

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
DECEMBER 17, 2002**

A Regular Meeting was held by the Board of Trustees on Tuesday, December 17, 2002 at 8:10 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Wm. Lee Kinnally, Jr., Trustee David Walrath, Trustee Bruce Jennings, Trustee Marjorie Apel, Village Attorney Brian Murphy, and Deputy Village Manager Susan Maggiotto.

ABSENT: Trustee Michael Holdstein

CITIZENS: Ten (10).

Mayor Kinnally: Trustee Holdstein is out of town on business this evening.

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. 47-2002-03 \$ 14,290.22
Multi-Fund No. 48-2002-03 \$137,248.48

APPROVAL OF MINUTES

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 19, 2002 were approved as presented.

On MOTION of Trustee Apel, SECONDED by Trustee Jennings with a voice vote of all in favor, the Minutes of the Regular Meeting of November 19, 2002 were approved as presented.

On MOTION of Trustee Apel, SECONDED by Trustee Jennings with a voice vote of all in favor, the Minutes of the Public Hearing of December 3, 2002 were approved as presented.

On MOTION of Trustee Apel, SECONDED by Trustee Jennings with a voice vote of all in favor, the Minutes of the Regular Meeting of December 3, 2002 were approved as presented.

PRESENTATION - ANDRUS HOME

Mayor Kinnally: Betsy Biddle is here on behalf of Andrus to bring us up-to-date on what they are doing at the Home and what their plans and operations are going to be.

Betsy Biddle, Andrus Home: In August, 2002 the Andrus and Beth Abraham parted company. The family re-committed itself to fully utilizing the building as a skilled nursing facility by increasing the number of residents to approximately 200. We are accepting short-term rehab patients, skilled nursing patients, hospice patients, respite care, as well as assisted living and independent residents. We will open the building to the community for activities that benefit our residents as well as the community at large. We are beginning our 50th year, and expect to have a series of events to celebrate our long-standing relationship fostering the well-being of the elderly in our community and beyond.

One example was a Halloween exhibit outside the library, which we had a lot of comments about. We would like to make that a yearly happening. This past Sunday we sent out about 1,000 invitations to the community for a jazz concert, which was well-attended for a first try. We expect to have many more concerts, inside as well as outside, to utilize the grounds. I hope that you will take the opportunity to come to some of our events in the new year, and learn more about Andrus and what we have to offer the community.

Mayor Kinnally: Trustee Apel and I were lucky enough to attend the jazz concert. People really enjoyed themselves and the music was great. I join with you in saying that I hope more of the community will come to Andrus and see what they have to offer. Speaking of the display at Halloween at the library, when people came around the corner you could see their eyes light up and a big smile on their face. It was a good piece of whimsy, and it added a lot to our community, so I thank you.

87:02 NEGATIVE DECLARATION - PROPOSED ZONING CODE AMENDMENTS

Mayor Kinnally: I will open it up for discussion of the concept in general before we get into the particulars.

Trustee Jennings: I would like to extend my thanks and appreciation to Bob Lee, Meg Walker, and the members of the commission that studied this for a long time; to Mr. Swiderski, who prepared a very helpful analysis; and to all those citizens that came to the hearings and to the meetings that we held in this process. I am glad that changes have been made as a result of that process.

As the proposal now stands it seems to me to be very sound. We want our zoning to promote not just development for its own sake but development in a particular direction, which our planning and visioning principles and processes have pointed us to in the past. The current zone is not indicative of the kind of development we want to encourage. One of the functions of zoning law is to define and encourage the direction that the Village wants to go in so that private developers can be guided to make proposals in keeping with what the Village has indicated. These amendments do that admirably well.

There is one aspect of the analysis that I do not agree with. I do not think that the best way to analyze these amendments is by making the assumption that everything would be developed to its fullest possible extent, and then ask the question, would I like what I saw? That is not the right way to think about this, as a matter of public policy and a matter of Village law. There are a great many veto points between a zoning law and a built project. Neither the economic situation, nor the review process of proposed projects, make it likely that this so-called complete build-out would occur in the foreseeable future. Therefore, to take this worst-case scenario and evaluate the proposal in that fashion seems backward reasoning. We ought to ask ourselves if this zoning law points us in the right direction, and if we have adequate safeguards in the planning process to make sure that we do not achieve a built village that nobody wants. To me the answer to that question is, clearly, yes.

I have some questions about the future of the Village in terms of traffic and parking. But those are not the kinds of things that are solved by zoning laws. They are going to be solved by our efforts to develop new parking spaces, new parking facilities, and better road systems in and around the Village to handle the general growth of the region and the area.

