

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
OCTOBER 16, 2001**

A Regular Meeting was held by the Board of Trustees on Tuesday, October 16, 2001 at 8:00 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Wm. Lee Kinnally, Jr., Trustee Michael Holdstein, Trustee David Walrath, Trustee Bruce Jennings, Trustee Marjorie Apel, Village Manager Neil P. Hess, Special Counsel Mark Chertok, Deputy Village Attorney Chris Zebicoff, and Village Clerk Susan Maggiotto

CITIZENS: Thirty-eight (38)

APPOINTMENTS

Mayor Kinnally: I am pleased to announce the appointment of Thomas Lee to the Draper Review Board. Denise Furman has agreed to serve a five-year term as an alternate member of the Zoning Board of Appeals. I welcome both, and thank them for donating their time to the Village.

APPROVAL OF WARRANTS

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

Multi-Fund No. 35-2001-02 \$ 54,683.32
Multi-Fund No. 36-2001-02 \$ 1,038.70
Multi-Fund No. 37-2001-02 \$266,370.78
Multi-Fund No. 38-2001-02 \$ 35,997.54

"STRAW POLL" - ANDRUS

Mayor Kinnally: Regarding the Andrus zoning amendments, the Board has decided that we would deal with whether or not a CCRC is an appropriate use of the site, because the proposal before us is to amend the Zoning Code to provide for a CCRC.

The proposal is to amend Section 295-5 to add the following definition of a continuing care senior facility:

Continuing senior care facility and age-restricted development that provides a continuum of accommodations and care, consisting of independent and/or

assisted living accommodations and long-term care, together with a variety of ancillary uses and structures, as described in Section 295-67.C8.

Continuing on, the new Section 295-67.C8:

The following uses are permitted: accessory uses to a continuing senior care facility; those accessory uses customarily subordinate, and incidental, to a continuing senior care facility, including community facilities such as meeting rooms and recreation rooms suitable for social, civic, cultural, and educational activities; indoor and outdoor recreational facilities for residents and their guests; common living, dining, laundry, security, and housekeeping facilities; central kitchen for food served in dining areas or for distribution to resident living units; medical and dental services for residents; retail shops for the sale of goods or rendering of personal services, e.g. hairdresser, banking, etc. to residents and guests; and sales office.

What is underlying the entire application is whether or not a continuing care retirement community is something we want to see on the site, regardless of the height, the density, the coverage, the FAR, all of the other particulars that have been discussed. If we do not have the necessary votes on the issue of whether or not a CCRC is an appropriate use for the site, the other discussion and debate is moot.

We have asked counsel to draft what the straw poll issue would be, and he has the following:

“Is the concept of a CCRC, as defined in proposed amendments to Section 295-5 and 295-67.C8, of the existing Village Zoning Code, an appropriate land use in the Village of Hastings-on-Hudson?”

This is not going to be a resolution as we normally have it. Counsel needs to have some guidance from the Board in preparing the findings of the Village Board to the application. The Planning Board also took a straw vote on a number of the issues. This is not a binding vote. After counsel prepares the findings, the Mayor and the Trustees will react to the draft. I would assume, as was the case with the Planning Board, there will be variations on the draft. I do not expect unanimity in most of the areas that will be addressed.

Mr. Chemka: I do not understand this straw vote, where did it come from, and when was it legal on the Village Board? Nowhere have I heard of a straw vote at a Board of Trustees meeting. This is not a way to run a Village Board. Either you have a regular vote, or you do not have a regular vote.

Also, you are turning over this study of your reports to the Village attorney. Why are those reports not made public? This is not land acquisition or a contract or a personnel problem. This is a zoning law change, and a zoning law change is not protected by the Open Meetings law. Whatever the trustees give to the attorney should be a public record. I believe that you are doing an injustice to the people of this community by doing that.

Special Counsel Chertok: The straw poll is designed to elicit clear opinions of the members so I can draft the SEQRA findings. Before the Board issues a final determination, which will be in a resolution which will be drafted for their review, we need to get clear positions. Otherwise, we will have endless debates over the language in the document. We made the question clear, and we called it a straw poll.

The second issue you raised was about material and information. The proposed zoning is a public document. So I am not sure what you are referring to, but I can tell you that it is not related to the Open Meetings Law because this meeting is open, and there has been no meeting of the Board or a quorum of the Board that has addressed this issue. There have been communications with me, as their lawyer, and I would respectfully indicate to you that those communications, whether orally or in writing, are attorney-client privileged documents and are not subject to disclosure under the Freedom of Information law. However, those are not decisions. Those are documents giving information to me in response to my request for information for legal opinions. Those are privileged, and not subject to disclosure. The opinions that they are going to issue tonight, or have issued at other times, are on this record and are open.

I am not sure quite what you are referring to about some secret vote, or secret documents, or other publications.

Mr. Chemka: Is not whatever you say as Trustees and Mayor a public record?

Special Counsel Chertok: I suspect when you were mayor you may have had a conversation that was not on the public record. You are allowed to express opinions. The opinions expressed at this meeting, of course, are a public record.

Mr. Chemka: I am talking about what they are sending to the attorney to put this package together. Is that not public record?

Special Counsel Chertok: No, it is not, because it is at the request of counsel, and is privileged communication from the client to the attorney.

Mr. Chemka: You are our attorney.

Special Counsel Chertok: I am the Board's attorney.

Mayor Kinnally: When counsel has prepared the document and it comes before the Village Board for discussion and distribution to the public, it is a public document. We are going to have debate over it. It is not going to be a *fait accompli*. We are only giving him enough information to guide him in the drafting of a proposal that will come before the Village Board and be acted upon in public. Nothing is being done behind closed doors here.

Special Counsel Chertok: With all deference, there is no difference between a zoning change or other action taken by the Board when there is a consultation with counsel on legal issues. The zoning change does not make it any different. Trustees can talk with a lawyer on legal issues, and what they say to counsel is not for public record. That does not mean they cannot make it public if they choose to do so, and whatever opinions they want to issue here are certainly on the public record.

Mr. Chemka: They can make what they sent to you public?

