

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
DECEMBER 3, 2002**

A Regular Meeting was held by the Board of Trustees on Tuesday, December 3, 2002 at 8:35 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, Village Attorney Brian Murphy, and Village Clerk Susan Maggiotto.

CITIZENS: Three (16).

WELCOME VILLAGE MANAGER

Mayor Kinnally: Let me welcome back Neil, and say that our meetings can be somewhat shorter now because I do not have to give a report on the Manager. You can do it yourself.

Village Manager Hess: Instead of falling asleep at home watching you, I can fall asleep here with everybody else.

Mayor Kinnally: You are right. And we are going to have salary review right after this. But welcome back, Neil, it is great to have you back. Susan did an absolutely wonderful job while you were away. The Village did you proud in your absence. Everybody really filled the void as best they could. Kudos to Susan for everything she did, and to all of the other department heads and staff for coming through.

Village Manager Hess: Susan did a great job, and so did everyone here. I watched the Board meetings every Wednesday.

Mayor Kinnally: Welcome back. Congratulations on your recovery.

ZONING CODE

Mayor Kinnally: We are hoping to put this on our agenda for December 17. We hope to have the draft EAF available for distribution on December 11. We will extend public comment until December 13.

Trustee Jennings: Prior to December 17 will we receive a recommendation by the Planning Board or the Zoning Board or any other entity?

Village Planner Walker: The Planning Board addressed it and recommended it to you in the spring. The Zoning Board has it on their agenda for December 12.

Village Manager Hess: In addition, there will be a review of the EAF by our environmental counsel. There will be a report to the Board on that.

Trustee Holdstein: Do we need further examination of a few things that were brought up, perhaps one more meeting to tweak a few of the items?

Mayor Kinnally: We do not know at this point; if December 17 comes and we are not ready, then we will move it to January 7.

Trustee Jennings: When we vote, will we have a marked-up text with certain things struck out and certain things added in? Are we going to vote on it *in toto*, or are we going to split it up so that we could approve one change and not approve another?

Mayor Kinnally: Usually we have the text, and there is a resolution adopting the proposed local law. We have a red-lined copy of the text, which is appended to the two-page memo. I would expect that if there are additional changes, they will be reflected in similar format. We do not do it in bits and pieces. We adopt the whole thing. But it depends upon what the Board wants.

Trustee Apel: I still have questions on this, and I am not sure I am going to have the answers by December 17. Are we going to have information on a build-out? I would like to visually see what this would look like if you could build out in total. In terms of the parking, if different places are given permission not to park in the area, what is the effect? One of the things in there was, if someone could not find parking in the area, they could get permission to park someplace else. How far away, and is it realistic to think that this is going to solve the parking? Who is going to use it?

Mayor Kinnally: I do not know how we could ever know that because it depends upon who the owner is and what he has available.

Trustee Apel: But when you are allowing something like that, does that mean that the owner has to park over there, or is this parking for people that are coming to park for the store? These are the things we have to start thinking about: why are we doing this, and how are we resolving any parking that we have? I know a lot of the parking was internal, and that is very good, but we need to know the ultimate effect when we are making these changes.

Trustee Walrath: I want to make sure the red line goes all the way back, and does not refer to any previous draft. It is where we now stand in relation to the existing zoning.

Village Planner Walker: A couple of things have been revised several times, and the document does not always go back to the beginning. But you would like to see what the original text was, and I can do that because there are not that many changes.

Trustee Walrath: You said that the Planning Board last looked at this in the spring?

Village Planner Walker: They originally looked at it during the winter and referred it to you in April.

Trustee Walrath: But they have been getting the same copies that we have of the various versions.

Village Planner Walker: Yes, and Bob gives updates at every Planning Board meeting. They knew what was discussed at all the public workshops and the revisions that were proposed.

Trustee Walrath: So if anybody has any questions, I take it Bob would be aware of that pretty soon.

Trustee Apel: One of the things that we are missing here is the effect on light industry. That zone is affected because whatever you do in the Central Commercial District is permitted in principal uses in Light Industry.

Village Planner Walker: That is a very interesting point: once you change CC you are changing LI quite substantively.