Trustee Apel: I thank everybody for working on it. This was a long process, and there has been a lot of discussion. But I have a different point of view. I think you have to look at the worst-case scenario because we do not want to be caught short. On 9-A, when we had the problem with the retail store, it was in the zone and probably nobody ever thought that would happen. But it certainly came up. We have to be careful, if you are going to put it in, that someone is going to want to do it. It is important to look at what could happen if everything happened. We have to look at the possibility that if things were built out, is this what we want our community to look like and are we going to be able to handle the parking and the problems that go along with it. We have an opportunity now to have these discussions, and to say is this what we want or not.

I agree that parking is not totally solved by zoning. But we are making provisions in the zone to deal with parking. I feel strongly that if we are not dealing with them, then we have to make a commitment that we are going to deal with them. Because as we start putting these

parts into the zoning, if they are going to add any stress to the Village, we have to say we are willing to do this because we know we are going to be dealing with the parking issues. There are a lot of things to consider, and that is where I am so far.

Trustee Walrath: I am going to occupy the middle ground. The committee did a great job, and the whole process worked wonderfully. Besides looking at what we want the downtown to look like in the future, and realizing that our present zoning could make our downtown very different from what it is now, I think infilling your central core is a good way to move. There can be objections to individual impacts. Many were raised, they were heard, changes were made. Parking always remains a problem, but I agree with Bruce that we have to address the problem as such. We have to do some thinking about ways of getting cars off the street. I am not afraid of the build-out. It is going to happen very slowly. We will have ample warning, and there will be time to tweak it. I am satisfied with what we have. We should be watching in the future, but I do not see a reason to keep on debating at this point. Most of the issues as far as lot coverage, building height, and so forth have been addressed. I am quite happy with the Zoning Code amendment at this point.

Mayor Kinnally: The hearings after the first public hearing brought the temperature down and gave people an opportunity to have constructive dialogue. Some explanation went a long way to allaying people's fears that this was going to be a sea change. If you compare as-built today to what we have suggested under this zoning change, we come out better because we would be in control of what we have. The density would be smaller. I agree that the only way to solve the parking is getting cars off the road. It is going to take a societal and a cultural change, but we should not stop our efforts to alleviate some of the parking problems.

There are legitimate concerns, but we do not have virgin land downtown. This is not the desert outside of Phoenix, where we keep gobbling up land and putting down tract houses. I hope that we are coming together with a blueprint that gives us an idea as a community of what limits we want to see. I do not know what a whole build-out would look like. We have a pretty good idea of what our present build-out looks like. My sense of looking at the proposed zoning text is that if you were to tear down everything in the downtown and build out to the limits of what is allowed, you would have fewer units, fewer people, more parking, smaller structures. We have requirements that, if you are going to tear down a six-story building and put up a three- or four-story building, part of that mass is going to be taken up by parking.

We may want to talk about it more, but we are moving in the right direction. There is a question of whether we are ready to vote. Trustee Holdstein is not here; we should use tonight as an opportunity to go through some things and pick the brains of the committee.

Can you go through the provision in the text having to do with if a developer does not have parking on-site there is an opportunity to find off-site parking?

Village Planner Walker: That was in the code before, and the only change we made was to extend the distance a little further.

Mayor Kinnally: But nobody has availed themselves of that, have they?

Arthur Riolo, 2 Fairmont Street: At one time there was a bar on the south side of the bridge that provided off-site parking. Mark Ruhala had to provide off-street parking for two cars. People, specifically south of the bridge, have provided leases for parking for cars for three- to five-year periods of time. Instead of it being 300 feet we extended it further so that it would give those people a larger option.

Mayor Kinnally: Is that for commercial, or residential, or both?

Village Planner Walker: It is for both.

Mayor Kinnally: Any residential take advantage of that?

Village Planner Walker: Not to my knowledge. It is only in the cases of commercial tenants, and usually it is just a handful of parking spaces. We are proposing to extend it from 300 feet to 750 feet because our downtown being walkable and compact, it is not that difficult; 750 feet is about the distance from the corner of Main and Warburton to Villard.

Mayor Kinnally: And what is the likelihood of people walking that 750 feet?

Village Planner Walker: I think they will do it if they have a guaranteed parking space. But I do not think there are that many opportunities to provide it in our downtown.

Planning Board Member Lee: This came out of discussion with the merchants who felt they could use that to provide parking for their employees to get them out of the municipal parking lot, which has been a major problem. This is not a deal-breaker. This is not a key issue.

Trustee Apel: And the merchants' employees would actually use those spaces?

Planning Board Member Lee: People said that they could park there and then car pool in. Marge, I do not know. It was something that was raised. We did not feel it was a major problem, and if they wanted to do it, it seemed a reasonable request.

Trustee Walrath: It has not been used residentially. All those examples were commercial, not residential. We have a lot grandfathered in that did not require parking. If anything ever happens to those buildings, then parking would be required for the replacement.