Mayor Kinnally: No. Where there is a meeting with counsel, the majority of the Board of Trustees would have to allow that to be released to the public. It would destroy any semblance of the Open Meetings law if you had a meeting with counsel and anybody was free to come out and disclose what was discussed with counsel.

Mr. Chemka: This is a zoning change, and zoning change is not under the Open Meetings law.

Special Counsel Chertok: It is not related to the Open Meetings Law. That is what I have said now several times. It is attorney-client privilege. That is the point.

Mr. Chemka: Are the public hearings on Andrus closed?

Mayor Kinnally: We closed public comment on this the Monday before Rosh Hashanah, so sometime in September.

Mr. Chemka: So any proposal from here on in has to come back to more public hearings. Is that right?

Special Counsel Chertok: No, that is not correct. If there are material changes in the proposed zoning then you have to reopen the public hearing. If the changes are not material, there is no need to go through the process again. If they have been encompassed by the various subject matters that are within the proposed zoning, or that have been the subject of a hearing, there is no need to repeat that process. If there were a proposal, for example, to rezone and allow an FAR of 0.4, and there was extensive discussion of that, and the Board decided that they would do a rezoning of that particular parcel at 0.38, the difference in FAR between 0.4 and 0.38 would not be considered material and therefore you would not have to re-run the entire process.

Mr. Chemka: Where do you draw the line? Who makes this decision, you?

Special Counsel Chertok: The Board makes it. But there is a slew of cases on it, and it is a case by case determination depending on the change. On my 0.4 example, if the Board wanted to adopt a zoning with a 0.8 FAR, which would double the allowable density, that would most likely be considered a material change and therefore we would have to reopen the public hearing. If the change was from 0.4 to 0.38, most people would probably not consider that to be material, particularly since it was a lesser-allowable density and the impacts of that would have been within the purview of discussions on the 0.4 FAR.

Mr. Chemka: Why not just vote down whatever it is, and then come back with a new public hearing with all the answers. I do not think this is happening the way it should be. I have been the Mayor for six years, and a Trustee for seven before that, and I have never seen anything like this.

Mayor Kinnally: We are in receipt of a revised proposal from the attorneys for the applicant, but what we are dealing with tonight has nothing to do with that revised proposal. The definition of the continuing senior care facility and the permitted accessory uses for the continuing senior care facility are identical to the proposal that was before the Planning Board and this board when we had our public hearings. Nothing has changed in those definitions.

Jeff Bogart, 5 Jordan Road: A CCRC is not conceptually appropriate because, first, the concept of a CCRC cannot be divorced from its scale and scope. The scale and scope of a CCRC to be economically viable and receive state authorization are too large for the Andrus site. They are not in keeping with the predominant character of the Village, and not in keeping with the Village's Vision Plan.

Second, the necessary scale for a CCRC conflicts with standards set by the Village Zoning Code for granting special use permits. A proposed use, to qualify for a special permit has to be “of such a nature, intensity, size, and location that, in general, it will be in harmony with the character of the district in which the property lies, and will not be detrimental to the orderly development, use, or value of adjacent land and buildings.” The Code further says the height of buildings “will not be detrimental to the character of the orderly development of the district in which they lie, and will not be detrimental to the orderly development, use, or value of adjacent land and buildings.” Clearly, the necessary scale of a CCRC does not meet these Code requirements.

Third, the Andrus site is one of the most significant pieces of open space in the community, one that helps shape the character of the community. The Board in its straw vote will be indicating whether it wants to extend the institutional and commercial corridor of multi-family unit complexes, whether they be rental or condo or co-op, and of nursing homes that now exist along Broadway; or whether it wants to preserve the single-family, open space character that, with the exception of one non-conforming use, now extends from Washington Street to Tompkins. We are talking about a stretch of land that is about one-quarter the length of our Village.

Fourth, a CCRC cannot be divorced from the price of its units and the population the units are meant to serve. The price does not meet the needs of the predominant population of Hastings. In addition, there is no need to add to the existing population of wealthy, ambulatory seniors in Hastings.

Fifth the concept of a CCRC for the Andrus site cannot be divorced from the impact its approval would have on the other sites in the Village. Changing the Andrus site to CCRC would require changing the Zoning Code in a way that would, according to the Village's attorney, Mark Chertok, allow other sites in the Village to be assembled for similar large-scale development of CCRC's. This type of large-scale development should not be facilitated. It is not in keeping with the character of the Village.

Sixth, more appropriate locations exist for a CCRC. Since the Village Board of Trustees will, in effect, be setting up a new zone for a CCRC for the community, it should consider alternative locations for a CCRC. Other sites, such as the waterfront, exist.

Seventh, a CCRC will adversely impact the Village when taken together with other planned development. The proposed development on the waterfront, which now includes a proposed hotel and convention center, and on Warburton in nearby northern Yonkers, where some 525 units have been approved for construction, will have a negative impact on traffic along

Broadway and on parking in the Village. A CCRC at Andrus would aggravate that negative impact.

Eighth, the CCRC concept is exclusionary. It would create an enclave based on age. While state law may permit such discrimination, we need not accept it for our community. We should not devote a major portion of our Village to an enclave where only the elderly are permitted to live any more than we should devote a major portion of our Village to a development that excludes children, or that excludes married people, or that excludes Catholics, or Jews, or people of any religion. This exclusionary zoning also affects our freedom of association.

In conclusion, I do not understand a straw vote on this issue for the reason that this is not something that should be considered in the abstract. We have a proposal from a developer in front of the Board. Suddenly, we are considering something in the abstract, and I do not see the necessity for the Board to vote on it without considering the details of the specific proposal.

Mayor Kinnally: We are going to have the same arguments that we had all summer long in front of this Board and the Planning Board. I have never cut off any discussion in this Board, but we have to move this along. The Village Board decided at the last meeting to take this vote tonight. Why do we not put it to a straw vote of the Village Board right now, and then we will discuss what is going to happen with the rest of the proposal. The issue before the Village Board is, is the concept of a CCRC, as defined in proposed amendments Section 295-5 and 295-67.C8 of the existing Village Zoning Code, an appropriate land use in the Village of Hastings-on-Hudson. I will ask the Trustees to give their yea or nay on this, and a brief discussion of how they feel.

