Friday.

**Mayor Swiderski:** Thank you, welcome. It was quite an opening. The magic show was a hoot, and the number of people on the street it was Friday Night Live sort of crowds.

### **PUBLIC COMMENTS**

**John Gonder, 153 James Street:** At the last meeting, I was very disappointed in the Board and disgusted because you treated some of we, the people, that come to many of these meetings like trash. You went through your meeting, call to order, pledge allegiance, roll call, presentation of a 25-year award to Lieutenant Dosin. You went out to an executive session. Mr. Mayor, you said it would take around a half-hour. I waited over an hour and 15 minutes. I do not think you people ever went to the school system in Hastings, but they taught you how to treat people. You treat people like you would like to be treated. Unfortunately, you do not do that. You could care less about maybe six or eight of us.

Next, I had a premonition. You said safety and litigation. Safety items usually go to the safety committee. If they are in favor of it, then it comes to the Board. I do not know if I am out of order talking about maybe what you people were discussing. If I am, I will apologize. But I had a premonition, or a bird or a pigeon told me, that it was about guns, shotguns for our police officers. I got this from a lot of people that know about it. In our community, like our fire department, we have to give our policemen everything they need: cars, guns, anything that they need. We have a population, a large Jewish population, that many people do not like; whether it is religious or not. We have school children. We know some people, crazies, like to kill children. We also know that we have a lot of holidays now for the Jewish population.

People are worried. And police officers are an easy thing. Anybody in uniform. I get an understanding that you are against shotguns for the police. I talked to a state trooper several days ago and asked him do you carry shotguns. He says definitely, and went on and telling me the type of ammunition and everything else. If it is good enough for the state troopers that are also in harm's way a lot of times, why is not good enough for our people? I hope you will consider giving them whatever they want. If they want automatic weapons, of course I would like them to all be trained. But I do not think it should be a behind closed door session. That should be open and discussed in the public. Especially if it comes from a safety committee.

**Mayor Swiderski:** I apologize for the wait last meeting. It was, indeed, much longer an executive session than we had planned on. Probably the right thing would have been to send somebody out, but it was never clear when it was going to end. It was a discussion that went on and on and, ultimately, it was the public's business that was being done and took what it took in time. I am sorry there was a wait.

**Randy Paradise, 35 Floral Drive:** I live at the intersection of Floral and Forest Avenue, two streets that I have been told are slated to be re-paved this year. My understanding is that the bids were accepted about the time of the August Village Board meeting around August 5; it is now the middle of September. No work has begun yet on the streets where I am. I do not know if other work has begun yet. The Village Manager was good enough to e-mail me back to say the work would be completed before the cold weather set in. If the chief damage to the roads is pretty much done between the months of December and March, and we cannot get the major repairs effected before October or even November, it is t going to be right before the new damage starts again.

Up where I live, this is a property values issue. Next to our homes, our cars are our second-largest investment, at least they are for me. Every car that has to roll over those two streets declines in value as the weeks go on. You can hear the new rattles and the things loosening up. I have thought it might have something to do with our budgeting process. But I just thought if the street evaluation could be done during the month of April which is when the budget is being worked on, that the five very good minds we have elected to this board would find a way to see if the calendaring could be shifted to get the streets done before the damage is set to begin again.

**Village Manager Frobel:** I have assured you we intend to have the roads done before the onset of cold weather. I have explained to you the process and why we are in the situation we are today. It has to do with contractor scheduling.

**Mayor Swiderski:** It is not a solitary event. It is done in conjunction with the other villages. We cooperate as a group and buy a set of services from a single vendor. Then we divvy up from year to year who gets first, second, third, fourth, fifth. Some years we have landed up first and it happens in late August or early September, other years later.

**Dr. Jeanette Sawyer Cohen, 94 James Street:** I gave Village Manager Frobel a handout. I am here to talk about traffic calming. The take-home is that the concerns around pedestrian safety and traffic on James Street are not new. I have some excerpts from the Comprehensive Plan from 2009 identifying James Street as an area where cars are speeding, that is also warranting sidewalks, et cetera. And just looking up some data on traffic safety, which is a new area for me. I wanted to just leave you with one statistic to go home with

tonight when you are thinking about your own children or children like mine. You are 74 percent more likely to die if you are hit by a car that is going 30 miles an hour versus 25 miles an hour. You might be asking why bring this up, the speed limit is already 25. However, it is not being enforced. The signs are outdated, they need to be repainted. I think we could do a lot more. There is a model from the field of public health called The Plan-Do Study Act model, which essentially is enough talk, let us do something. I think that is where we are moving towards. My proposal, and I speak for many of my neighbors here, is to start small. I understand diverting traffic, changing hours of flow, adding sidewalks are all very complicated, expensive issues that would require buy-in from a range of stakeholders.

However, in the short run we can purchase a temporary speed bump table, or hump, which we may be able to learn the difference later, for \$159. I will pay for it. That is what I am asking for to start with, to start small, to do something today, to let the residents know, and especially those of us with small children that are not overdramatic but sincerely fear for the lives of our children every time we walk out the door. In terms of process, I did bring this to the safety committee. There was a lack of structure, no clear evidence from my point of view that minutes were being taken. I brought up some of these recommendations and did not feel there was any remote chance they were going to be turned into action items. I am hoping you can move things forward today.

**Arielle Shanok, 11 Flower Avenue:** I heard what the topic was going to be today so I came also. I am going to be going to the safety committee meeting this Thursday night e. To bring your attention to another safety issue on Flower Avenue, there is a steep curve and hill right next to the Temple Beth Shalom. We moved there a year ago, my kids go to school there. I have noticed that anybody who is walking from the north has a safety issue getting to the synagogue, or the preschool, because the sidewalk ends. I know sidewalk discussions are tabled, but I have another idea, a very simple, small, cheap idea of how to make it safer. Anybody who is walking down the sidewalk has to walk out into the street when they get to the part where the sidewalk ends. When there are cars parked there, that means they are walking in the middle of the street with baby carriages, with snugglies.

My caregiver had an accident this past year, and she used to be a basketball player so if it could happen to her it could happen to anyone. She slipped, and my baby who is two now but was a baby then rolled down the hill. My three year old slid down the hill. Thank God there was no car coming. But the accident happened because she was forced to walk in the middle of the road because cars were parked there. There is a no-parking sign, and if it is just simply moved down the hill 30 feet that will create a safe zone for people to walk.

**Aiken Tompkins, 87 James Street:** I wanted to reiterate everything my fellow residents on the street have said. But to emphasize the physical safety of the children, not only the

schoolchildren who walk but young mothers walking with baby carriages are in the middle of the street because they have no choice. It is absurd for somebody to have to fear for their life to go out and take their child for a walk. The immediate physical safety issues are obvious to everybody who has lived there and anybody who has lived in this town long enough.

Another issue is property values. Every time somebody has an open house for selling their house, on the street there are cars parked along the street. People after seeing the house will often ask me is the traffic always like this. It is a major negative for selling houses on our street. I have been put in a position of, do I lie for my friend and neighbor and say, no, it is fabulous, it is calm all the time except for right now? Or do I tell them the truth and say it is a nightmare? This is an issue that is not often brought out in regard to the traffic issues. Most importantly, it is a physical danger to the people who live on the street in terms of both air pollution, truck traffic, speeding and volume of traffic. I know the DOT has done a volume study, and they themselves were shocked at the sheer number of trucks and traffic generally in the morning and evening rush hour. Those of us who live there are dealing with it every single day. .

**David Skolnik, 47 Hillside Avenue:** I am requesting that the document I submitted to the Board at the last meeting be officially entered into the record as well as the letter I sent to the Board yesterday. For agenda item 66:15 do you expect to allow any public comment or are you running it so anything that would be said has to be said in this section?

**Mayor Swiderski:** This section.

**Mr. Skolnik:** I hope all of you will have read what I submitted. I hope your discussion will demonstrate some degree of being informed by that letter.