Trustee Walrath: Including the LI over on Saw Mill River Road.

Village Planner Walker: Correct. Because the LI is written in such a way that there are very few principal permitted uses other than those that are already in the CC District, and additional industrial uses could be added only with a special permit. So the LI looks very much like CC District zoning. What you are saying is, you would like to see some kind of discussion of the impact on the LI District.

Trustee Apel: I think so. It has a ripple effect.

Village Planner Walker: It does. One of the things the Planning Board has discussed is that it is probably a good time to look at the LI District. Whether or not we change the CC District, it is probably wise to look at the LI District. It has been there for 50 years. The Planning Board chose, in this particular go-round, not to look at the LI. The MR-1.5 is another district.

Village Manager Hess: Meg, what you are suggesting is that they hold off doing anything on CC until you have studied LI.

Village Planner Walker: No, I am not.

Village Manager Hess: I think the question is, if the CC is applicable to the LI, well, maybe we have to study the LI. But if you change the CC now, it is applicable to the LI. How long is that going to take?

Village Planner Walker: I do not know the answer. You see what the problem is. Because of the way our zoning is written, it has this ripple-down effect, because it is cumulative. But it was decided when we set out this study area that we were going to only look at the study area. In fact, the Planning Board even discussed whether or not they should look at the LI and they decided not to.

Village Manager Hess: As opposed to holding everything up for a study of the LI...

Village Planner Walker: I do not want to do hold everything up.

Village Manager Hess: ...as opposed to doing that, why do you not propose that the CC applicable to the LI zone be removed for now, and take that completely out of the zoning text. That is allowed use in the LI, and let LI stand on its own until you are done with your study.

Village Planner Walker: We discussed that with Mark. The problem with doing that is then there will be no principal allowable uses in the LI. I think we talked about that with Marianne, the Village Attorney.

Village Manager Hess: You would have existing uses. If you are going to do a study, you will ask for a moratorium in the LI anyway. So why allow CC uses in an LI?

Village Planner Walker: The attorneys told us we could not do what you just suggested: rule out all CC uses in the LI, because in the LI, the only principal allowable uses are CC uses in the CC portion of it. So if you take that out, there are not principal allowable uses.

Village Manager Hess: Then what is the LI there for?

Village Planner Walker: Good question.

Trustee Apel: It has original stuff. It has research laboratories.

Village Planner Walker: It does with the special permit.

Village Manager Hess: Right. Allow those by special permit as the principal uses, and take out the CC.

Village Planner Walker: We suggested doing that, and we should just run that by the attorneys. In my view, that is fine.

Village Manager Hess: As opposed to holding everything up, which I can see going another six months or a year.

Mayor Kinnally: Touch base with both Marianne and Mark on that.

Trustee Apel: And what was the other district that was affected?

Mayor Kinnally: The MR-1.5. She is saying it should be looked at.

Village Planner Walker: It is just when you start looking at, it is like this domino.

Trustee Apel: Because they all piggy-back on each other.

Village Planner Walker: In this case, the MR-1.5 is a separate zone, but the fact that we are changing the area next to it calls into question the zoning for the MR-1.5 because it is quite different now from the MRO zoning, for example, which is adjacent to it. But it is not as necessary to make those changes right away. That is another discussion.

Trustee Walrath: We do not want it to delay, we want to disconnect the LI and maybe put it in moratorium until we have a chance to do something about it, is that right?

Village Planner Walker: That is another possibility.

Trustee Apel: Maybe just do that.

Trustee Walrath: That would be fine, and I think it is a very important point.

Village Planner Walker: We will get a recommendation from our attorney as to the best way to proceed on that.

PRESENTATION - Process for Large Tracts Study

Mayor Kinnally: Patty Speranza is here to give us a presentation on behalf of the Planning Board of the process that they are recommending for the study of the large tracts in the Village.

Planning Board Member Speranza: I will be joined by Maurice Wasserman. It is good to have this discussion on the large tracts following the public hearing on the downtown rezoning because it shows that the Vision Plan, which was endorsed by your Board, is really being implemented. The downtown zoning originated with the Vision Plan, as did this initiative to look at the zoning on the large tracts.