Trustee Holdstein: . We have been listening, and I certainly have been listening, to the community right up until 10:30 last night speaking to two people who have deposits at the Andrus Home. In my tenure on the Board, this has probably been the most hotly-discussed issue in the Village, and it has been a very challenging issue. The Board, collectively, has put a lot of hard work into analyzing the situation and listening to everyone.

I have received letters, phone calls, people on the street discussing the issue. I have met with people from Andrus as well as people on different committees in opposition to it. Last week we discussed a revised proposal from Andrus, and we heard from a member of the family who spoke eloquently about what a great friend the Andrus community family has been to this Village for over 40 years, and continues to be in many philanthropic endeavors. But as I sit here today, I have one responsibility to everyone in the Village to make decisions that I

think are in the best interests of the Village. It is not to carry a scorecard, how many yeas and how many nays, or who speaks the loudest, or who wrote the longest letter, or who had the most voice time at that microphone. I take all of that into consideration. But as of today, having heard all sides, I still hold to the opinion that I do not believe a CCRC is an appropriate use for this small village.

Trustee Walrath: Most of the opposition has been because of the scale of the project. I too think the problem is the scale, and if we had only the original proposal I would vote against it because of its size. We have a new proposal. I have my doubts that it goes far enough to answer the objections to scale and size. There are a number of people here in Hastings who want to live in this particular type of development. I disagree with the idea that it is not something that the majority of people could not afford when they reach the age that they are ready for it. If it were the type of living that I wanted, I would find it affordable. This is not affordable in the sense of affordable housing, but saying that it is not something that is suitable for most of the people in this village, as far as their wanting to live there, is not proven at all. I know a number of people in this village who say they want to live there. That is why I am not against it per se. It is not, except for scale, that different from the use that has been made of that site over a long period of time. And if we felt it was a good neighborhood then, I think it could, with proper scale, be as good a neighborhood or better.

Mayor Kinnally: Is that a yes or a no?

Trustee Walrath: That was a yes, as far as per se, without taking into account the scale.

Trustee Apel: I have received all your mail, and have read everything, and have spent many hours thinking about it. I do not feel that a CCRC is an appropriate use of that space at this time. It is not something which fits in with the character of this village, and I do not think I could vote for a CCRC.

Mayor Kinnally: I know it is difficult to divorce the proposal with the scale of the buildings, etc. from the underlying concept of a CCRC, but that is what I have asked the Board to do. I do not believe that a CCRC is much different from what Andrus has been doing there since the early 1950's. In fact, I think the blueprint for a CCRC was prepared following some of the experiences at the Andrus Retirement Community. In the 1950's what we have before us today was not even considered: having independent living units. We either had hospitals, or we had nursing homes, or old people lived at home and died. But times have changed, and I think that template was there for the type of care, the graduated care, the ability to have seniors live in dignity, and to allow them to live independently.

New York State has come to CCRC's late in the game. Most other states have looked at this and have not seen it to be a detriment. Many of us grew up with grandparents in our homes, and our parents took care of our grandparents. That does not exist today. Nor do the seniors want that. They want to be independent while they are still ambulatory. The way Andrus was run years ago, you had to be ambulatory to get into Andrus. You had to live independently, although in a dormitory-type style. There is no question about it, the scale is a little different, and I do not mean the size of the buildings, or anything like that. People are looking to go into CCRC's or independent living units earlier in life. They want to be able to plan for what they want to do in the future.

I believe that a CCRC is an appropriate use for the site. The issue of scale, height, density, etc. is for another day. The use of that site, as we have it for the last 50 years in an institutional setting, is far better from the use of the site the prior 50 years up there. That is not to say that the use in the future cannot be better than what we have at the present time. Embracing the concept of a CCRC would be an appropriate use of that site, especially if it was done with sensitivity toward scale, toward open space, toward integration with the rest of the community. If anyone here has any experience with the Andrus facility over the last 20, 30 years, they have integrated themselves with this community and this community has opened itself to going up there and working with the residents. They are not an enclave. They are residents of our community. Those of us who have run for public office actively court their votes. The idea of a CCRC is consistent with the use of the property over the past 50 years, and is also consistent with what this community has embraced, has adopted, and has lived with.

So we have a 2-2 straw vote. Counsel should be guided accordingly. We will open it up for very brief comments.

Leslie Chervokas, 165 High Street: You said that you received a new proposal. When will that proposal be available to the public?

Mayor Kinnally: It is available now.

Ms. Chervokas: Is that a replacement of the formal proposal such that the old proposal is totally off the table?

Mayor Kinnally: I will ask the applicant. Is this current proposal in lieu of a withdrawn prior proposal?

John Kirkpatrick, Kirkpatrick & Silverberg: It is a very minor amendment, but nevertheless we have submitted it as a completely new proposal. It takes the place of the original floating zone proposal. It takes the place of our amended proposal in the FEIS. And it takes the place of the Planning Commission's proposal. It is a new proposal.

Ms. Chervokas: I want to take exception with the closing of the public comment period. The original deadline for public comments was September 17. It was only six days after the 11th, and I do not think people were in shape to complete their comments at that time. I also do not think it is sufficient for the Board to determine that just because the FAR of the new proposal is subsumed by the previous FAR, that that means there should not be an extensive analysis of the impacts of the new proposal on the community.

Tom Brown, 141 Overlook Road: The old proposal was so monstrous, so large, so totally out of keeping with Hastings, I would hope that any new proposal should not be seriously considered for passing unless it is material, unless it triggers new discussion and a new round of talks. If it is such a small change from what they have now, which is hideous, why would we be passing anything that is not material? To let something slip through the process, and slip through in the middle of the night, as to be not material, to be too small to discuss, that stream is a little shady.

Ruth Dewey, 555 Broadway: I want to speak in support of what the Mayor has said, and to bring up my distress at the amount of misinformation that has been given, particularly this question of this being an enclave for the rich. I am a very typical, average member of this community in terms of income. I have no income. My husband has a pension from a very average professorial job. We had, luckily, a house in Hastings. Though we are not planning to go to Andrus if it was developed, we could afford it and it is not an enclave for the rich. I do not know whether the Trustees would be opening their arms to housing for the very poor, but here we are proposing housing for the elderly in the average range of Hastings incomes. And there is this picture that is being drawn that it is for the rich from the outside who are going to shut their gates. And I really do not know where this has come from, and I think it has been a quite disgraceful attempt to oppose this program.