It seems as though there was an agenda addition. I am concerned because the last time this happened it was the issue of the LED lights and it came as a surprise. I am wondering at what point this was added to the agenda and why it could not have been at least notified as an addition, as you have done in the past when there has been some agenda change. If it were not for the fact that I wanted to speak to you about the LED lights I might not have made it a point to come. This is an issue that, in general, I am still quite concerned about.

I would like some indication from the Board whether you plan to address the document I submitted. I am referring to my summary with comment of the Board of Trustees discussion when the LED contractor was here and you discussed and voted on the LED resolution. Can you make clear to me how I could get any response from what I did submit to you? Or would it be necessary for me to stand here, go through, and read my comments for the record and then have you either comment, or not? That is a procedural question I would like an

answer on. At 20 pages, I do not have the time to go through that. I am asking for some indication of how you might propose to respond to this document.

**Mayor Swiderski:** The transportation discussion today is a kickoff to a process that begins today. It is the start of a long-overdue process for beginning to gin up a discussion around measures we should and can be taking. I do not have an explanation for why it did not land up on the agenda. It may have been my oversight in not prompting Susan earlier to include it, but is not mal intent and is fairly early on what is going to be a long process: the kicking off of a committee, review of many ideas that would be shared with the public through public sessions, and then winnowing down to action items. We will get to that in a moment. In regards to the submission for this current item for discussion, it was received by the Board. I certainly read it. It is going to inform at least a couple of the questions I ask. But that is all I can offer you.

In regard to the comment on LEDs that you submitted earlier, I read it through. I can say personally that you raise some good points. But the decision around LEDs was made in a larger context of a project that had been underway for many years and we simply chose to accelerate because there was another effort underway with discounted lighting that we could piggyback on and seemed to be a sensible thing to do to move quickly. It was not entirely predicated on that one discussion. This is a project that has been underway and discussed at every budget cycle, and we made a decision we felt comfortable with. I do not anticipate we are going to revisit that decision-making, and I think it is going to proceed as expected.

**Patrick Randolph Bell, Hastings-on-Hudson:** Mr. Gonder has been talking about sidewalks. When I did research on the Conservation Commission and went down to the office and dug through the vault, since 1972. Mr. Gonder has been asking to fix these sidewalks. I hope Ms. Walker can pull it together. For the last 40 years, and it is not here. You could lead the charge and get this all done.

There is a problem with a tree at High and Farragut. It needs to get the vines taken off. The Vine Squad looked at it, the porcelain-berries. They are blocking the view, looking to the right on Farragut. You come down High it is dangerous. Somebody sent an e-mail to Mr. Frobels that was on Facebook. Hopefully, we will get that done. Maybe you did not see it.

The gun discussion, according to Mr. Gonder, that is a public discussion. That is not something you do in executive session. You bring these people out there, you bring the public commissioners out there, you have a two hour thing. Make a special session for that next time. We would have loved to hear that. That is something that should be public.

The Conservation Commission. I am excited you are trimming this up. It looks great. I wish you would have kept nine in case you wanted to add some more awesome people to this commission. This has caused a lot of issues with me and the Conservation Commission, but I do want to say they are awesome. They know more than anybody about these issues. In the one in the e-mail there are a couple of typos. I am sure you will pull those together before you pass it. One thing I did wish you had kept was "It shall keep accurate records of its meetings and activities." I do not know why that was cut. It is not a problem.

We discussed with Ms. Maggiotto last time about the minutes. The minutes do not have to be perfect. They have to be like we talked about this on the agenda and a couple of people said stuff, and we were done. It does not have to be like Board of Trustees minutes. I still prefer that you s use that extra camera that has been sitting over there for two years and put that in the conference room and tape the public safety committee, where there was no minutes being taken, and the Arts Commission. They keep decent minutes, they just never hand them in. This board, too. If you want to use that room you are on camera, those minutes are there. You do not even have to keep perfect minutes. You just put them on the website and everybody is done and everybody can see these meetings throughout the entire Village. I cannot imagine a problem with that. This camera has been sitting there for two years, sitting there, and we just spent another \$35,000 or \$23,000 on cameras

I am excited you s are doing this. The Conservation Commission is awesome looking into the solar-powered garbage cans this week. I think they are great people, and I am sorry everything turned out like this. I have nothing against you, I love you all individually.

Ethics. I did not get any 2014 ethics disclosures. We should have had that. Nobody handed one in. There is a problem with the ethics issue and the Board and how that runs in this village. I will bring that up in the next meeting. By the way, everybody who runs a commission, committee or any of them should hand something in. That is the law in our village and we have not been doing that. I want to talk about my friend Noe for a second. He died recently. Noe was great. He was one of my favorite people in this village. He was nice and sweet. He went back to high school and got his high school degree at the age of 21. I just want to take a minute of silence, 10 seconds of silence, all I got on the clock.

### **DISCUSSION ON TRAFFIC**

**Mayor Swiderski:** We have had a subcommittee of the Conservation Commission that was focused on traffic issues. In concert with the Conservation Commission, we have had a Complete Streets policy created for the Village. However, that addresses only a component of the traffic issues laid out in the Comprehensive Plan and in studies over the years. There has been a raft of complaints, James Street and elsewhere, that indicate concern about these

issues remains high. We would like to re-gin up the subcommittee's efforts in looking at the traffic calming issues specifically, and beginning to address the concerns about pedestrian safety and walkability. We would like to do that with, as a starting measure, a couple of symbolic but real traffic-calming measures endorsed by the Board mentioned over the years in various documents as a way of demonstrating our intent in moving forward, generating some excitement about the fact that things can be done instead of just talked about and committee'd to death. And also demonstrating that the expense is not huge and that the effects may be quite real.

Trustee Walker and I have been talking about kicking off an effort with a couple of demonstration projects in a reinvigoration of the subcommittee. Open it up to new volunteers, and a process where using these two examples as the sort of things that can be done; reengaging the public and the existing documentation. This would be in concert with education efforts around Complete Streets and does not replace work we are doing around sidewalks on Hillside and Farlane but focuses on traffic calming and pedestrian safety.

I have asked Meg to, in the interest of putting some color around what traffic calming means, show us some ideas, discuss a couple of tangible ones we can take now. Then we will issue out to the public a request for members for the subcommittee to take this further.

**Trustee Walker:** There have been a number of pedestrian studies done over the years and a walkability study done around 2000, a transportation engineer hired who did a pedestrian study in 2003 with monies from the Hudson River Valley Greenway. All of this was studied and additional ideas were added in our Comprehensive Plan. We have documented this at least three times in the last 15 years. We need to start looking at these issues throughout the Village, and coming up with solutions.

The Mayor and I discussed a couple of demonstration projects to get things going. Whether we call them transportation issues or Complete Streets, it is about how to make our village more walkable and more bikeable and safer for pedestrians, slowing traffic, as we were talking about for example on James Street but other streets as well, where it has become dangerous for pedestrians. Traffic calming is a broad topic and there are many traffic-calming measures. I am going to show a couple of examples of what we could do on a few streets to introduce some different kinds of speed humps. These are done all over the place in snowy countries, in places like Minnesota and Scandinavia, and it is not an issue. But we do need to look at what type we are thinking of.

Let me explain the areas we are thinking of introducing these. James Street is a priority. We have heard about it now for years, and we need to start. If we approach this as an experiment and do an evaluation ahead of time, and I think some counts have been done recently, counts

and speeds on James Street so we may not have to do an evaluation ahead of time. But to look at a before and after. Have an evaluation of what the counts are, volume and speed on James, put in the speed humps. I do not have how many, I do not know where yet. We have to study that. Then do another evaluation and see how it is working.