Mayor Kinnally: If you had a building of 30 units and you had to provide parking off-site within the 750, we do not have an open space that large to accommodate it, right?

Planning Board Member Lee: This is the crux of the problem. We do not have any open spaces to put parking. We could take this out if you want to.

Trustee Walrath: Does our code permit any parking areas outside the area that has been covered?

Planning Board Member Lee: I do not think it has ever come up.

Trustee Walrath: Might it spill over into other areas?

Planning Board Member Lee: It has to be approved by both the Planning Board and the Zoning Board of Appeals. The kind of thing that you are raising would not, unless there were some excellent reason for it.

Michelle Noe, 20 Marble Terrace: There are not many sites where you could build 30 units of housing. We looked at Washington going down toward the river, where there are one-story structures and the zoning might allow for more density. How would you accommodate that? It can be physically done on-site. It could be underneath, it could be in the back. Something we discussed but did not get incorporated is charging developers a fee in lieu of providing the number of spaces. If it is a reasonable amount of money it might be a reasonable trade-off, and something the Village could then use either to purchase land for parking or towards a long-range plan for parking. Say you have a developer who needs to provide 20 spaces but has room for 15. The other five, rather than being granted a waiver or whatever they would appeal for, maybe they could spend \$2,500 or \$5,000 for each space.

Mayor Kinnally: We could get all the money in the world, but where do we put up a parking structure? We can get money, but what do we do with it? We have to be realistic.

Ms. Noe: Other villages have addressed that, and we could work on it.

Mayor Kinnally: What have they done with that money?

Ms. Noe: I think there is a range, and we could really deal with that. But this is another alternative to saying you cannot do it so we are giving you a waiver.

Mayor Kinnally: It is not automatic that they are going to get a waiver.

Ms. Noe: No, it is not. But it also means that there is some other option that is on the table.

Trustee Walrath: You mentioned the range. The cost of parking where you have to put a deck in begins way beyond \$20,000 per space.

Ms. Noe: It is more than \$20,000 per space.

Trustee Walrath: But my point is it is not \$2,500. The more realistic it gets, then you have enough money to do something. The \$2,500 would be meaningless, as the Mayor suggested, but \$25,000 would not.

Ms. Noe: Everybody's initial instinct is build a garage, and that is expensive. Maybe that is not really necessary. A committee has been looking at this and will be issuing a report.

Planning Board Member Lee: Bruce hit the nail on the head. Parking is not a problem that will be solved by zoning. What we did in the zoning was try to keep the development at a level consistent with the parking availability we have. We knew we could not solve the parking problem, and therefore we did not address it.

Mayor Kinnally: But you have not made it worse.

Stephen Cuppek, Ridge Street: In response to the question as to whether off-site parking by residential areas has ever been used before, when Carlucci put the fourth apartment in, did they not arrange a lease for the guy down at the end of Ridge Street that he would use his garage for two additional spaces? I believe that was one residential use for it.

Mayor Kinnally: We are in receipt of a communication from Marianne Stecich on behalf of the Zoning Board of Appeals. The ZBA discussed the proposed amendments to the Zoning Code at their meeting of December 12, 2002 and pursuant to Section 295.157 unanimously

found that the proposed amendments are desirable and practicable, and recommended their adoption.

Trustee Jennings: By allowing parking within a certain distance off-site, are we thereby creating a new market, where private landowners could lease a space on their private property, assuming it was within the distance mentioned? Would that be legal now for a property owner to do that, and what do we think about creating such a market?

Village Attorney Murphy: You cannot park commercial vehicles uncovered overnight, to my recollection.

Trustee Jennings: I am thinking about passenger vehicles.

Mayor Kinnally: But with the volume we are talking about, if somebody is putting up a 20- or 30-unit structure it would take a commercial parking lot to accommodate that.

Trustee Jennings: Yes, but we are talking about three or four places here and there. I have a feeling that if money is involved, the flat land to park a car on is going to be found because it would have a value that it does not have now. Right now the extra width in my own driveway is worthless to me. I bought the house and it was there, but I have never thought of it as a saleable or rentable commodity before.

Village Planner Walker: It is up to the person who needs it, not the person who is thinking of renting out a space, to prove that it cannot be provided in any other way. Then they would have to clear the hurdles of the Planning Board and the Zoning Board before they would be allowed to use it, and a legal instrument satisfactory to the Village Attorney has to guarantee such continued use, like a lease.

Trustee Walrath: For somebody to be allowed to build a dwelling unit on this basis, it would have to be a lease in perpetuity. Would they have to de-occupy the apartment if they lost their lease?