Susan Richman, 21 Pinecrest Drive: We just took a straw vote. It is 2-2, and my understanding was that means it is dead. Is that wrong?

Mayor Kinnally: You are not wrong.

Mark de Venoge, Assistant Treasurer, Andrus Memorial: I want to thank the Trustees, the Mayor, the town attorney, and the Village Manager for the effort and diligence you have put into reviewing the Andrus on Hudson application.

The approval process has been arduous and difficult for everyone involved. While this is the best process available, it unfortunately favors those most vocal. The sponsors, Beth Abraham and the John E. Andrus Memorial, with proven track records and spotless reputations, have made numerous revisions to the AOH project, costing many millions of dollars to respond to all the civic concerns. The opposition to the project has continued to vilify the sponsors as financially motivated developers, and make unfair comparisons between the project and facilities like Stew Leonard's and Home Depot. The most vocal in this application process, the Hastings Community Coalition, has used divisive talk and given you a mis-read of the facts that hide the truth. The real truth, in my opinion, is that 171 units built on these particular 26 elevated, tree-lined acres will be completely tolerable for the majority of the community, most of whom are intimidated by the public process we are currently in. The project consists of only the very best designs, built to the highest standards, and could be an absolute jewel for the town of Hastings as compared to the 1950's designed 247-bed Medicaid facility it is today.

The benchmarks for density and height recommended for Hastings by the county planning board and others are only guides, and in this case are less applicable. This particular piece of land is so unique unto itself, there is nothing else like it in the county. If the AOH project were planned on flat, vacant, treeless land at the same elevation of existing roads, the benchmarks would be meaningful. The proposal, with the proposed deep setbacks, dense foliage, trees, and preserved open space, could hardly be responsible for destroying the character of Hastings. There is not another CCRC in the Westchester area that comes close to this low density with panoramic views, open space, specimen trees, and public trails. As I drive around Hastings, I see many new structures and residential expansions that I consider a much worse assault to Hastings' charm than Andrus on Hudson would ever be.

Please let us face the truth and not the spin. This is a jewel of a project, expertly designed, on 26 elevated acres, providing the latest and best retirement option—a CCRC—that this town would be proud to have as a neighbor. The final truth to face here is that a down vote will disappoint hundreds of people: the Andrus residents and their families, the 115 or so depositors and their families, and the numerous others living in Hastings too uncomfortable to participate in this unfriendly public process.

Alex Rakotz, 200 Old Broadway: After the straw vote tonight, when will you vote on it?

Mayor Kinnally: My suggestion would be to extend the public comment period for written submissions on the amended proposal to October 30 or 31. That would give counsel an opportunity to incorporate that into the findings and to circulate it among the Board. I am looking at a vote on this in November.

Bill Berner, 192 S. Broadway: I would appreciate it if you would tell us what has occurred by virtue of this straw vote regarding the proposal. As a member of the community who has worked very hard in the last two and a half years, and along with many other people, approached this project with a very balanced attitude looking for solutions, for this gentleman from Manhasset, Long Island to come in and tell us that we are venal, I find truly offensive.

Special Counsel Chertok: It requires a majority vote to approve a zoning amendment. So assuming the 2-2 split held, then the proposed zoning amendments could not be approved.

Mayor Kinnally: That would be done pursuant to a resolution of the Board of Trustees, and part of that resolution would be the findings. Julie says it has never been done before. This is a different procedure. It is a whole different set of laws than we have had before.

Betsy Pausch, 70 Euclid Avenue: Mr. Kirkpatrick said there was a whole new proposal on the table, but then I heard him say it contained very minor changes from the original proposal.

Special Counsel Chertok: What was submitted was the entirety of the proposed zoning ordinance with the changes from the prior proposal marked. The changes were basically to reduce the effective FAR from, I think, 0.75 to 0.375 and to extend the setback by another 50 feet. But the submission was the entirety of the proposed ordinance.

Ms. Pausch: If a lot of the opposition had to do with the scale of the project, and the new submission is characterized as being minor but it had to do with the scale of the project, I would like to point out that the scale is a not a minor issue. If the new proposal only makes a minor change, then I do not believe that will truly address the concern.

Mayor Kinnally: It is not meant to address the concerns from our standpoint. It is whatever they wanted to do.

Special Counsel Chertok: Let me just clarify something. What has been done in the proposed zoning is to lower the potential density of any development that would be allowed as a CCRC in the site. That is different than the proposal for their particular project.

Mayor Kinnally: We have the Youth Advisory Council here tonight to listen to the presentation on the Harmon Community Center. We will take further comments under public comments at the latter part of our agenda. I would like a vote of the Board to extend the public comment period only on the new proposal to Tuesday, October 30 at 9:00 a.m.

On MOTION of Trustee Holdstein, SECONDED by Trustee Walrath with a voice vote of all in favor, the period for public comment on the new Andrus proposal only is extended to Tuesday, October 30 at 9:00 a.m.

PRESENTATION - Harmon Community Center Feasibility Study

Mayor Kinnally: We are in receipt of a feasible study prepared by Mitchell Koch Architects for the Community Center.

Mitchell Koch, Architect: I want to thank everybody at the Harmon Community Center who helped us in numerous interviews, calls, and visits to the Community Center, all the staff, and all the users, for allowing us to use your ideas to put this report together, thanks to the Village for allowing us to do this report, and thanks to the team of Wendy Nedich and Nancy Israel.

[narration of slide show]

The Harmon Community Center was built in 1948 in a modern style by a local architect, Mark Lowenfish. It provides a home for various programs in our village, including the seniors programs, the staff for the Parks and Recreation, Youth Council, Youth Advocacy, and senior counseling. It is a site where we go to vote and to sign up for pool passes and tennis passes and various other programs provided by Parks and Recreation. Everybody that we interviewed said they loved the location, that it was right in the downtown, accessible to parking, accessible to stores. It sits on a hillside over the Cropsey estate at the head of a trail that goes through the estate. It sits next to a very beautiful firehouse as well.