We have had considerable discussion about how dangerous many of our Aqueduct crossings are. A number of streets, particularly Villard and Washington Avenue, have been mentioned as dangerous because there is a high volume of pedestrians crossing at those places. Those are both streets where people are getting up speed coming down the hill. Sometimes you do not see the people coming out into the street, in some cases, because of parked cars. So slowing the traffic before they get to these crossings we think is important. Particularly we are thinking of Villard and Washington because there is heavier volumes of traffic there. Not to say that the other streets are not important, but we need to start somewhere.

**Mayor Swiderski:** A couple of demonstration projects.

**Trustee Walker:** A couple of demonstration projects, and we will pick one of the two. We have talked about maybe doing it on Villard, understanding that it could be used elsewhere. James Street also has no sidewalks so pedestrians have to walk in the street. That creates an additional safety hazard because they are sharing the street with cars. It is discouraging walking, kids have difficulty walking to school. We are not talking about building sidewalks there. That is a longer-term effort, if we can do it at all. But at least creating a shared street environment, where it is safe for pedestrians. Then specifically on Villard when you are coming down the hill it would be great to slow the traffic before they get to the Aqueduct crosswalk there. Not so serious perhaps coming up the hill.

These need to be discussed in more detail. But here are a few ideas on the monitor. This is just a standard. Speed hump is different from a speed bump. A speed bump is an older type of traffic-calming measure which created a quick bump. There is one on the driveway leading up to Hillside School, for example, and it often made a noise. Traffic engineers introduced speed humps, which are smoother. They also introduced speed tables, which are flat on the top. This is in Brooklyn, I took the picture last week. Practical every residential street in Clinton Hill has those speed humps on every block. And it does snow in Brooklyn, I have heard. Here is an example of a raised crosswalk that is also a speed table. It is flat on the top. The markings on that are not very good, but at least there are good signs telling people there are pedestrians there. Here is another one made of a different material. This is a speed table because it is flat on the top. This one is paved differently and has markings. This is in Queens. Again, it is hard to see in this photo but it is a speed hump. This is a nicely-paved one with a pedestrian refuge in the middle where the median is.

We can do these. These are all longer-term projects because we would be building them. They are not extremely expensive, but they would have to be constructed. What we are proposing is to try out some temporary rubber speed humps. We will have to look at the different types and look at the prices, just as Jeanette suggested. I did not set this up, but I appreciate it. We did have a discussion. We talked when we met at the table at the Farmers' Market when the Mayor and I were sitting there. I said funny you should mention this because we already were planning on this presentation and discussion tonight. A temporary type, this is another one. There are a whole variety of these; they are not very expensive. This is what we are suggesting to try out on a short-term basis and do some evaluations. Then move toward building something more permanent, and move these temporary ones to different locations so we can try them. But we are going to start with two places. That is what we are thinking of doing this fall.

**Mayor Swiderski:** The idea, again, is that this is a kickoff to a broader process. We do not want to relaunch an existing subcommittee and have more talk on a topic that has been talked about. It is to inspire the group to think strategically about what there is and other options we can be taking. There is a necking-in of the road to force cars to slow down. That could be done with pottery and concrete planters that could be both attractive and movable if they do not work out. There are a number of ways these traffic-calming measures can be implemented provisionally, and then mature into a permanent fixture once they have been demonstrated as effective.

**Trustee Walker:** Maybe we could put this on the agenda for next time and I will bring in some prices and examples of things I think will work on these specific streets. This is a more general presentation. Then it will be on the agenda and we can hear if other people are interested in coming.

**Trustee Lemons:** I am guessing that the monitoring you do before and after so you could evaluate is the larger and probably more expensive part of the project, right?

**Trustee Walker:** ER should talk to the Police Department. In the past, we have been able to bring in the Town of Greenburgh, or borrow their speed guns and their volume counters. That was free. I have not done it in awhile. I did it with the Police Department about 12 or 15 years ago on a number of streets when I was the Planner. It was not expensive, but we had to line them up.

**Mayor Swiderski:** We are not expecting a change in volume. We are looking at speed.

**Village Manager Frobel:** This past summer there were 25 counters scattered throughout the community. There is a lot of data being collected.

**Trustee Walker:** How were those streets selected?

**Village Manager Frobel:** We are not sure. It was a Westchester County initiative, and we will be privy to data which will be collected soon.

**Trustee Walker:** Do you think they did James Street and Villard?

**Village Manager Frobel:** We have a lot of data on James Street. As you know, the Safety Council has discussed it a number of times. There are some inherent problems with the street parking on both sides. We also involved the New York DOT and used them as our resource in doing some of the analysis. We looked at the temporary speed humps for Maple Avenue. We are going to place them in the spring or summer. We decided at the last minute that we should talk about it more with our Safety Council as to the type and style. But we have collected information on these temporaries, and we are very much prepared for them. Again, our example is going to be here on Maple because of the approach to the pedestrian crosswalk here. But let us keep that conversation going. And, right, they are not very expensive. We just could not decide what type we should buy and how wide in the location.

**Trustee Walker:** We can talk about it. But let me know what information you felt was necessary in order to make a decision. I will be looking at this, too, and I have a number of resources.

**Trustee Lemons:** Gathering the data is critical, and the speed data is going to be the most important. I do not think you are going to change volume unless there is major rerouting

**Village Manager Frobel:** James Street was quite a focus of attention for the past two years, where we looked at traffic routing, potentially eliminating parking. There were a host of options that were discussed in some detail at the Safety Council.

**Trustee Walker:** Can we get the minutes of the meetings?

**Village Manager Frobel:** Unfortunately, the chairman of that group is no longer with us. He would have been invaluable to this conversation, but I am sure Chief Visalli and Chief Bloomer can be involved in helping you. We did a lot of work with speed collection data. We had policemen sitting there for extended periods of time monitoring speed on the roads. Some of the findings are somewhat surprising.

**Trustee Walker:** What Jeanette shared with us is important to take into consideration about speed. Sometimes people have complained that the cars are going 50 miles an hour, but they

are only going 40 miles an hour, or 35 miles an hour. But that is too fast on a residential street. She is absolutely right about when pedestrian fatalities occur. I have heard frequently that if a pedestrian is hit by a car going 30 miles an hour there is a 80 percent chance they will survive. If they are hit going 40 miles an hour there is an 80 percent chance they will die. There is a huge difference. Even if they are only going 30 miles an hour or 35 miles an hour, that is often too fast on our residential streets, especially if there are pedestrians in the streets. But it will be interesting to see what the speeds are.

**Trustee Apel:** On James you may put it all the way across, but on the hill, do you only put it on the side that is going down or the side that is going up? Or does it matter?

**Trustee Walker:** It seems to me the speeds are coming down the hill, and it harder to stop for pedestrians in the crosswalk there. Coming up the hill they are usually coming from an intersection or they have stopped. On the downhill side we would put the speed bump, not necessarily on the uphill side.

**Trustee Apel:** If I was in a hurry, and I was going to be really bad, I would skip around it.

**Trustee Walker:** Right, I see what you are saying. Put it all the way across. I was thinking on the uphill side of the crosswalk. No, you are right. Otherwise, it may create a more dangerous situation because they are going to go around. Absolutely.

**Trustee Apel:** You see people doing that now so they are going to do it for bumps whether it is one way or another.

**Trustee Walker:** Eventually the whole thing would be like a raised crosswalk.

**Trustee Apel:** I like that in some of them there was more of a warning on the street before you got there. The only concern would be when the weather is bad and you cannot see it.

**Mayor Swiderski:** Signage comes hand-in-hand with this.

**Trustee Walker:** Well, these kinds of markings they have in Brooklyn, too.

**Trustee Apel:** What I am thinking is that it does not have to be high. The perception of the driver, when he sees a different color, is going to think there is a speed bump even if it is flat. I think you did a study. So it does not have to be too high, but it is going to slow them down.

**Mr. Gonder:** Once you go over it three times you know something is not right.

**Trustee Apel:** There are ways to do it. But I am just saying that, for me, having different colors or whatever the markings are, sometimes they wear down and you do not see them after awhile.