We are talking about originally ten parcels of land included on the large tract map as part of the Vision Plan. One of the first discussions we will have to have is whether or not we are going to review the zoning on all ten of them because some of them, in fact, are going through different processes, such as the waterfront properties.

We have been charged with coming up with a process to undertake the review of the zoning. We think we can very quickly develop the list and the inventory of the properties. Because this board entered into an agreement with the county to get the GIS aerial photograph data, it is going to make our lives a lot easier in getting an inventory and topographic data and identifying water courses. We also want to engage the Conservation Commission, and we understand that Fred Hubbard has done some inventories on the properties. We want to look at the properties for scenic evaluation, view preservation, property ownership, and the kinds of buildings that may or may not be on the site already.

We want this information ready for a presentation for a public meeting in January. Maurice will go through the community goals.

Planning Board Member Wasserman: The goals were established in the 1999 Vision Plan. There were two goals: develop a greenspace overlay plan, which has been done and at least there is a plan for it; and completion of an assessment of potential cluster housing and setback options related to overlay zones. I do not think that has been addressed.

So we took another look at the goals of looking once again at large land tracts: to preserve the open character of the Village; to protect environmental resources; to determine the adequacy of the Village infrastructure for new development, including utilities, roads and traffic, parking in downtown and at the railroad station, and capacity of the schools; to retain the Village character; to look at the economic aspects of development, buyers of goods and services and other economic aspects; connection to the existing and proposed trailways; and protection of scenic views. We hope to work with a committee; there may be other relevant goals that will come up when a committee begins to work on this.

Planning Board Member Speranza: Goals may be in conflict with one another or interpretations of the goals may be different, so we will have to work through what all of that means. By bringing the public in, we hope to come to some consensus on how it relates to the large tracts. Which feeds into: what are the issues regarding each property? We know that we are a village. Everything feeds into the Village, into the infrastructure, into the schools. But how do these large tracts, and the zoning potential for each of these large tracts, impact things. We want to do this on a property-specific basis, feeding back into the Village's overall goals and growth and assets.

We want as an end product the development and prioritization of recommendations. For instance, do we want to look at creating a planned unit development, and mapping that on a parcel? Do we want to rezone properties? Do we want to create a new one-acre zone? Do we want to find a way to dedicate something as open space? These are all things that we expect to come up through the recommendation and the prioritization. Finally, we want to identify what the tools are. Do we do it through conservation overlay, through easements, through getting people to give us property?

We have met with the Planning Board and got input from them. We would like your input as to whether or not you think we are going about this the right way, if there are certain things that you would like us to look at. We want to have a public meeting in January where we can get people on board to serve as part of the committee to undertake some of the research that may be necessary. We want to have a schedule for completion, knowing that things do tend to slip a little.

Village Manager Hess: Do you have the right years here, though? March of 2003?

Planning Board Member Speranza: We can commit to the public meeting in January. A lot of work has been done on these parcels through the years, so we have lots of things to build from. We think that our time frame is realistic: have something developed in terms of recommendations and priority by March, then the tools by June. If you have specific items or ways in which we can enhance the process, please tell us.

Trustee Apel: I really want this done, and it is a great thing that is going to be happening. But I want to protect ourselves because while we are going through this process, what prevents anybody from starting to develop a property? The whole process of planning in advance is so that people who own those properties, or developers, know in advance what it is that the community is going to allow them to do. I would think that we would have to consider a moratorium before we get started on this study. That is my recommendation.

APPROVAL OF WARRANTS

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

Multi-Fund No. 45-2002-03	\$34,429.55
Multi-Fund No. 46-2002-03	\$79,456.97

APPROVAL OF MINUTES

On MOTION of Trustee Holdstein, SECONDED by Trustee Jennings with a voice vote of all in favor, the Minutes of the Regular Meeting of November 5, 2002 were approved as presented.

On MOTION of Trustee Walrath, SECONDED by Trustee Jennings with a voice vote of all in favor, the Minutes of the Public Hearing of November 12, 2002 were approved as presented.