In 1999 we received some community development block grant money, about \$180,000, plus money for architectural engineering fees, to upgrade the Community Center. The purpose of this report is to help identify what is wrong with the Community Center through a needs assessment process. What does the community want to see? We developed four strategies for improving the Community Center, and we came up with some recommendations. Nancy Israel did the interviewing mostly, and she is going to discuss that portion of our report.

Nancy Israel, Architect: We interviewed three groups of people: the staff who work there, including recreation and park staff, senior services staff, and Youth Advocate staff; the users,

including senior citizens, the youth in the after school youth program and the youth who use it on a more casual basis; parents who participate in toddler groups; and anybody else—people who play ping-pong. We had an open community meeting to solicit comments and information from the community at large.

The interviews were sometimes one-on-one, sometimes in groups. The information we culled from the interviews we organized into these different categories. Some of them had to do with the actual space and how the space worked and Some had to do with wish lists.

There is a very large room off the office that does not get congested but it conflicts with the work in the office. People expressed the need for a smaller lounge area where you could hang out informally. There was no private space for counseling. Right now the Youth Advocates use their office space, but it is very small. In order to allow the kids to use the computer in there they sometimes do not have the space to do both things at the same time.

Everybody expressed the fact that there is no outdoor useable space at the Community Center.

Storage is a big issue for everything from where the kids put their backpacks to filing space for the office. Storage space in the basement area is leaky and not in good shape.

Accessibility is a very big issue. If the Village were to use the community development block grant funds it would be necessary to bring the building up to code to comply with Americans With Disability Act. Right now it is one of the big issues, regardless of that, because the seniors are now using the downstairs. It is very difficult for them to go up and down the stairs, as it is for parents with toddlers and strollers.

Noise was a big issue, especially around the office because the office is open to the big function room. The kids are often told they have to be quiet so the office staff can work. But this is a place where the kids do not necessarily want to be quiet because they are there to socialize with their friends and to enjoy the freedom of being there after school.

Parking is convenient but it is insufficient because all there are in the neighborhood are two-hour meters. A lot of the users reported they were using the Food Emporium parking lot, but that was not always tolerated.

Climate control is a hit or miss. Some people seem to be happy with the air conditioning, but the zoning on the heating system is really poor. It is not very controllable. Downstairs in the youth lounge, the seniors tend to like the heat higher than the youth and it is hard to control that, and it sometimes gets very uncomfortable in the winter.

Nobody is particularly enamored of the lighting, and furnishings could be improved upon. They are durable and functional but not inviting. Technology needs: computers for staff and youth. When the youth come there to use computers they are using the staff's computers and it makes everything tough. There is no dedicated FAX line. The phone system is really poor. If somebody gets called and they are downstairs, you have to shout downstairs that you have a phone call. Electric service is not adequate at this time. The security is barely there. One of the big issues is that sometimes staff have to stay late; they could be closing up as late as 11:00 p.m., and somebody could wander into the building and the staff would not know. There were some incidents of that happening.

We looked at neighboring community centers in communities similar to Hastings. The difference in most of the community centers from Hastings is that the Hastings Community Center functions both as the center for the recreation and park staff and as the full facility for all of their programs, whereas most of these centers do not house the staff.

Trustee Holdstein: You showed one slide of a center at \$278 a square foot, and the next slide of Greenburgh at \$171. That is a big disparity.

Ms. Israel: We had trouble getting some of these figures. We are not sure how accurate they really are. But Greenburgh was very simply built. The land was there; it was flat, there were no problems in siting. This is in that very large park where their other facilities are. It is pretty cheaply built. It has some advantages. They built it so that they could have events outside with a window that opens up to the kitchen area. There is a very large, glassed-in lounge area with a fireplace in it off the lobby. We asked if people use it. The answer was yes, but it was not very convincing.

We learned from Irvington that the recreation superintendent did a lot of overseeing of the work. That may clue the Village into the need to hire somebody, or to have an owner's representative, so things do not fall apart. Irvington felt it was a real benefit to keep the community involved through the whole process, including making furnishing and design decisions. Most of that was senior citizens. In Rye Brook, one of the issues was that the architects spec'd all these fancy things, and then they were stuck with things that were very difficult to fix when they fell apart, such as lighting fixtures.

You will want to think not just about what the needs are today but what the needs may be in 10 to 20 years from now as the demographics change. Make sure you keep that in mind when figuring out where you want to put your money into the building.

We tried to identify the areas of conflict among the users; we charted a typical week of use during the school year. Where you see things overlapping, and where it seems issues come up that are most salient, is either between the office and what is going on with the youth, or the youth and what is going on with the seniors. We found out that the youth often feel they cannot be upstairs because the office workers need their quiet. They cannot be downstairs because the seniors are in the room. They are shuffled around from place to place. There is no nastiness or anything, but it does get tight at times.

Mr. Koch: The building is on a steep slope. We have windows along the perimeter, many of which are non-functioning, or if they function at all it is because they are drafty. The walk down is dangerous. It is steep, hard for older people to navigate at some times. All around the building we see very little signs of structural cracking or problems on the exterior. Based upon our observations, the structure is sound. However, we have serious problems. The fire escape from the upstairs is very rusty. The roof is going to need to be replaced. It has probably a year of life left, but after that we are going to be looking at more leaking. There are other conditions on the roof that should be addressed.

The finishes inside are rudimentary. The building has not had significant work done on a lot of it since it was built. The open office in the game room upstairs is a problem for everybody. Fluorescent lights are utilitarian, but many people find them to be too institutional.

Storage for the office is a problem. We have a senior counsel area right in the middle of the lounge area, also a problem. The downstairs kitchen has antiquated and cramped appliances and bad lighting. The bathrooms are old and cramped.

The building is built on a rock ledge so there are four different levels on this floor. It does not pass current standards for accessibility. Window treatments are a mess. Lighting is institutional. This boiler was donated to the building when it was built, I think by the father of Bruce Aluisio. He found it somewhere. It put in many good years, but we have included a price for replacing the boiler.

Other things that we think should be considered. The view is fantastic. Grand old trees. The Disneyland roofs of the Cropsey foundation below. We should take advantage of that. We have an opportunity, if we are going to remodel, to focus on this. The second thing is the historic and civic value of the building. It is one of these modernist buildings done by a local modern architect. It is a building that when, and if, we remodel we should keep in mind that it was designed as a modern building and it has a history in the place of architecture.