Village Attorney Murphy: They can get conditional variances based on a continued ability to keep parking. I think the ZBA has done that in the past.

Village Planner Walker: This is used more in an existing building when a new use came in and they could not provide parking on site. They can ask the Zoning Board for a variance or they can say they can get a parking space up the street at so-and-so's. When a developer is building a new building, it would be unlikely that the Planning Board and the Zoning Board

would both grant permission for them to put a good chunk of their parking off-site. I do not think a developer would want to do it either. He would not be able to sell his units.

Mayor Kinnally: Regarding the negative declaration, we have a red-line EAF and I would like to open that up to Board discussion because it underlies what we would have to address in dealing with the proposed zoning text.

Trustee Jennings: This analysis reiterates a point that we have already made, that there are several steps to this process and different vantage points to look at it from. Zoning change is not going to have an impact on traffic in the same sense that a proposed building or apartment complex would. As we look at this from the point of view of our zoning change and try to assess whether or not there will be an impact, we should remember that every new development proposed under the new zone will have to go through a similar analysis and impact assessment. We are not saying there is no additional traffic here. Only in a very abstract sense are we saying that. What we are saying is, we are not going to be causing a traffic problem per se. Each individual project will have to be assessed on its merits in terms of the traffic it will cause, etc. But that would be true under the present zone also.

It seems a peculiar exercise to go through this form and try to judge whether we are answering them correctly, as we are answering most of them in the negative. But it seems to me reasonable that we are, and I defer to the expertise of the Village staff who have prepared this and used their best judgment on it.

Trustee Apel: I am always concerned about traffic. On page 10: Impact On Transportation. The answer is there will be a minor increase in traffic in the Central Commercial District due to the proposed fourth story. How is that decided that it would only be minor, and only because of the four stories?

Village Planner Walker: Page 4 in the EAF, attachment A, is the justification for the way we filled out the form. We saw a minor increase between the existing CC zoning and the proposed with the fourth story. There is a proposed CC zoning three-story, and proposed CC zoning four-story. We determined that about 15 or 20% of the lots in the Village could potentially be developed with a fourth story because they were sloped enough, but the increase of a fourth story was a minor increase overall in the downtown. It might add about 4% in total population if all those sites were developed with a fourth story, which is unlikely because they have to be approved. That would mean potentially 4% more traffic, but it could, we believe, be offset by the fact that people are not going to be using their cars as much if they are living right in the downtown. They would be walking to the train and to shops. So we said the 4% increase could easily be compensated because of the fact they are

right in the downtown. That is why we said yes, but we do not feel it is very much of an increase.

Trustee Apel: This is all based on a premise that what we have now, or what we have zoned, is okay.

Village Planner Walker: When you say what we have now, what we have now as built or what we have now as zoned?

Trustee Apel: As built, because if we are taking what we have as built and we are changing it anyway, the presumption is that what we have we are happy with.

Village Planner Walker: That is what we heard from folks. They like the way the downtown looks, they like the way it functions, they like the way there is residential and commercial in the downtown.

Trustee Apel: I am just talking about the traffic.

Village Planner Walker: We do not have level of service F in the downtown; we do not have evidence that there is a huge amount of congestion; we have not heard a lot from people complaining that we should be reducing the height of buildings in the downtown to reduce density. When you compare it to the existing as-built condition in either the current zoning or the proposed zoning, parking is required for almost everything except for those retail units we were talking about. For residential it would be required. Most, if not all, of the residential units in the downtown now have no off-street parking provided for them. All those people who live in the downtown, and there are hundreds of apartments in the downtown, park on the street or in the municipal lots. Now, both our current zoning and our proposed zoning would alleviate that tremendously, and it would reduce the number of units overall because they have to provide parking on-site unless they can provide it 750 feet away. But most of them are going to be providing it on-site, which really reduces the amount that they can build.

Trustee Apel: Maybe one of the concerns is not so much that everything is going to be built out, because if what you are saying is true and if it is all built out and everybody will be parking inside, it is if things are not all built out and if they are left the way they are and we have some things that are built out. So the ones that are not built out, those people are parking in the streets. What happens if it is only a few?

Village Planner Walker: Those few would be off-street. They would not be competing for those on-street spaces, and the density will be lower in those new buildings than it would in a comparable building like one of our four-story buildings that exist now in the downtown. And a new four-story building would have much lower density in terms of population.

Mayor Kinnally: If no new buildings are built, and the condition is not good now, any zoning text is not going to change that. We cannot tell the present building owners that they have to provide parking now. This goes forward only if the use changes, if there is new construction, if a building should be demolished or whatever and has to be rebuilt.

Village Planner Walker: Right. The other thing is that any localized problem would be addressed in an Environmental Impact Statement, or at least in an Environmental Assessment Form, by the developer before going forward with a project.