**Trustee Walker:** Yes, like the ones in Brooklyn you cannot see well after dark. But if there is some reflective paint.

**Village Attorney Whitehead:** You can see the bright yellow signs.

**Trustee Walker:** Yes, you can certainly see the bright yellow signs. Those are important, and a warning ahead of time is good.

**Trustee Apel:** I think it is a great thing to do. We have nothing to lose. We do not like it, we move it.

**Trustee Lemons:** It is important to figure out how much impact it is going to have. I am pretty sure there is a more than additive effect. If we find it works, and then we multiply that on other streets, it will have a multiplying effect. It will calm traffic everywhere. That is what I have noticed in New York City since they are pushing 25 miles an hour. After awhile you become aware of it and you are thinking it does not matter whether there is a bump or not. You are realizing it is 25 miles an hour and it changes your behavior when you get past that critical point.

**Trustee Walker:** Some of the streets are very narrow and people are going too fast. But some of our streets are designed for higher speeds and they probably should not be. Enforcement is one thing. You are asking our police department to enforce 25 miles an hour as one step we can take. However, they cannot be everywhere all the time. So I think that is why you have to redesign the streets. Sorry, Marge.

**Trustee Apel:** No, I have a very quiet car and I do not even know how fast I am going sometimes because it is so quiet. You have to be so conscious that you are driving and you do not realize that you are going at a higher speed.

**Trustee Walker:** And it happens to all of us, even those with the best intentions. If you are not thinking about it suddenly you are going 35 miles an hour.

**Trustee Apel:** I think it is very good. Thank you for the presentation, and it was great to have more information. Yes, we have been talking about this for years. And we cannot do it on Washington because we have the buses going down there now.

**Vanessa Merton, 111 Pinecrest Parkway:** Pinecrest. We want Pinecrest: fast cars, no sidewalks, crazy.

**Jim Metzger, 427 Warburton:** Blind curves.

**Mayor Swiderski:** So, Meg, at the next meeting?

**Trustee Walker:** Yes, let us bring more detail. I will talk to Fran about getting the data.

**Mayor Swiderski:** OK. And I will come up with a specific charge for the subcommittee so we can kick it off formally. This is a heads up, and next meeting we will have it more formally: here is your demonstration project, and we are off and running.

#### **66:15 AMENDING COMPOSITION AND DUTIES OF THE CONSERVATION COMMISSION**

**Mayor Swiderski:** I am opening it to the Board first for questions or any final edits on this document. Does this replace the previous resolution?

**Village Attorney Whitehead:** Yes.

**Mayor Swiderski:** So this replaced it wholesale. Nothing mentioned there existed before. This will be the new charge.

I had a question about their first actions, where they choose their own chair and co-chair. There is also a mandatory election of the recording secretary. I thought we had talked about that not being mandatory.

**Village Attorney Whitehead:** You were talking about the vice-chair not being mandatory. Dan, did your notes say the recording secretary? We can change the "shall" to "may."

**Mayor Swiderski:** I would prefer it to be "may" because it is useful, but that is typically done on a rotating basis in most committees.

**Trustee Apel:** We did want to get some information from them.

**Mayor Swiderski:** Absolutely. I am just saying the mandatory appointment of a recording secretary sets a bar that other committees do not meet.

**Trustee Apel:** Well, they are going to have to have somebody.

**Village Attorney Whitehead:** We have not asked for formal minutes, but we have kept in here that their agendas have to be filed so you know what they are talking about and any notes that might be made by the recording secretary, and they have to file an annual report.

**Mayor Swiderski:** Right. And to the agenda, when it is filed with the Village Clerk what I am assuming is that it will follow the usual process we now have which is it goes out to the public like the agendas for our other committees do. This is not filing into a dark hole, but the Village Clerk will then pass it on and ensure it is published out to the community.

**Village Attorney Whitehead:** Right. It has been the Village's practice that all committee or commission agendas get published and get out to the community.

**Trustee Apel:** Does it not say who they report to here?

**Village Attorney Whitehead:** It is mostly at the end of section four. But overall, they report to you.

**Mayor Swiderski:** There is a mention here that they set their own policies and guidelines.

**Village Attorney Whitehead:** "Rules and procedures."

**Mayor Swiderski:** Yes, rules and procedures. Where is that, I am sorry?

**Village Attorney Whitehead:** It is in section four.

**Mayor Swiderski:** Is there some standard guidance the Village can provide on what that can and cannot include? Because there should be.

**Village Attorney Whitehead:** There can be. Again, remember they are advisory, less formal. So it is letting them say how do we want to run our meetings. But if the Village Board wants to propose rules and procedures to them and say these are what we would like you to adopt, or if you want to impose rules and procedures.

**Mayor Swiderski:** I do not want to impose. I am wondering is there generally a standard or a typical set that is reasonable to put forth, a model for example.

**Village Attorney Whitehead:** Yes. There are other communities where different committees or boards have adopted rules and procedures. A lot of it has to do with how

things get put on the agenda, who sort of sets the agenda, if they take public comment, when they take public comment.

**Mayor Swiderski:** The committee did draft a standard. Has that been passed by you? Is it reasonable?

**Village Attorney Whitehead:** Yes. It might need a couple of little changes now to reflect some things we have done that the Board is doing here. It was one page, not detailed.

**Mayor Swiderski:** That is what I am looking for. Would that function as a good model if other committees want to adopt it?

**Village Attorney Whitehead:** Yes, I think it would.

**Mayor Swiderski:** Is it typical? If you could do that final round, and then we can store it up on the website. At the beginning of the next year we should put out a two-pager to every commission saying do not forget to elect your chairperson, here are standard procedures you could choose to follow. Put out a basic standards. In this case the committee has done the heavy lifting.

**Village Attorney Whitehead:** Yes. And it is going to differ for your advisory committees and commissions as opposed to the Planning Board and the Zoning Board because they are structured differently, they are decision-making boards.

**Mayor Swiderski:** Right, and legal. I am talking about advisory. Those function under existing regulations. I am less concerned about that.

**Trustee Apel:** Yes, and anything we can give them: a guidebook.

**Village Attorney Whitehead:** Sure. I have worked with the Conservation Commission to finalize theirs. And certainly, once that is finalized it can be posted ...

**Mayor Swiderski:** And they can adopt that at the next meeting they have in two weeks. The word "advise" to me it is fairly straightforward. Does it need any further definition? It is an industry art term and it is straightforward.

**Village Attorney Whitehead:** Yes.

**Mayor Swiderski:** Advise is advise and it has no legal ramification.

**Village Attorney Whitehead:** And in the law very often, if you look at public officers and even some case law, it talks about advisory committees versus actual rulemaking or decision-making. So "advisory" is a term that is used pretty routinely.

**Trustee Walker:** We do ask them to report to the Board of Trustees. Then number eight"... upon the request of the Planning Board review and provide recommendations to the Planning Board relating to the environmental aspects of an application before the Planning Board." Is there any contradiction or problem if they go directly to the Planning Board?

**Village Attorney Whitehead:** No, because the Planning Board can use what they tell them, or not. It is just if the Planning Board has a matter before them. And remember, the Planning Board does an environmental review separate and independent of anything the Board of Trustees does. So it may be that there is some environmental issue the Planning Board is looking at that they may want some advice on.

**Trustee Walker:** Yes, and I was the one who suggested this because I had it come up when I was the planner and thought it would be useful to ask the advice of the Conservation Commission. They largely report to us, the Board of Trustees. They do not need to. Most of what they are doing is advising the Board of Trustees. So asking them to advise the Planning Board, there is no contradiction there in terms of who they report to.

**Trustee Apel:** We will not like what they are telling you? Is that it?

**Trustee Walker:** Well, because we are not going to be aware of what they are telling them.

**Village Attorney Whitehead:** We had asked that any recommendation they make to the Planning Board the Board of Trustees would be copied on. But this is something that is not even going to be before you.