The third point was green architecture. There has been, lately, an initiative to try to design and build buildings that are environmentally sensitive. In other words, that they do not cause the degradation of the environment through excessive use of heat. People are insulating buildings better. But people are also building buildings from materials that do not require devastation of some forest to build, and are healthy for the people who use the building. There are consultants who are very sharp about all of these details. There have been initiatives state-wide, and certainly in New York City, to bring buildings up to this standard. This is something that we should bear in mind as this process moves forward.

Lastly, we have to balance durability of materials with avoiding institutional materials with the emphasis on getting your maximum bang for buck in rooms that are supposed to be comfortable. Rooms should not be institutional. But corridors can be high durability. So the architect who is hired for this must keep all of this in mind.

Trustee Holdstein: Any asbestos?

Mr. Koch: On our walk-through we did not see asbestos. The only likelihood is in the boiler there is likely to be asbestos in some of the cement. However, there is also a possibility of things that we did not see. Typical through the period when the building was built, asbestos was used. The other places to look will be floor tile. We have included these numbers in the report.

The effort here has not been to design a new Community Center. The Village will select an architect, and that person or that organization will design it. What we have done is identify a range of responses to the situation. The first one is cleanup, meaning we have established some baseline just to take the building, re-paint it, insulate it well, put in a new boiler, improve the windows on that level. Secondly, renovation. We would, in this iteration, add an elevator, accessible stairs, and additional bathrooms. The third one is to take the second one and expand it with some additional square footage. The fourth one is to tear the whole thing down and start again.

The basic cleanup—upgrade the finishes, bring it to a level that people are proud of, without a new elevator—runs about \$400,000, if you assume a 20% soft cost number. A sprinkler system with a fire alarm system. Upgrade of electrical and telephone. Replacing roof with a lot of insulation. Insulating the exterior walls. Refinishing the bathrooms, and painting in general. New light fixtures. We will not be able to use the CDBG money for this strategy because we are not providing an elevator. One thing that it does not really address: the program issues and the space conflicts. We are making the existing building look nicer.

The second option is more comprehensive. Here we have added a tower that spans three floors and shifted the entry to the side of the building next to the fire station. This presupposes that you are going to reorganize the circulation. The lounge area functions more as a lobby. We have moved the offices to interface directly with the lounge area, and have opened this top floor as a 1,300 square foot program space, with a little band of storage there. Downstairs we would level the floor. The ceilings would feel a bit lower, but someone could come off an elevator in a wheelchair and go to anyplace on this floor. In this iteration, we are recommending that the seniors would meet up here, the youth could have this downstairs area. And here is the Youth Advocate's office with a larger lounge, storage, a little lobby area, and keep this door available for the kids to come and go, and to divide this space up into a game room and a lounge for the kids, or something like that. It was not our effort to plan everything, but it is a lot of square footage and it would also isolate the seniors from the kids.

We used the Municipal Building for comparison costs. This costs \$100 a square foot to remodel at a very high level. Based on those numbers, a renovation including asbestos remediation and a new alarm system would be roughly \$1.38-million. It would require some new staff to supervise the young people downstairs if we are going to split them up. Currently, Parks and Recreation is doing that job.

In this iteration all we did was add a little square footage on the front to provide a second program space on the ground floor basically for the seniors. This could be a kitchen here, a dining area. It could open out to a plaza, for example. A very nice space, and a program space. This was going to be about \$1.6 million if you figure on getting 20% soft costs.

People have asked why not add another floor on top of the building? The rear of the building is already three stories tall. Very likely, there is no reinforcing in these walls, although we do not know it for a fact. It was not really done that much then, and certainly not to today's standards. Typically, what you need to do in a situation like this is to put a brand-new structure inside the building. Very expensive, and just not viable. However, the Village could retain an engineer to go through all of the steps, make mini-probes, and verify whether this is doable.

Lastly, replacement for the building. We could build a very large building up here. I think we are talking about 22,000 square feet at a cost of \$6.8mmillion. This building could accommodate almost everybody's wish list. In this iteration we are showing a gym upstairs. You enter underneath into a lobby area. Offices for Parks and Recreation that could manage the lobby area. Program space below. A driveway below. The senior programs could be on the middle floor, and the kids could be two floors buffered by the entry level. Everybody

could be happy. Based upon some study, it is my sense that we could put a small parking area below the building.

We have provided a chart that evaluates what each different scheme provides. The full monte does just about everything except provide outdoor recreational space which is not likely to be done on this site. That being said, the middle schemes offer quite a lot. We would establish as a minimum improving the baseline finishes in the building. Improve the building systems. We would recommend that we use the CDBG funds and provide an elevator for the building. We put an elevator in the back so that it could access all the floors, and recapture that lower floor. Another architect may come up with another solution. This is one solution. Try to hit as much of the wish list as we can.

Utilize an owner's rep so that we can make sure that the thing stays on budget and design track. Encourage ongoing community participation so everybody is invested in this. Invest in the options for increasing security, which would include staffing requested. Hiring a consultant to give an overview to the Village of where we can get best bangs for our buck and still try to keep the building up to the new standards of the green movement. Look for some help from the Village to establish a drop-off space in front of the building.

One of the strategies that we, based on our consideration of the project, think might work is that the Village might consider one of the intermediate schemes with an eye to, down the road, building on the waterfront a youth center with outdoor recreation space. In the interim, we can use this better-organized space and, perhaps, a slightly larger floor plan. In the future, where there are more seniors in the Village as the baby boomers increase in age, perhaps the kids can roll over to a new facility at the waterfront.

Village Manager Hess: Mitchell and his associates did an outstanding job on this. We have forwarded copies to the Parks and Recreation Commission, to Bill and Nancy for the advisory committee, it will be up on our web site, and I expect we are going to be getting quite a bit of input and comments over the next month on this.

Mayor Kinnally: Thank you, Mitch. Very professionally done. It certainly outlines the problems with the building, the needs of the building, the needs of the community. It will be a good road map for us in the future.