Trustee Apel: Apropos that, what is the criteria that the Planning Board has given for allowing the fourth story?

Village Planner Walker: They have to determine that it is not going to block any views and that it is not going to be unsightly. The thought is that it would allow the developer to build a higher quality building because they would be provided with a little more leeway, especially on a sloping site, where half of it might be buried or would be up on stilts; it would allow them to take advantage of that slope. Instead of it being a liability it could have a positive effect on their project.

Trustee Apel: So, in a sense, the only criterion seems to be bargaining.

Village Planner Walker: There will be public hearings. People can come and speak out if they think it is going to affect scenic quality, and that is an important aspect in the Environmental Assessment Form, if it is going to be unsightly, or is not going to fit into its context. The Planning Board is going to take that into account. Each one is going to be weighed on its own merits.

Mr. Cuppek: You mentioned earlier that within the Zoning Code there are built-in safeguards, which I can testify to. About ten years ago I purchased the liquor store on the strip next to Amjo's and came to the Zoning Board to change it from a liquor store to a photo lab. Before I got approval for it I spent probably two or three months. I had to do traffic studies to see if it was going to increase the traffic. Every time you come before one of these boards you get grilled and you have to do it by the numbers.

Trustee Apel: In all of those amounts-per-space in a residential, does that allow for guests?

Planning Board Member Lee: The zoning is based on the bedrooms, and it is generally the same as for private residences.

Mayor Kinnally: Jim Surdoval is here. In the proposal that you have discussed here you have X number of spaces. Are any of those spaces designated for guests?

Jim Surdoval: No. The concept, at least in the downtown setting, is that people coming to the downtown will park in the nearby municipal lots. Meeting a parking requirement is very difficult in compact downtown sites. In a site more on the fringe of the Village, where you have more land, and you do not have municipal parking or on-street parking, it is something that needs to be looked at. But in terms of our project downtown, we do not feel that guest parking is a requirement, and you usually do not find that in downtown zoning requirements.

Mayor Kinnally: One of the things that has come out is that this is not the last time any of these issues is going to be reviewed. This sets forth what is allowable, but any developer is going to have to come before our boards and commissions. Planning is somewhat in a vacuum or idealistic, but when you get the nuts and bolts in a real proposal, then the scrutiny comes into play.

Trustee Apel: We had discussed last time about the effect on the light industrial zone, and we were supposed to get a report back.

Village Planner Walker: It is in the findings portion, Impact On the Limited Industry District, page 15. It says, since the principal permitted uses in the LI District are the same as in the CC, modifying the uses in the CC will automatically do the same to the LI. This would mean, for example, that residential would become a principal allowable use in the LI above the ground floor, and that automotive uses such as gas stations and repair shops would no longer be permitted even with a special permit. The LI Districts would be reduced under the proposed zoning to a small area with only one privately-owned property on Southside Avenue, which is Dosin's Auto Repair, which would become a nonconforming use, to the south of the 2-R3.5 Zone, and to the former Ciba-Geigy site on 9-A.

Mayor Kinnally: Let us address the Ciba-Geigy site on 9-A. If we were to pass this zoning, what happens with that site? What can go on there as of right?

Village Planner Walker: LI zoning is very similar to the CC, and almost anything beyond what you could have in the CC could only be allowed with a special permit. So when we

think of it as limited industry it is kind of a misnomer. It is really like the CC zone with a Limited Industry special permit. That special permit does not allow for industrial uses. It allows for a selection of light industrial uses that are light manufacturing and laboratories and things like that. But it is very limited.

Mayor Kinnally: In the CC, what is the height allowance under the proposed Zoning Code?

Village Planner Walker: It is three stories with a potential fourth story. But that would not be true in the LI. The LI is still limited. Its bulk and area and height have not changed. It is still limited to two stories, 15% lot coverage, and pretty large setbacks. So it is still much lower density than the CC.

Mayor Kinnally: So it would not change the status of Ginsburg's application?

Village Planner Walker: Not really. It would make residential and as of right use, but only above commercial uses, which is not what he is proposing.

Mayor Kinnally: And the density would be much lower.

Village Planner Walker: The density is actually not that much different from the MR-1.5. That is the strange thing. The multi-family zoning that he is proposing for that site is also 15% lot coverage, very similar to the LI lot coverage.

Trustee Walrath: I recall a previous discussion of this that we ought to put the LI zoning into a moratorium until we decide whether we want it to have this automatically roll from the downtown zoning changes in the LI, particularly in relation to the property in question.

Village Planner Walker: But they already have a proposal pending, so it is not going to affect them.

Trustee Walrath: It would not reduce the proposal to something that requires a zoning change to one that requires a variance.