Trustee Walrath: Page 2, fist line, where I am speaking: “think” not “thing.”

On MOTION of Trustee Holdstein, SECONDED by Trustee Jennings with a voice vote of all in favor, the Minutes of the Special Meeting of November 12, 2002 were approved as amended.

85:01 DEMOLITION PERMIT UHLICH COLOR CO.

Mayor Kinnally: We had a public hearing on this two weeks ago. We discussed a number of items, including the fact that Uhlich had retained a company to work with them on assessing the environmental conditions on the site. A meeting was held two weeks ago with George Heitzman of the DEC concerning the site, and the DEC essentially signed off on the site. We had raised some issues at that meeting concerning compliance with elements that were in place when ARCO did their remediation, and that has been incorporated in the resolution here.

Mike DeMaio, Uhlich Color Co.: I do not agree about the hazardous materials, but I understand Heitzman's concern, and we will abide by that resolution. I already spoke to the demolition people. I would like to introduce John Crowley. John was an engineer with our engineering staff for many years, and he will be on-site.

Village Manager Hess: We would like to have weekly meetings. We will send out our building inspector and fire inspector to meet with you and be updated.

Trustee Holdstein: We were very pleased with the way the ARCO demolition went and we had asked that some of the materials, scheduling, and monitoring that was utilized there be presented to you as a role model to follow. Was that all done?

Mr. DeMaio: I acquired those minutes.

Mayor Kinnally: They are referenced in the resolution.

Trustee Holdstein: The other thing I know the Village Manager has requested in cases like this is perhaps we can get a cell number that we can always be able to reach you.

Village Manager Hess: That will be part of our first meeting.

Mayor Kinnally: I have a question. One of the members of our Planning Board raised the possibility of recycling and reusing the office building there, and would like to have access to it to see whether or not it could be salvaged. You said it is a frame building, and part of the foundation is settling.

Mr. DeMaio: Yes, we do not think it is salvageable. It is the one building that has the most asbestos; 80-90% of all the asbestos problems are in that building. So it does not make any sense for us to keep it.

Mayor Kinnally: If he would like to take a look at the building, could you make it available to him?

Mr. DeMaio: If he came through, I would like to be around. But it is kind of difficult to get down. If it please the Board I would accede to that, but I do not see the need for it. What are we relying on, his expertise?

Mayor Kinnally: Yes, he just wanted to take a look at it to see if there was a possibility of the Village acquiring the building and doing something with it.

Mr. DeMaio: It is well beyond the 11th hour. I would not want to interrupt the process.

Mayor Kinnally: Absolutely not, and he understands that. Maybe I can have him give you a call and just talk to him briefly.

Mr. DeMaio: All right, Susan has my number.

Trustee Holdstein: I have the utmost respect for Bill and all the great work he has done on the Planning Board and for this Village, but hearing of the disrepair and asbestos, I would not, given lots of grand plans for the waterfront, be in favor of salvaging that building versus figuring the value and starting with a clean site.

Trustee Walrath: If you take the building down you are going to have to remediate the asbestos. I do not see that as a major concern. I raised this topic when you were here for the public hearing. You said there was a serious foundation condition it was settling on. I would like to have somebody representing us take a look at that with you. I am going along completely with what the Mayor says. I do not want to stop you.

Mr. DeMaio: Do you think that the Village might be interested in purchasing that building and the property around it?

Trustee Walrath: We might be interested in seeing that the building stayed there, depending on what Mr. Logan says. I do not want to hold you up, but you have a lot of other buildings.

Mayor Kinnally: I think we have to rush. It is the 11th hour. If Bill can set something up this week, fine, but I think it is unfair to an applicant to say you are going to demolish a building and we are going to hold it up because we may want to do something with that building in the future.

Trustee Walrath: I am not saying that. I am saying I want to hear from Mr. Logan, and I want a chance to talk to you about what he says to us if we think it is important. I am perfectly willing to vote approval tonight.