70:01 STOP-DWI PATROL PROJECT REIMBURSEMENT CONTRACT

Village Manager Hess: This is an annual program we have been involved with in the county for several years. The maximum reimbursement is \$11,400. In addition, it has a

provision under Schedule A where we can purchase a data master in the amount of \$3,000 and that would be reimbursed. Data master is a breathalyzer.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Village Manager to execute the 2002 STOP-DWI Patrol Project Reimbursement Contract with Westchester County in the amount of \$11,400.00.

ROLL CALL VOTE	AYE	NAY
Trustee Marjorie Apel	X	
Trustee Michael Holdstein	X	
Trustee David Walrath	X	
Trustee Bruce Jennings	X	
Mayor Wm. Lee Kinnally, Jr.	X	

71:01 WESTCHESTER COUNTY DEPARTMENT OF COMMUNITY MENTAL HEALTH UNIFIED SERVICES 2002/2004 AGREEMENT

Village Manager Hess: This is a three year contract so we are assured of funding from the state, through the county, for a three year period. The total amount of funds from the state is \$443,434. That averages \$147,811 per year, but our year one budget with the state is, in actuality, \$133,963. So we will have additional funds in terms of budget increases that we will be able to play with, with the state, over the next several years. We just have to stay within the realm of the \$443,000 total. It helps us in terms of budget projections, since the state is on a different fiscal year than we are, so we were very pleased to receive this.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Village Manager to execute the Unified Services Agreement between the Village of Hastings-on-Hudson and the Westchester County Department of Community Mental Health for the period January 1, 2002 through December 31, 2004.

ROLL CALL VOTE	AYE	NAY
Trustee Marjorie Apel	X	
Trustee Michael Holdstein	X	
Trustee David Walrath	X	
Trustee Bruce Jennings	X	
Mayor Wm. Lee Kinnally, Jr.	X	

72:01 TREE REMOVAL AND RESTORATION GUIDELINES

Mayor Kinnally: These guidelines were reviewed by us, comments and concerns were raised at a prior meeting, and we resubmitted the guidelines to the Conservation Commission.

Village Manager Hess: The concerns that were raised by the Board at the prior meeting were essentially removed from this document, and it was resubmitted from the chair of the Conservation Commission with the omitted sections.

Village Clerk Maggiotto: The first thing that was removed was the penalty, which cannot be in guidelines. It has to be in the law. But when it came back again, there was language in 1A that Trustee Walrath took exception to, and Peter Wolf agreed it was confusing. The original language was, "subject to Section 373.4 and, except for circumstances set forth in the following paragraph, trees must be removed in a safe and responsible manner." That seemed to imply that in those cases trees did not have to be removed in a safe and responsible manner. Peter decided a good solution was simply to get rid of that language, and state "Trees must be removed in a safe and responsible manner."

Trustee Walrath: Do we have any near-term intention of looking at the tree law overall? I do not think we are using our tree board enough, or our Building Inspector, to watch what is going on on Village property, too. I know we do not have a right to what is going around on school property, but if we were policing ourselves, the School Board might listen a little bit. As far as removal of trees without having the tree board apply their knowledge to whether the trees really need to be removed, I would like to see that at some future point.

Mayor Kinnally: Peter Wolf, the chair of the Conservation Commission, has asked to talk to me, so maybe a number of these things, both from a procedural and operational standpoint and a personnel standpoint, will be addressed at that time.

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

RESOLVED: that the Mayor and Board of Trustees, pursuant to Section 273-9. Tree Removal and Restoration Requirements of the Code of the Village of Hastings-on-Hudson, promulgate the following guidelines:

I. TREE REMOVAL

- a. Trees must be removed in a safe and responsible manner, respecting the rights of immediate neighbors and the public at large.
- b. Cleanup and proper disposal of debris must be conducted at the time of the removal of the tree from the ground.

II. RESTORATION

- a. Number and Type of Trees
 1. Tree species used in restoration must be approved by the Building Inspector with the advice of the Tree Preservation Board from those species listed in the Village Tree Planting Guide.
 2. Trees used in restoration must have a diameter of at least 2 inches.
 3. The number and size ('diameter at breast height' ['dbh']) of trees used in restoration must have a total basal area (cross-section) equaling at least 50% of that of the tree removed.
- b. Site of Restoration
 1. Restoration is to be done on-site in accordance with the site plan.
 2. If restoration is not feasible on-site, off-site mitigation is required; the location and tree species for off-site mitigation must be approved by the Building Inspector with the advice of the Tree Preservation Board from those species listed in the Village Tree Planting Guide.
- c. Time of Restoration
 1. Tree restoration is to be performed at the next optimal planting time for the species of tree to be planted (usually spring and early fall).
 2. The time for tree planting must be approved in advance by the Building Inspector.
- d. Guaranty of Performance
 1. The life of any replacement tree must be guaranteed for at least

two years after it is planted.
2. The guarantee must be from an approved local nursery or through a financial commitment (such as a bond) approved in advance by the building inspector.

ROLL CALL VOTE	AYE	NAY
Trustee Marjorie Apel	X	
Trustee Michael Holdstein	X	
Trustee David Walrath	X	
Trustee Bruce Jennings	X	
Mayor Wm. Lee Kinnally, Jr.	X	

PUBLIC COMMENTS

Mayor Kinnally: There is a request to extend the season of the Hastings Farmers' Market. beyond the planned termination of October 27 to add the first two weeks in November.

Trustee Jennings: Has the neighborhood been informed of this and does it have any view on perceived inconvenience?

Ms. Smith: It did not seem appropriate to go to them before we talked with you. If we are going to do this, we would have notification at the Market.

Village Manager Hess: When we sent out the surveys, and sought information in the neighborhood, we only received two negative comments. There is parking availability. A lot of people walk to the Market. A majority of the Downtown Partnership, the businesses in the downtown, are supportive of the Market. Some of them feel that it has brought business into town that has not been here before.

Ms. Smith: We started handing out surveys at the VFW last week. The first year the Market was all of November. Then we cut back. This year we polled the vendors and they said they would love to do it, and there are shoppers who are saying it would be great.

Trustee Jennings: The decision we make on an *ad hoc* basis now should not be perceived by anybody, especially the neighbors, to have any bearing on what we might decide next year. I think that might soften any feeling of being put upon without input.