**Trustee Walker:** Which I think is completely appropriate and is important. I do not care if they bring it to us.

**Mayor Swiderski:** Right.

**Village Attorney Whitehead:** I want to make sure I am a part of the decision-making. The Planning Board is doing the decision-making and the Planning Board may want some advice.

**Trustee Walker:** Yes. I am happy with the way it is, the way it is worded. I just wanted to make sure there was not any kind of conflict there. I am just curious with whatever state laws were created to create it initially.

**Village Attorney Whitehead:** The 1972 law.

**Trustee Walker:** Do they call it a conservation commission, or is it a board or it is a committee?

**Village Attorney Whitehead:** They do not, but what you are creating here is a committee or a commission. It does not follow the state enablings. Those enabling statutes have never been revised since 1972. But you, as a Village, create advisory commissions and committees all the time. You do not have to follow it. The role of what they call either a conservation advisory commission or a conservation board, which is a whole different thing, are not necessarily what you are looking for this commission to do. It was designed for a different purpose.

**Trustee Walker:** We do not have to comply with the enabling legislation. Is there any reason we should look at it?

**Village Attorney Whitehead:** Your commission really is not under that.

**Trustee Walker:** Right, so this is a commission of our creation.

**Village Attorney Whitehead:** Just like your Safety Council and a lot of your other advisory commissions.

**Trustee Walker:** And if it were a conservation board would it no longer be an advisory board.

**Village Attorney Whitehead:** Yes, conservation boards generally have decision-making responsibilities. That is why they are a board.

**Trustee Walker:** Yes. Do villages have conservation boards? Do you have knowledge?

**Village Attorney Whitehead:** Very few. I know a couple of towns that do. In most cases they are advisory, but there are some where they do have some more formal role. If you look at it, they are focused on a very different mission than what you are looking for out of your Conservation Commission. And they have not been updated.

**Mayor Swiderski:** My takeaway here is that there was a one-word change on the recording secretary: "shall" to "may."

**Village Attorney Whitehead:** Fourth line: "Its members 'shall' should be amended to "its members 'may.'" And in the last resolve, there is an "S" missing from "Hastings."

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

**WHEREAS,** by Resolution adopted on January 3, 1972 the Board of Trustees of the Village of Hastings-on-Hudson established a Conservation Commission; and

**WHEREAS,** by Resolution 7:08 the Board of Trustees increased the number of appointed members of the Conservation Commission from five (5) to seven (7); and

**WHEREAS,** with the passage of time and changes in issues of environmental concern and the functioning of the Conservation Commission, the Board of Trustees desires to update the provisions of the prior Resolutions in relation to the composition and duties of the Conservation Commission; now therefore be it

**RESOLVED:** that the provisions for establishment of a Conservation Commission in the Village of Hastings-on-Hudson shall be as follows:

Section 1. Intent: The preservation and improvement of the quality of the natural and manmade environment within the Village of Hastings on Hudson, in the face of urbanization, climate change and technologic change and their accompanying demands on natural resources are found to be of increasing and vital importance to the health, welfare and economic well-being of present and future inhabitants and require action by the governing body of the Village of Hastings on Hudson. It is recognized that the natural environment on which humans are dependent for survival and the natural and functional beauty of our surroundings which condition the quality of our life experience cannot be protected without the full cooperation and participation of all the people of the Village working in partnership with local and state officials and with various public and private institutions, agencies and organizations. Establishment of a commission for conservation of the environment is a necessary step in fostering unified action on environmental problems.

Section 2. Amendment to the Commission: The Board of Trustees of the Village of Hastings on Hudson hereby amends the resolution passed by the Board of Trustees on January 3, 1972 and amended on January 15, 2008, establishing an advisory commission for conservation of the environment, hereinafter called the Conservation Commission.

Section 3. Membership: The Conservation Commission shall consist of seven (7) members, who shall be appointed by the Mayor, with the advice and consent of the Board of Trustees. Persons residing within the Village of Hastings on Hudson, who are interested in the improvement and preservation of environmental quality shall be eligible for appointment as a member of the Conservation Commission. The seven (7) members shall serve for a term of two (2) years, each term to expire at the end of the Village's official year. Vacancies on the Conservation Commission shall be filled in the same manner as the original appointment, except that a vacancy occurring other than by expiration of term in office shall be filled only for the remainder of the expired term.

Section 4. Officers, Meetings and Committees: The appointed members of the Conservation Commission shall annually elect from such appointed members a chairperson and if they so choose a vice-chairperson thereof. At the first meeting of the Conservation Commission its members may elect from among themselves a recording secretary. The Commission may constitute subcommittees for special tasks made up of members and non-member volunteers at its discretion. The Commission shall adopt rules and procedures for its meetings. It shall report to the Board of Trustees. It shall file copies of Commission meeting agendas with the Village Clerk together with any notes of meetings made by the recording secretary and shall file an annual report as provided in Section 6 of this Resolution.

Section 5. Duties of the Commission: the duties of the Conservation Commission shall be to:

- (1) Advise the Board of Trustees on matters affecting the preservation, development and use of the natural and man-made features and conditions of the Village and on actions that reduce greenhouse gas production and environmental degradation within the village insofar as ecological balance and other fundamental environmental factors are concerned, and in the case of human activities and developments, with regard to any major threats

posed to environmental quality, so as to enhance the long-range value of the environment to the people of the Village.

- (2) Develop and, after receiving general approval by resolution of the Board of Trustees, conduct a program of public information in the community which shall be designed to foster increased understanding of the nature of environmental problems and issues, and support for their solutions.
- (3) When requested by the Board of Trustees, conduct studies, surveys and inventories of the natural and man-made features within the Village of Hastings on Hudson and such other studies and surveys as may be useful in carrying out the general purposes of this Resolution.
- (4) Seek to coordinate, assist and unify the efforts of private groups, institutions and individuals within the Village of Hastings on Hudson in accord with the purposes of this Resolution.
- (5) Maintain liaison and communications with public and private agencies and organizations of local, state, and national scope whose programs can be of assistance to the Conservation Commission.
- (6) Recommend from time to time to the Board of Trustees features, plans and programs relating to environmental improvement for inclusion in the Comprehensive Plan of the Board of Trustees and appropriate and desirable changes in existing local laws relating to environmental control or recommend new local laws.
- (7) At the request of the Board of Trustees, the Conservation Commission shall participate and assist in the preparation of plans for the conservation and use of Village parklands. It may make recommendations to the Parks and Recreation Commission concerning the conservation, protection and enhancement of the natural vegetation, wildlife, soil, water, air and scenic resources of Village Parks.
- (8) Upon the request of the Planning Board, review and provide recommendations to the Planning Board relating to the

environmental aspects of an application before the Planning Board.

- (9) Carry out such other duties as may be assigned from time to time by the Board of Trustees.

Section 6. Reports: The Conservation Commission shall submit an annual report to the Board of Trustees no later than the 31st day of December of each year, concerning the activities and work of the Conservation Commission, and from time-to-time shall submit such reports and recommendations as may be necessary to fulfill the purposes of this Resolution.

Section 7. Compensation and Expenses: The members of the Conservation Commission shall receive no compensation for their services as members thereof, but may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties within the appropriations made available therefore.

Section 8. Construction: This Resolution shall be deemed an exercise of the powers of the Village of Hastings on Hudson to preserve and improve the quality of the natural and man-made environment on behalf of the present and future inhabitants thereof.

Section 9. Severability: If any section, paragraph, subdivision, clause or provision of this Resolution shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this Resolution shall be deemed valid and effective.

Section 10. Effective Date: This Resolution shall take effect immediately upon adoption.

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

**Mayor Swiderski:** Congratulations. We now have a new enabling resolution. And those can be voted in the first act of the next meeting.