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

WHEREAS, a Public Hearing was held on November 19, 2002 to consider the application of Uhlich Color Co., 1 Railroad Avenue, for a demolition permit at the Tappan Terminal site, Sheet 4, P58, P58A2, P59H, and P59K, and

WHEREAS, the applicant has pledged full cooperation with the Village in the enforcement of all Village laws and regulations applicable to the site, and

WHEREAS, the applicant has agreed to the following conditions imposed by the New York State Department of Environmental Conservation (DEC):

1. Any wood reactors must either be decontaminated prior to being sold for reuse or disposed of as contaminated material.
2. Any areas slated for backfill, e.g., floor drains, tank pits, and building foundations, must be designated as such and presented to the DEC.
3. Only fill taken from buildings on the site that have been designated as being clean, i.e., those used for storage rather than production, may be used as backfill, and

WHEREAS, the applicant has agreed to abide by the conditions imposed on ARCO Environmental Remediation L.L.C. as stated in the minutes of the Public Hearing of June 20, 2000, now therefore be it

RESOLVED: that the Mayor and Board of Trustees grant a demolition permit to Uhlich Color Co., conditioned upon the conditions contained herein.

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

86:02 AUTHORIZATION TO RECEIVE BIDS - POOL PROJECT

Village Manager Hess: I have had the opportunity to review the information from Ward, the Parks and Recreation Commission minutes, and have watched the Village Board

discussions on TV. Ward submitted a cost breakdown of the proposed changes. I had made a comment in an e-mail several weeks ago that I felt that his suggested \$25,000 fee was too high and that it should not exceed 10% of the construction cost, which was \$1,590,000. I have talked to Ward. He has agreed that his redesign fee will not exceed \$16,000 as opposed to \$25,000, since he has been paid \$143,000 to date.

The Board has seen the area and the Parks and Recreation Commission has recommended approval of the project as modified. The financial aspects of the proposal are within the realm of what was originally approved by the Board. The pool rates were raised this past year which provided funds to the pool budget to pay the architect and will continue into the next pool season, since the renovations would not begin until September, 2003. The borrowing would not take place until sometime after June, 2003, and the first repayment would not be until 2004. So there will be funds developed from the fee increases which will offset some of the costs. It will pay for the architectural costs and help reduce the amount of money we have to borrow for the project. We are trying to keep within that realm of \$1.5 million, although the authorization is for \$1.6 million. After bids are taken and we have a complete handle on the financial aspects, I will be able to get the Board all the specifics. The project as it appears now would be approximately 1.6, based on the latest estimate. I would like authorization to proceed so we can finish up the design and get this design over to the Health Department which takes several months to get approval before we will be able to go out to bid, so that his schedule of going out to bid in March or April would stay on track.

Trustee Holdstein: Was the 1.6 that we had originally planned to include everything, meaning the construction and the architect?

Village Manager Hess: It was the construction and only the inspection fees of the architect. Because we knew we would not start the project until September but had increased the rates for that summer, we would have some money to pay the architect. We originally budgeted from the pool surplus money for the initial year when we first started meeting with Ward, the Parks and Recreation Commission, and the committee. The rates increased, but then we had the problem with the bids. Maybe it is a blessing in disguise, maybe it is not. But it appears that the financial aspects of the project will work out better under this scenario. I hope his estimates are better this time than they were last time because everybody was very disappointed in how those bids came in, based on what we were given as estimates originally.

Trustee Walrath: There are a couple of things that I want to talk to you about. In relation to the pool, one is how he sets the bid up. If tests on existing piping going around and feeding the existing main pool show that the piping can serve, there are large portions of deck scheduled for demolition which will be savable. I wanted to talk with you about how we can structure the contract so we make sure we get back 100 cents on the dollar of the costs of

that. I am hoping that the small piping that is going to go to the two new pools may be small enough so that if he does save the other deck we also could only make a narrow cut in the deck between the pool and the bathhouse.

Trustee Jennings: The reason that we will be able to get bids within our roughly \$1.5, 1.6 million budget is that we have eliminated some portions of the original plan, such as changing the parking lot. Perhaps more importantly, we have relocated some of the work on the new pools to get away from the rock. That was making it very expensive, and that is why contractors were not accepting this job for \$1.6 million. So because of those changes we now feel we have a reasonable prospect of finding a good contractor who will be able to do the work well and profitably for what we can spend. Is that essentially correct?