Village Planner Walker: I do not know. I think it is significantly different still because he is proposing three stories and LI is limited to two stories. It would take several variances. Mark Chertok said he thought Ginsburg would proceed and that he would not opt to go for a variance under LI because it was more beneficial for him to get the MR-1.5 multi-family zoning. But it is a good question. The only other property that would be affected by a

moratorium would be Dosing's Auto Repair. I do not think that Ginsburg is going to change his proposal at this point, because he is so far along.

We did discuss the last time if we should pull the LI into this discussion. We think it is a separate issue. It should be addressed, but not at this moment.

Trustee Walrath: It is in here unless we disconnect it, is it not?

Village Planner Walker: Yes, it is in here unless you disconnect it, and you have to change the LI zoning. A moratorium could disconnect it.

Trustee Walrath: Not hold the downtown up based on concerns about the LI, but just put it under moratorium and revise the LI zoning.

Village Planner Walker: It would be worthwhile thinking about what an LI District really should be. Back then, 50 years ago, when they created it they thought of it as something very similar to the downtown. It was a buffer as well; they thought of it as a buffer between the industrial on the waterfront and the residential on Warburton.

Mayor Kinnally: When was that zoning put in?

Village Planner Walker: I think it was around 1960. There might have been something similar before as well, but it was not called LI.

Mayor Kinnally: It just shows you how you live with a zoning text 30 to 40 years after substantial changes to a major part of the Village. We have lived with it. I am not saying we have dodged a bullet, but we have lived with it. And it is not something that, whatever text you agree upon if we agree upon a text, is set and will never be readdressed. This is a very evolving, valuable thing. If you see a problem, as often happens when you change something, the Planning Board, the Zoning Board, the Village Board live with it for awhile and see it has to be adjusted, and you adjust it.

Trustee Apel: What do we have to do to make sure that there is no impact on light industrial at this time so that we can take it out of here for now.

Village Planner Walker: It is not that different from what we have now. The CC District does allow residential as an accessory use in our current zoning. That was changed two years ago. So residential is already in there in the CC, which means it is already in the LI, in fact.

Trustee Apel: If we do not want to have a discussion on the LI now, and we do not want to address this, what can we do so we do not have to discuss and at the same time, for whatever reason, leave it the way it is now?

Mayor Kinnally: I think talk to Mark and see how it could best be done.

Village Planner Walker: Yes, he might have some thoughts about whether the right approach is a moratorium or the right approach is changing some language that you could change very easily.

Mayor Kinnally: We can do that. We have two resolutions on the table this evening. One of them is the neg dec, and one is the adoption of the local law. I get a sense that we are not ready to deal with the local law at this point but we are ready to deal with the neg dec. If we were to carve out the LI, that does not change the revised resolution we have on the neg dec.

Village Planner Walker: No, because we did not address the LI, per se. We mentioned impacts on the LI, but that is not what is being affected in the neg dec.

Mayor Kinnally: I would suggest I go back to Mark, pose the problem, see if it is a problem and if he has a solution to it, and he could give us language that we can have before us at our next meeting.

Trustee Apel: I am not comfortable with transportation, movement, and so forth.

Mayor Kinnally: I thought Meg addressed your concerns, turning to the addendum to the EAF. What else do we need to allay those fears?

Trustee Apel: It may just be a feeling in terms of any potential increase in trips. I am talking about traffic generated due to slightly higher density. When we are thinking about what we are proposing to do, we would be adding some new buildings or one new building.

Mayor Kinnally: We would be adding one building.

Trustee Apel: Which has not been there before. Again, we are saying we vote this in but then the Planning Board makes the decision.

Mayor Kinnally: I think it is a mistake to focus on a proposed project when you are looking at rezoning an entire downtown area. I do not minimize the concerns that the proposal will

have, but that is what SEQRA review is going to do. That building on Main Street is not going to have an appreciable effect on lower Warburton and Washington. There is a danger in being site- or project-specific when you are looking at this. It should not be the tail wagging the dog.

Trustee Apel: Is there any reason to feel that there needs to be more study on the traffic in the area? This is saying we do not need any.

Mayor Kinnally: Meg pointed out that there was a minor increase in traffic in the Central Commercial District and pointed us to page 4 in the attachment. The question is, are there any other studies that can either change that, or reassure Marge or anyone else that this is true? To the extent that it can be empirical, Mark has quantified with Meg. Meg, is there any other way you look at this rather than take the as-built versus what is proposed under the new zoning text to come up with an impact on the traffic?