**Village Attorney Whitehead:** Yes. Again, they do not do formal decision-making. It is that they agree to adopt them as their rules and procedures.

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

**Village Manager Frobel:** I wanted to give you an update on the Reynolds Field upgrade. Most of the site work has been completed, done by our forces. The site is ready to accept delivery this week of the playground apparatus at the end of this week. We are looking at the weekend of October 3 and 4 for the volunteer Community Build Weekend. We will ask people to sign up with the Parks and Rec Department. We are going to need from 20 to 30 volunteers in two-hour blocks. We want to make certain that our volunteers are spread out over the entire duration and do not get fatigued and we have too many early on and not enough in the afternoon. It should be pretty exciting. Under the specifications there will be a paid company foreman directing the crew. So we are not asking for anyone with any special skills or tools. All that will be there.

**Mayor Swiderski:** You are talking in two and a half weeks we are going to have a new playground.

**Village Manager Frobel:** It should be done by that Sunday afternoon. That is the goal. We will have refreshments and, again, we are going to need to coordinate the volunteers so they come at staggered times during those two hours.

The second issue is the street resurfacing program. I spoke with the foreman for the contractor today. They expect their crew to be in Hastings beginning the week of September 28. Part of the problem has been that the industry is very busy right now. The company is within their contract to have it done before year-end. As you indicated, we are with five other communities, but with our continuing to press the contractor he has indicated we will be if not the first, one of the first. We should have seven or eight days of paving. It is almost a \$3 million contract for all the communities in. We did get a later start than normal. At our Village Official committee meeting we are going to talk about some of the logistics where we had a bit of a disconnect this year and how quickly we got the specs out and reviewed by the various managers. So a little bit of a delay. We always wanted our roads done before the start of school. Obviously this year we will not have that opportunity.

## **BOARD DISCUSSION AND COMMENTS**

### **1. Proposed Local Law E of 2015 – Cluster Zoning**

**Village Attorney Whitehead:** This is a first draft that is based on the couple of discussions that we had to create a gateway cluster overlay zone. As drafted, we did look at the lot sizes of some of the different parcels. The purpose clause is based on the Comprehensive Plan because it is important to tie things back to that. The gateways have important viewsheds along major roadways, natural resources to be protected and preserved; use of clustering will help to preserve natural and scenic qualities of these parcels and preserve the character of the gateways to the Village. There are two different things in terms of authorization under Village Law Section 7738. It gives a broader authorization in connection with any application within the gateway cluster overlay district for the Planning Board to approve a cluster subdivision. It then provides that clustering will be mandatory, meaning the Planning Board *shall* require an applicant to submit a cluster for any parcel of four acres or greater, which covers all the parcels we were talking about, although some of the Andrus parcels, they have some big ones and some small ones, but they are logically going to be developed together. The larger Andrus piece is in four or five tax lots right now.

**Trustee Walker:** What about the church lot?

**Village Attorney Whitehead:** The church is 4.4 acres, hence the four acres. We talked about five, but I checked some of the lot sizes. Then it talks about the density, determining it, and some of that comes right out of Village Law 7738 that the density cannot exceed the number of lots, or units, that would otherwise be required pursuant to the underlying zoning. It went a little further here in terms of the procedure. The applicant has to submit a conventional layout to determine the maximum density, and that conventional layout has to take into consideration environmental constraints, include roads, et cetera so the lot count you are getting is a real lot count in terms of what could be approved in the conventional.

Then it moves into some of the development standards and controls, some of the specifics we spoke about at the last meeting. The Planning Board would be authorized to modify the minimum lot size and width, required yards and lot coverage, but not the building height. It would also have the authority to modify requirements for widths of roads, provided there is adequate provision made for fire and emergency access. Again, that is a big environmental feature if you have some flexibility in not requiring a 24 or 30 foot wide road if it is going to be low traffic. Meg, any planning comments you have are greatly appreciated.

As we discussed, we are permitting the Planning Board to permit detached, semi-attached or attached housing units. We talked about a perimeter buffer, and part of that protects

neighboring development from what might look like a more dense development even though the overall density is not greater. Part of it is to protect the scenic resource from the roadways. My notes were a little bit unclear. I know we talked about 100 foot, my notes said 100 foot from to road. Hence my note at the bottom of this. I drafted it as 100 feet all the way around. That might get tight on some of the parcels. We could do 100 feet along the road frontage and 50 or 75 feet from adjacent property lines. That is one thing we should discuss.

Number four does not really have to be said. The law says it, but it is good to throw it in there: "Permitted uses shall include all uses permitted in the underlying zoning." What that allows, as we discussed last time, is if someone wants to take one lot and put something that is a special permit use, a nonresidential use, as part of this development they can. So it is all uses permitted in the underlying zone as permitted therein, which means if it is a special permit use you have to get a special permit.

We talked about if we want to limit, if they are attached units, to no more than X units in one building to control the size of the building. We never reached agreement on that number so I put it in here with a blank. Then we have a provision that results in restrictive. On the open space, you can require that a cluster require at least 30 percent or 40 percent or 50 percent of the land to be open space. That limits the Planning Board. I think the Planning Board would look at that, but that is something you could put in here. You could put a minimum percent that should be open space. Then all of the space like recreation and common areas shall be restricted, managed and maintained in accordance with a formal legal ownership to be approved by the Planning Board and the Village Attorney. That makes sure it is restricted in perpetuity and that we have control over the type of restriction put on it.

The last one says they follow the same subdivision approval process as for any other subdivision. In section three I have listed all the blocks that I could initially identify that we want in this. The first one, Section 4.90, Block 91, Lot 4 is the county property along the South County Trailway property. One of the other ones we spoke about was the state piece along Farragut coming from off the Saw Mill. That is not a separate lot and does not even have a tax lot number. It is part of the parkway so you cannot rezone it. I looked at a couple of maps to try to figure that out. I will look a little further into that, and there may be more lots I need to capture along 9-A. This one is about 11 acres so I want to see if there is more there we need to capture. The others are the Andrus Home lots, Andrus School, the church and the Graham School.

**Mayor Swiderski:** What happens to existing property at Andrus?

**Village Attorney Whitehead:** This is only if they come in to subdivide. The existing uses are permitted and continue. You are not affecting the existing uses at all. You are affecting that if someone comes in with a subdivision of the property you would require a cluster to preserve the open space.

**Mayor Swiderski:** So a reuse of existing buildings within the 100 feet?

**Village Attorney Whitehead:** Yes. I looked back at the buffer report that was done, and believe it or not most of these have a 100-foot setback.

**Trustee Walker:** Some of them have 200.

**Village Attorney Whitehead:** It was shown in that buffer report some of them have even more. That is why there is that scenic quality you want to preserve because that buffer is there. The other thing I put in here on the buffer is that the Planning Board can require that either it be maintained in its natural state or that it be landscaped pursuant to an improved landscape plan. Just give the Planning Board a little flexibility.

Procedurally, again, this is a draft. I welcome comments, I welcome Meg, the planner's, comments. We are going to need an EAF, you are going to have to refer it out and have a public hearing, throw it out to planning and zoning, refer it to the county.

**Mayor Swiderski:** I assume you have to notice the property owners of the overlay zone.

**Village Attorney Whitehead:** There is not a requirement, but you certainly can. We have to send it to the county. You probably have to send it to Yonkers because it is adjacent to their boundary.

**Village Manager Frobel:** That, and Greenburgh as well we do as a matter of course.

**Village Attorney Whitehead:** But I would not do that until you got it in the right form, fill in the blanks, make sure everything here is how you want to proceed with it. My recommendation is take a look at it. When we come back for your next meeting everybody get me comments or questions in the meantime. And at that meeting, we can start moving the process, get the referrals going. But I think I covered everything we talked about.

**Mayor Swiderski:** Your two items that are in bold I agree those variables may finalize. The 100 foot setback from the road seems entirely correct. I am not sure about the side properties, where they are so moved by the 100-foot setback. I do not know if there are any private owners near any of those plots, but I am less worried about the setback there.