Village Manager Hess: That is what Ward pointed out at the last meeting. It keeps a lot of the essential elements of the improvements for the pool membership. For the cost of adding 20 or so spaces in the parking lot, those were expensive parking spaces. There are other means to address that. I believe we can do that in the future. For the turnaround area the design will be part of the project but we will do the construction ourselves.

Trustee Jennings: So while the delay is most unfortunate, we are going to get a substantially upgraded pool in terms of the basic infrastructure and, as we had originally planned, a substantially nicer facility for the members of the pool.

Village Manager Hess: And regarding the comment about having the splash pool next to the smoking area: smoking will have to be banned at the pool facility. People can move outside if they want to have a cigarette.

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

RESOLVED: that the Mayor and Board of Trustees approve the redesigned Chemka Pool project and authorize the Village Manager to receive bids for the reconstruction and renovation of the Chemka Pool.

ROLL CALL VOTE	AYE	NAY
Trustee Michael Holdstein	X	
Trustee David Walrath	X	
Trustee Bruce Jennings	X	
Trustee Marjorie Apel	X	

Mayor Wm. Lee Kinnally, Jr. X

VILLAGE MANAGER'S REPORT

Village Manager Hess: I want to thank everybody in the community over the last four months. The number of cards, letters, well-wishes I have gotten were truly heartening.

Regarding the 1% sales tax: the county board last night voted for the 1% sales tax, and they put the entire amount in the county budget without distribution to any municipalities or school districts. Without that type of sharing, I am opposed to a 1% sales tax increase county-wide; what it means is a loss of \$250,000 to the Village and about \$100,000 to the school. They said that in a year from now they will figure out a way of divvying it up, but once they get that money in their budget, they are not going to give it up. This was done at the last minute by the county board, who said they were not going to vote for it. They have voted for it, they have put it in their budget, and have now put in for a 2% county-wide property tax increase as opposed to 28%.

Mayor Kinnally: It is not a done deal. The state legislature still has to approve this.

Trustee Apel: Can the Board itself, or all of us, send a letter?

Mayor Kinnally: I think we can. What I would like to see is the law as passed, and then we should address a resolution to that. Maybe we can put it on for December 17.

Village Manager Hess: I will be having a staff meeting next week to review the current budget and the outlook for 2003-2004 with all departments.

Radio station installation will be the week of the 16th.

Tree lighting is this Friday at VFW Park at 7:30. Breakfast with Santa is Saturday morning over at the Community Center. We are offering free babysitting during the holidays. Free parking, that the Board approved, starts Saturday, December 7, and runs through Christmas.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: We have not yet gotten the meeting with the DEC and ARCO that ARCO has requested. We are hoping to have a PRAP soon. There was a meeting scheduled between Erin Crotty and George Heitzman to go over his draft of a PRAP.

2. Update on the Quarry

Mayor Kinnally: We do not have a report yet from the DEC.

Village Manager Hess: Part of the staff meeting next week will be to start talking about potential municipal uses that we can get to the Board and we can open a public discussion after the first of the year.

3. Update on Sugar Pond

Trustee Walrath: Early in the summer we laid out a grid around the pond. Some other things intervened and no further progress was made on it. As far as doing a survey, it is probably better to wait until the water warms up.

Mayor Kinnally: When the water warms up, what needs to be done?

Trustee Walrath: What needs to be done is to take this grid line we have, stretch a steel cable across the lake, and from the grid line, at fixed points, take soundings of the bottom. You can do it two ways: one with a bucket at the end of a pole, which gives us sort of a top of the mud; and then with a more sharply pointed thing like a reinforcing rod, jab down till we get real resistance. This is more or less a way to give us the natural bottom and the slop that has settled there that we want to remove. It is not a major undertaking, but I do not think it is a good thing to do in the winter.

Once that is done, we want to incorporate that information into an RFP, where we look for somebody to advise us on how to overcome the problems that the pond has had.