Village Planner Walker: Mark agreed with us that a 4% potential increase in density would probably not have any impact on the levels of service. So where would you see that impact? And if the new parking is off the street, those cars are on those sites, not on the street. There is not going to be as much congestion on the streets as there would be with parked cars from those other existing buildings. But vehicular trips? Our analysis was that probably any increase in vehicular trips would be offset by the fact that a lot of those people are walking to the station. And a lot of them are not going to have as many cars as somebody would who has an apartment on 9-A or other parts of the Village, or in Hastings Landing.

Trustee Walrath: Does not our waterfront, as it stands now, have a range of units of residential much bigger than any difference than we are talking about here?

Village Planner Walker: True. We stopped at 250 units with our waterfront planning. Anyone putting on the extra story is going to have to show that it is not going to cause a problem in their immediate vicinity and the number of vehicular trips is not going to be considerably more than under a no-build condition or under existing conditions.

Trustee Apel: So the only other way to figure this out is physical counts at the corners.

Village Planner Walker: Right. We have done a number of analyses of the downtown traffic. We know what the levels of service are at Main and Warburton and Spring and Warburton. What impact would a 4% increase at Warburton on this end have at Spring and Warburton? Mark's feeling was that it is just negligible, that 4% is so small.

Trustee Apel: Is it 4% over what it is zoned for now, or 4% over actually what is down there?

Village Planner Walker: Over what is zoned for now. What is actually there, it would be significantly less. We would have many fewer units that under the existing as-built conditions because you have so many more units. Once you add the parking in, you are significantly decreasing. We took a 10,000 square-foot lot to analyze rather than doing complete build-out over the whole area. While we did as-built condition in the MRC District, we did not do it in the downtown. But the as-built condition is significantly denser in the downtown now than it would be under either one of the zonings.

Trustee Walrath: But it is true that the few open spaces on Main Street will add something.

Village Planner Walker: Right, and they will be first ones to be developed. So you are adding, you are not replacing.

Trustee Walrath: Anything that takes down an existing building is going to result in lower density.

Village Planner Walker: Right. The analysis is supposed to be between what you have now in terms of zoning and what you are proposing in terms of zoning. If we are concerned about the traffic in the downtown now, and we think that we should have significantly lower density, then we are looking at another study. No one has ever mentioned in this two-year process that they want to reduce the traffic in the downtown. It was just that we do not want to increase it.

Trustee Walrath: Our critical intersections are elsewhere, are they not?

Village Planner Walker: Yes, our most critical intersections are not right in the downtown.

Trustee Jennings: If you reduce the density of population in the downtown, and you do not want to drive downtown merchants out of business, presumably their customers are going to drive in from the outside. It is not obvious to me that if you want to have a viable downtown you necessarily make traffic better by reducing the density of the people who live within walking distance.

Mayor Kinnally: But they are not the ones who are generating the traffic. It is the people outside the downtown who are generating the traffic.

Trustee Jennings: But they are generating the business. Something has to give.

Mayor Kinnally: The business from the downtown just does not serve the people who live in the adjacent area.

Trustee Jennings: No, but we do not need to rely on people driving into the Village if we can keep our merchants prosperous via those who are able to walk to their stores. What we would like to see is more walk-in business and less drive-in business. How you achieve that is not obvious by lowering the density of the apartments in the downtown core.

Village Planner Walker: No, but that was not done intentionally. That is what happens when the developer has to provide parking; it automatically lowers the density. One of the reasons we proposed reducing the requirements for parking in multi-family buildings was that most of the multi-family are within walking distance of the downtown, and we do not think that they have to have the same parking requirements as a four-bedroom house on Mount Hope. Several people at the last public hearing mentioned that our parking requirement was too high for studios and one-bedrooms. I would agree. If our goal is to have an incentive for developers to provide smaller apartments in the downtown, and we believe that those people are more likely to walk and not drive, then maybe we should be reducing the number of spaces required even more.

Mayor Kinnally: But the fallacy of that is that while they may walk to get a haircut they are still going to have a car. And that car is going to have to be stored somewhere when they are walking.

Village Planner Walker: No, but maybe reduce the studio requirement from 1.25 to 1.

Planning Board Member Lee: A village is always a product of buildings built before zoning, buildings built under the current zone, and buildings built under the next zone. So what we really want to look at is what the impact of this zoning will be on a likely set of lots that will be built out. We are not going to reduce the density of the Village deliberately. In fact, if we were doing it we would probably come up with a very different zone.