**Village Attorney Whitehead:** Graham has private owners.

**Trustee Lemons:** One-hundred feet is not very far if you are going to bulk up a building and it ends up being 50 feet.

**Ms. Merton:** How long is this room?

**Trustee Lemons:** It is around 40 feet or so, so it is not very far.

**Village Attorney Whitehead:** A hundred feet is not as big as you think it is.

**Trustee Lemons:** It is not as big as you think. And with 50, because you will concentrate the development, it could be a lot for an adjacent property.

**Trustee Apel:** Maybe we should do a field trip. Go to one of these properties.

**Trustee Lemons:** Great idea.

**Village Attorney Whitehead:** If you all look at the buffer study that was done it does a good analysis. It goes through all the different areas, but it does have an analysis of this area and what the setbacks are of the existing. I looked at that before I put the 100 in here.

**Trustee Walker:** And that buffer report recommended 200. In further consideration, I thought it was too much. But it was taken from empirical evidence. We measured the setback of a lot of the existing buildings in a number of locations and felt that was the right amount. So it was based on what we have now. But then looking at it later, I thought 200 feet is really a lot. But that is the current buffer that we are used to.

**Village Attorney Whitehead:** I think the church was closer to 100. Andrus, the main building is further. But that is because you have one main building.

**Mayor Swiderski:** But there are structures within 100 feet, one specifically on the east side of Broadway.

**Trustee Walker:** The other type of structure which is within the 100 feet is a wall. Frequently, there is a historic wall. For example, Graham has a lovely wall. So we may want to include walls as part of it.

**Village Attorney Whitehead:** We could put something in here that also says any walls, giving the Planning Board the discretion on controlling the buffer. Left in its natural state or landscaped, the Planning Board can say you have to preserve the walls. Or you can put it right in here that walls along the road frontage should be preserved.

**Trustee Walker:** Historic wall, yes.

**Village Attorney Whitehead:** And incorporate it as part of any landscape plan.

**Trustee Lemons:** Marge's point is a good one, that one should not make these kind of decisions in the abstract because the perception of space is very tricky. We all do not have equal ability to do that, so I think it would be good to not do that in the abstract.

**Trustee Walker:** To go look at it, yes. I will send out the buffer report.

**Mayor Swiderski:** I would not traipse around on some of the private properties necessarily.

**Trustee Walker:** You do not have to. You just drive around. We are talking about the way it looks from Broadway. We had also gone to North Broadway and looked at the setbacks of the Hastings House and Hastings Gardens, and that is a significant setback. They are more like 200.

**Trustee Apel:** That is what is going to happen. If you have it closer, then people will say, it is so close, all of a sudden when you are used to more space. But the question is, if you plop it down on any one of these properties, which we would have to look at, what is left in the middle.

**Village Attorney Whitehead:** Right. That is why I think the 100 feet is very important from the road frontage, especially if the Planning Board can require it to be landscaped.

**Trustee Apel:** Again, we should see exactly what it is. You can say 100 is OK on paper, and if you drive by it is really 200 feet.

**Village Attorney Whitehead:** My suggestion is look at the buffer report because it will tell you exactly what it is. It has aerial photographs with the different distances. Take a look at that and then go out and look at it. So you can say, OK, this says this building is 100 feet, what does that look like. This one says it is 200 feet, what does that look like. This is all going to be an important part of your SEQRA analysis of this, and making sure that you are preserving the scenic view from the roadways, and the gateway, and all of that. That is my suggestion on the best way for you to feel comfortable with that number.

**Trustee Walker:** Part of Broadway feels almost pastoral, especially the Andrus Children's Home. It was farmland; it still looks like farmland. There is something so incredibly historic, and there is something about that feeling it gives you that when you are coming from Yonkers you are entering a very different type of landscape. It is, to me, about preserving a landscape. But it may be too much to ask. Can you preserve a landscape?

**Village Attorney Whitehead:** That is the biggest of all the parcels. It also the flattest and the most developable.

**Trustee Walker:** But has a lot of area down below that could be developed, and keeping a nice strip of land.

**Mayor Swiderski:** The section that is in Hastings is probably not the biggest.

**Village Attorney Whitehead:** Yes, Yonkers is bigger.

**Mayor Swiderski:** The section that is Hastings, the Andrus Nursing Home, is the biggest acreage within Hastings I am sure.

**Village Attorney Whitehead:** You have to add up a bunch of parcels.

**Trustee Apel:** Another visual thing you might want to get an idea of is down Broadway in Yonkers on Executive; they are redoing that whole corner. It does not hit you until you drive there and all of a sudden you see this thing there with a picture. You realize what you used to see was grass and green and a dilapidated old building, but there was a lot of space. Now having the picture on their fence stops you short because it comes right in your face. That is why it is important to get an idea visually of what this is going to look like. Seeing it is a good idea. We will do a field trip.

**Village Attorney Whitehead:** But before you do the field trip, look at the buffer report. That will really inform your field trip.

**Trustee Walker:** Another important thing about some of those properties is that there are some environmentally sensitive areas that would be great to preserve. Again back to the Andrus Children's Home, there are some wetlands that are close to Broadway and some clusters of trees that are fairly old, and there are some rocky outcroppings. Those are things perhaps that can be preserved through means other than a buffer.

**Village Attorney Whitehead:** They are part of what you are preserving in clustering. And you cannot develop in those areas.

**Trustee Walker:** That can be done through site plan review, and is not something we have to explicitly state. But it is something to consider when you are looking at it from Broadway.

**Village Attorney Whitehead:** You have stated it in terms of saying that you use clustering to preserve natural resources.

**Trustee Walker:** Right. Then it will be up to the Planning Board to determine what those are because we have not passed a wetlands law, for example, or an old growth tree cluster law or whatever.

**Village Attorney Whitehead:** But you do have a steep slopes law. Steep slopes are one of the natural resources to be protected.

**Trustee Walker:** But they would have the discretion, then, to determine that. That is the important thing. So we will provide more comments the next time?

**Village Attorney Whitehead:** Or you can get them to me ahead of time. If there is anything here you want to flesh out, things like the walls, protection of rock, we can give the Planning Board a list: in particular, we are looking to protect wetlands, rock outcroppings, significant tree clusters. I would not say just a tree. We could put more specifics in here.

**Mayor Swiderski:** In the end, it is general language to preserve the character of the pastoral entrance to the Village. We could add more.

**Village Attorney Whitehead:** You have to trust your Planning Board.

**Mayor Swiderski:** That is right.

**Village Attorney Whitehead:** And you trust your Planning Board by having a Planning Board, and by them having this authority.

**Trustee Walker:** I am glad you put in that the Planning Board has the authority to modify requirements for widths of roads, because that becomes a big bone of contention. You do not want a super-wide road. Plus, maybe they are going to do green infrastructure for stormwater and will design the road in a completely different way.

**Village Attorney Whitehead:** That is the trend in low-impact development, making the roads as narrow as you reasonably can without sacrificing safety.

**Trustee Walker:** That is right. And it makes them a lot more walkable.

**Mayor Swiderski:** Thank you. The Friday before the meeting you need comments from us? You will be able to turn it around?

**Village Attorney Whitehead:** Yes. Turning around changes to it now should be quick.

**Trustee Apel:** So we have to get this up to you by October 2.

**Village Attorney Whitehead:** It would be to Susan by the 2<sup>nd</sup>.

**Trustee Apel:** So we have to get you any questions before that.

## **2. Other**

**Trustee Apel:** I want to ask a question, then the Village Manager can explain what he has been explaining to me on Warburton Bridge. My question about the Warburton Bridge is, we have had concerns about cement cracking and falling and metal coming in and all this kind of stuff. I do know that Mary Jane Shimsky has inspected this and has reported to, I am forgetting who she met with, and that the same contractor that is working on this bridge did the Crane Road Bridge and that there are problems with it now. If you go there, you will see the cracking in all the panels. I do not want to have poor quality on our bridge. If it is already showing up on that bridge, that was done in the last couple years, what is going to happen to our bridge? It may be it just looks like it is cracking, but it is like anything else. A little water gets in here, gets in there, before you know it causes other problems. If we do not keep on these guys and really complain and put pressure on them, we are going to end up with the same thing.