Mayor Kinnally: Do we need to have the soundings before we get to the development of the RFP?

Trustee Walrath: No. I will volunteer to put together my thoughts on the RFP. I have targeted it to have it ready so it can go out when we have the soundings.

Mayor Kinnally: I do not want too much time to go by. How about putting this on again for our first meeting in February? And we have a committee, so you do not have to take all of this on yourself, David. I understand you are busy.

Trustee Apel: Who is this committee?

Mayor Kinnally: Fred Hubbard, Lloyd Morgan is involved, and Lee Waczek.

Trustee Walrath: Jacques Padawer.

4. Large Tracts

Trustee Apel: I want to go back to the large tracts. I brought up the fact that maybe we might need a moratorium, and I realize that in order to implement any of that we would need some sort of a public hearing. Do we need a discussion before that to set a public hearing so that we can move this along?

Village Manager Hess: You would need to identify what properties you want to be included in this moratorium, then get them to our Village Attorney so they could draft up a potential local law. The Planning Board would have to recommend whether or not to implement a moratorium. I think the committee's goal is very ambitious, with recommendations by March.

Mayor Kinnally: I do, too. One of the things counsel has to look at is, is the proposal so nebulous now that we could have a moratorium in place for a year, two years, three years, and I do not want it to be a taking.

Village Attorney Murphy: You cannot have a blanket moratorium to stop development. There has to be some rational connection.

Trustee Apel: It is not blanket. It is just the R-20's.

Planning Board Member Speranza: Some of the properties are not zoned R-20. Some are zoned for multi-family. One is zoned for limited office.

Trustee Apel: What can we do to move the process along in such a way that we protect ourselves so that we continue on with the study? The time line that you gave us: the proposal by which anything would get done would not be until March or June.

Planning Board Member Speranza: June would be the time.

Mayor Kinnally: Extremely aggressive and, I think, unrealistic.

Planning Board Member Speranza: That may be the point where the Board would take action on anything. Maybe we are being overly ambitious, but we do think that we can go through the process to at least identify the priorities and the tools. And then, you are right, it has to go through the public hearing process just as downtown rezoning.

Mayor Kinnally: It is not meant as a criticism. It is an observation. One of my concerns, and we will have to talk to counsel about this, is whether we run a risk taking that property out of play for that period of time. Your concern is a legitimate one. We do not want to have somebody pull the rug out from under us. If it was just R-20 it would be easy, but it is not.

Village Manager Hess: Can you attach a map to a local law saying these specific properties, these specific zones?

Village Attorney Murphy: There has to be, obviously, the test of specificity enough so that anybody can clearly identify whether or not they are affected. That may be sufficient. I would have to research that a little further. If you can identify them by tax parcels, you probably have enough specificity, subject to review, of course.

Trustee Walrath: Would the fact that they all appear in our Vision Plan, and are cited there as the large tracts, give us a logic to consider them as a group?

Village Attorney Murphy: Generally, a moratorium is so that a fairly immediate action can be undertaken, not to stop development. It is only to allow a community to develop rational laws to address a perceived need.

Village Manager Hess: Why don't Patty and Meg get us an identification of properties or zones to be involved in this study, and we can make a determination from there. We will get that to Brian. He can take a look at it. We will have a recommendation by the next meeting. If you need to call for a public hearing, we will call for a public hearing at that point and Brian can draft up the local law.

PUBLIC COMMENTS

Village Planner Walker: After I thought further about your question about the LI District, I realized that it only affects two properties. Since we would be reducing the LI District considerably, the only private property in the LI District is Dosin's. The other one is the former ShopRite on 9-A that Ginsburg has a proposal on: Riverwalk Village. But we will look into it, at any rate.

We are working on an RFP to do a waterfront redevelopment strategy study, and it is almost complete if you want to put it on the next agenda. We have a \$10,000 grant from Greenway. It is probably a \$20,000 study, is my estimate.

EXECUTIVE SESSION

On MOTION of Trustee Holdstein, 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 litigation.

ADJOURNMENT

On MOTION of Trustee Apel, SECONDED by Trustee Walrath with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 9:55 p.m.