Trustee Holdstein: Have you received any feedback negatively in terms of the decisions that were made last spring as it related to neighbors?

Ms. Smith: There have been no complaints addressed to the Market committee and, I guess, not to Village Hall. I am sure those same neighbors are inconvenienced some.

Trustee Apel: Are there people not coming to the Market because they perceive they cannot find a place to park? If we survey everybody that goes there, they are all going to say it is great. But those who are being deterred, and are not coming, that we need to know.

Ms. Smith: We are doing the questionnaire up in the Village so we might reach those people. We do have a couple of handicapped spots up there. We also permit people to come up to pick things up because sometimes it is hard to carry, like the plants.

Trustee Holdstein: I would assume your peak traffic for the Market has been earlier, so did we miss the survey going out during a peak part of the Market?

Ms. Smith: The Market has been very strong through this week again. But we are not trying to do a survey at the Market of the people already at the Market. It is in the context of shopping in the community to try to see what the synergy is between the two.

Mayor Kinnally: It is a good idea to try to extend this. If the inventory is there and the people are willing to come down, and we can have that sense of togetherness and town meeting, if you will, I am all in favor of it. Everybody in favor of this? Good luck.

VILLAGE MANAGER'S REPORT

Village Manager Hess: The county legislature last night approved the \$335,000 towards the first grant. I have filed, as contract vendee, the subdivision with the Planning Board. They will be establishing a public hearing date on the subdivision of 14.25 acres.

At Draper Park, there are ground leases for the houses. We do not assess the land, but the Town of Greenburgh has seen fit to assess the land on those properties, and in the contracts we have with the owners we have to pass through to them the taxes for that property. We have filed complaints with the Town Board of Assessment Review in the past on behalf of the owners, or on behalf of ourselves. We have been denied by the Assessment Review Board, so we have filed an Article 7 under the Real Property Tax Law, or a *certiorari* proceeding against the Town of Greenburgh for those properties within the park. The ground lease

amounts are used by the Village to maintain the park. They are not used for profit-making purpose. The houses themselves are still assessed, but the land that they are on should not be.

Affordable housing: Warburton Avenue is proceeding well. The foundations will be completed by the end of this month. The affordable housing fund has expended approximately \$60,000, which are county home funds that they have been granted. The Division and Warburton site, originally JDC indicated a possibility of having an interest in that site to develop affordable housing. They have withdrawn that, and will concentrate their 10% affordable requirement on the 9-A site. Habitat For Humanity has been in discussion with the Affordable Housing Committee and will be at their next meeting as a working partnership with them on the site. The Genny station on Broadway, Sue Smith and Jim Keaney met with Larry Salley of the county to discuss, and request funding for, a feasible study on the site and an appraisal of the property. Sue sent a letter to the Health Department requesting any documentation about the cleanup of the site, the tanks, etc., and whether they filed with DEC for a closure permit.

There is a potential buyer for the gas station on Main Street who met with the Downtown Rezoning Committee. He is interested in a development on that site which would provide for 24 units of housing above retail space. It was a trial balloon to see the reaction from the Zoning Committee. Whether that site could handle that many units I do not know. The parking would have to be internalized. You could not have off-street parking with that type of situation.

The anthrax situation: We have had one meeting of our emergency response team and have another one scheduled. I received a number of very good comments from department heads and others on changes and improvements to the emergency manual. We have developed a task force to deal with terrorist activities. We should point out that the county has a full haz-mat team in place, which any community can call upon. Mail procedures and guidelines, developed with information we received from the FBI and the U.S. Postal Service, was sent to all departments and the school district. While anthrax can be a concern, I do not think people have to be overly concerned. We would just urge people to be on guard, and be aware of what is going on around you. I want to assure people that the Village is going to insure their safety. Do not be embarrassed to contact us if you notice anything unusual in your neighborhood or anyplace else. That is what we are here for.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: I will be meeting with George Heitzman of the DEC later this month. He will be meeting with people from ARCO-BP/Amoco earlier in the day. BP/AMOCO has come up with the specs for the demolition of some of the buildings on the site, and I expect to have that information from Sandy Stash by the end of the week.

We are in receipt of the inspection report of the area surrounding Marinello Cove. It is available in the library, and my understanding is that the report comes up clean for PCB's in that immediate area.

Susan, do you have a report from the state?

Village Clerk Maggiotto: We received a letter today from John Cronin, who is the public outreach coordinator for the Rivers & Estuaries Center on the Hudson. He acknowledged receipt of our application package, and mentioned that 21 sites have been nominated so far. The purpose of the letter was to update us on the next steps in the process. They are going to look at our package and see if there is anything else of a written nature that they require from us. Once they feel that that part of the package is complete, they will schedule a meeting and a site visit. Then they will bring in their own experts to deal with any questions about the particular challenges of our site. Finally, once they have assembled all that information, they will choose a site and present their recommendation to the governor.

Mayor Kinnally: The tenor of the letter is even though every site has certain drawbacks, do not be discouraged. They will work with us, and address each of the applications accordingly. So, once again, the committee and staff that were working on this are to be commended.

Trustee Holdstein: We have never discussed that which they were looking for. I know that there were several issues we wanted to talk about. When is the logical time to do that?

Trustee Jennings: I think it would be prudent for us to do that, and we should not delay very long, so that we do not get caught unprepared for a site visit.

Mayor Kinnally: It is pointed out in the letter that where the site is not controlled by the municipality of the applicant, we have to get the owners on board. Before our discussion we have to get firmed up on where the property owners stand on this, and whether or not they are going to join us.

I am in receipt of a letter from the owners of Marinello Cove, putting forth an offer for the sale of the property to the Village in lieu of condemnation. The Board is going to consider that offer in executive session immediately following this meeting.

EXECUTIVE SESSION

On MOTION of Trustee Jennings, SECONDED by Trustee Walrath with a voice vote of all in favor, the Board scheduled an executive session immediately following the Regular Meeting to discuss personnel and land acquisition.

On MOTION of Trustee Holdstein, SECONDED by Trustee Apel with a voice vote of all in favor, the Board scheduled an Executive Session immediately following the work session of October 23, 2001 to discuss personnel and land acquisition.

ADJOURNMENT

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