I do not like the idea of poor quality, and I cannot imagine that is the quality that should be on the bridge. It should not be. I am really surprised by that, and I am also surprised about fixtures we thought we were getting and the lighting fixtures we did not, and the granite curbs we thought we were getting and they just decided they are not. Even though Mary Jane is on it, I think support from us ...

**Trustee Walker:** Official. Do you not think we should make an official complaint?

**Trustee Apel:** Cracking down, more of a complaint. Because they are going to go away, and everybody else driving over the bridge is still going to think that Hastings did it, people complain in the community, and we did not do anything about it.

**Mayor Swiderski:** We should escalate it to a formal complaint.

**Trustee Apel:** A formal complaint that this is not acceptable, the Village of Hastings-on-Hudson is not happy with this, and that we expect this is going to be done. I know we mentioned about getting a warranty for longer, but you can have all the warranties you want and it just means they are going to keep fixing and fixing it. What I do not want is patching. It looks terrible, and then they close the bridge down again because they have to fix this or that. Let us do it right from the beginning. If we are catching them on this now, then they have to make good and they cannot get away with it.

**Village Attorney Whitehead:** You have no direct relationship with the contractor. You cannot go directly to the contractor. All you can do, and I have had this problem in other places, is push the county to be on top of their contractor. The county approved change orders without telling the Village in terms of the curbing.

**Village Manager Frobel:** The drainage. Here is what I know. I met with the foreman last week. I did my own walk-through. I have a relationship with him. He informed me as to the project. The observations that citizens have brought to the county's attention are now being considered by the county for remediation. They are aware of it, the engineers are working on a plan to correct the cracking you see now, the face of the wall. The wall itself is solid concrete with rebar. What you are seeing in the cracks is a spray-on concrete that is for cosmetic purposes.

So the engineers are aware of it, county engineers are aware of it, and they are coming up with a remedy. The other items, as Ms. Whitehead indicated, were change orders that the county, for whatever reason, felt were in the best interest of the public. The drainage makes a certain amount of sense. You try to minimize surface drainage on a bridge to prevent rusting. If you can sheet-flow it off the deck surface to catchbasins, get rid of the water, that makes sense. The granite curbing surprised me, but their logic is it was one pour: the parapet to the sidewalk to the curb. It prevents the water infiltration between the curb and the road surface from getting in there, freezing, thawing, causing problems.

But an official letter from us to the county, sure. I spoke to Ms. Shimsky's staff. I am the one that suggested an extended warranty on the performance and workmanship, not uncommon. There will be retainage, that will be held for a couple years. But it does require, if you do call that warranty, obviously going back and correcting it. Of course you would like it done right the first time.

**Mayor Swiderski:** At least you are protected.

**Village Manager Frobel:** Let me draft the letter. I am not a structural engineer. As a citizen I can look at it. I have a few years of experience in construction projects providing oversight, not an expert though. So I can draft the letter and point out, as a layman, what I see in matters of concern. But we do not have anyone on staff who is qualified to determine concrete strain or anything.

**Trustee Walker:** Why do we not ask our consulting engineer to inspect it for us.

**Trustee Lemons:** Who would that be?

**Trustee Walker:** Berger.

**Village Manager Frobel:** Oh, for the waterfront? That engineer?

**Trustee Walker:** We have used them in other instances, have we not? Maybe we have not, maybe we have used another different engineer. The Planning Board has brought in consulting engineers.

**Village Attorney Whitehead:** The Planning Board uses Hahn Engineering. I do not know that they are for bridges. Bridges are sort of a specialty.

**Trustee Lemons:** This is concrete work.

**Village Attorney Whitehead:** But if they are not structural engineers and they are civil.

**Trustee Walker:** They can recommend a structural engineer.

**Trustee Lemons:** There is a problem with the workmanship. You should be able to form up concrete. . I have poured a lot of concrete, and you should be able to form it up and get a very clean pour. I do not know why they had to spray something on there. But if you look at it you know. You do not have to have a crystal ball, this looks bad now and it is going to look horrible. Maybe it is not structural, but it is certainly not going to look good.

**Trustee Apel:** Was it not always mentioned that the fencing was screwed on?

**Village Manager Frobel:** It will be bolted on.

**Trustee Apel:** Bolted on, and that is going to allow for water and stuff to go underneath. I do not know what these guys are thinking. When the engineer comes they have to look at that.

**Village Attorney Whitehead:** It is the county not being on top of their contractor.

**Village Manager Frobel:** It was in the specifications. It is an epoxy, some kind of a waterproofing, that will set the plate.

**Trustee Apel:** I understand that. But if I am building this for you, and I want to save money and I say to you this will be fine, do not worry, there is no problem, and you do not follow up on it or you do not get somebody else to double-check and say that really does not work, you are going to have trouble with it. You are going to accept me because I said it because I have done other bridges; the Crane Road Bridge, I have done that one. We are lucky. We have people that can look at this and have been bringing up some of these things. We should just follow through. Let us get the engineer. It always amazes that we have people in the community that we know that do it for free. When we get the report for free and they tell us, we pooh-pooh it. But then we spend all this money to get an outside opinion, and they are going to say the same thing. If that what it takes to make everybody happy let us get somebody on the outside, let us look at all these particular problems, and let us get after the county to do it right.

**Village Manager Frobel:** Why do I not do the letter first and then get their reaction. You are saying hold off contacting an engineer to go in and x-ray this work and come up with a report.

**Village Attorney Whitehead:** If you want to get a letter out quickly, maybe we push the county to get an outside engineer. I can give you some names because we are litigating over a bridge construction in the Village of Mamaroneck right now.

**Village Manager Frobel:** Let me draft the letter and shoot it to Linda.

**Trustee Walker:** I just wanted to reiterate that the parging, that spray-on concrete, is only done to cover problems with the original pour. That will not last more than a year or two and will start to flake off. I have tried it myself.

**Trustee Lemons:** That is not going to work.

**Village Manager Frobel:** I do not think that was the intent. It was designed to have that spray on it.

**Trustee Walker:** Well, that is even worse. The spray-on concrete does not last. You have to keep going back and re-spraying it.

**Trustee Lemons:** If you look at good concrete work you can sight the line. You get a clean line, they vibrated it well enough to get all the air out of it, and you can even polish it. It will be that clean and it looks good. You do not want to do anything else to it. I agree with Meg, I think a cover is what that is.

**Trustee Walker:** I think it is covering problems with the pour. The other thing I wonder about is if it was poured all at once, this continuous pour, I am no expert but it seems like they are omitting expansion joints where they need them by doing that. I would want to ask an engineer about that.

**Mayor Swiderski:** Let us first get a letter out, then we can follow up later. But we have reached out to the county several times. They have been remarkably unresponsive to date. At least there will be a formal note from us as a board, on top of Fran's calls.

**Village Attorney Whitehead:** I would send that to the county executive, George Oros, copy Mary Jane Shimsky, public works, whoever is overseeing the job.

**Trustee Apel:** We request they have an outside engineer take a look at this work, in light of the Crane Road Bridge in Scarsdale. It is already in trouble.

**Village Attorney Whitehead:** One other thing and we do not need to go into executive session because it is not strategy, but so the Board knows, in the Marquez v. the Village matter we have submitted a motion for dismissal. If you want more information on that you have got to go into executive session.

## **ADJOURNMENT**

On MOTION of Trustee Apel, SECONDED by Trustee Walker with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 9:20 p.m.