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

WHEREAS, the Village of Hastings-on-Hudson has proposed to amend the Zoning Code to reflect revised use, bulk, and supplementary regulations within the Downtown Study Area Zoning Districts, including Central

Commercial (CC), Limited Commercial (LC), Central Office (CO), Multi-family (MR-1.5), and Limited Industry (LI),

WHEREAS, the Board of Trustees on August 20, 2002 declared itself Lead Agency for the environmental review of the proposed Type 1 action, pursuant to the State Environmental Quality Review Act (“SEQRA”), and

WHEREAS, a full Environmental Assessment Form (“EAF”) by the Village of Hastings-on-Hudson dated December 3, 2002, a copy of which is attached hereto, has been filed with the Board of Trustees, and

WHEREAS, the Mayor and Board of Trustees have reviewed the EAF and the criteria for significance set forth in 6NYCRR § 617.7(c), now therefore be it

RESOLVED: that the proposed action is a Type 1 action under SEQRA, and be it further

RESOLVED: that the EAF is hereby accepted, and be it further

RESOLVED: that the proposed action will not have a significant adverse impact on the environment and does not require an Environmental Impact Statement for the following reasons, which are amplified in the EAF and supporting documentation:

1. The proposed action will result in no physical change to the project site.
2. The proposed action will result in no impact to any body of water, water quality or quantity, and will not alter drainage flow or surface water runoff.
3. The proposed action will not affect air quality.
4. The proposed action will have no impact on any threatened or endangered species.
5. The proposed action will have no impact on agricultural land resources.

6. The proposed action will have no adverse impact on aesthetic resources. The potential for a fourth story in the CC District where a lot slopes steeply will have a minimal impact on views and none on aesthetic resources, as the proposal is consistent with existing patterns of development.
7. The proposed action will have no impact on historic or archaeological resources.
8. The proposed action will have no impact on open space and recreation.
9. The proposed action will have no impact on the exceptional or unique characteristics of the Hudson River Critical Environmental Area
10. The proposed action will have no impact on existing transportation systems. Any potential increase in trips generated due to the slightly higher density resulting from fourth stories in the Central Commercial (CC) District would be offset by the proximity of new residences to shops and public transit. The theoretical increase in commercial density between the existing Limited Industry (LI) district and the proposed Multi-Family Residential-Commercial (MR-C) Zone will not translate into significant traffic impacts.
11. The proposed action will have no impact on the community's sources of fuel or energy supply.
12. The proposed action will result in no objectionable odors, noise, or vibration.
13. The proposed action will have no impact on the public health or safety.
14. The proposed action is consistent with the Village's current plans and goals, especially the Vision Plan.

15. The proposed action will have a positive impact on the character of the existing community because the areas would be rezoned to be more compatible with their existing patterns of development. There is a clear reduction in potential yield in the MR-O, MR-1.5 and 2R-3.5 districts and little or no impact in the MR-C and CC districts. The aggregate density that would result from the proposed zoning, when viewed over the entire study area, is significantly less than under the current zoning.

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

Trustee Walrath: The last sentence in 15, the aggregate density when viewed over the entire study, is significantly less than what?

Mayor Kinnally: The aggregate density that would result from the proposed zoning, when viewed over the entire study area, is significantly less than under the current zoning.

Trustee Walrath: Those are both build-outs then.

Village Planner Walker: If you look at the complete build out over the whole area under the current zoning compared to what we are proposing, the overall density would be significantly less under the proposed zoning because it is so much less in several of the areas. The MRO District on lower Warburton is significantly less dense, and the area that we are rezoning MR-1.5 would be significantly less. It is another way to look at the slight increase in the CC District. It is balanced by the fact that those are less.

Trustee Jennings: A point about the wording of number 6: When the Village Board adopts this resolution and declares that the four-story will have minimal impact on views and no esthetic impact, we are not prejudicing a determination by the Planning Board of a particular proposed building in the future, because this is a distinction between what the zone change will do versus what any particular proposed project might do.

Mayor Kinnally: That is my understanding also. To the same effect that where we are saying it is a neg dec on traffic, every proposal is going to have to be scrutinized under SEQRA.

88:02 LOCAL LAW NO. 6 AMENDING CERTAIN PROVISIONS OF THE ZONING CODE

Mayor Kinnally: I propose we table this pending getting what we are going to get from Mark.

On MOTION of Trustee Jennings, SECONDED by Trustee Walrath with a voice vote of all in favor, Resolution 88:02 was tabled.

Trustee Apel: I would like a little more explanation when there was discussion that we brought up about the MR-1.5 zoning district.

Village Planner Walker: Looking at the next steps, we thought the LI should be as we discussed. The MR-1.5, because of the changes going on adjacent to it, needs to be reexamined because of its extremely low lot coverage. We kept comparing what we were proposing to MR-1.5, and concluded that nothing in the Village that is zoned MR-1.5 complies with that zoning. You could not build anything in the MR-1.5 that would comply with that zoning unless you knocked down a lot of buildings and created a large lot. Ginsburg's proposal on 9-A would comply but he has 7 acres to work with and he can do 15% lot coverage. But in most of our densely-developed areas in the downtown it would be difficult to build something like that unless you were to assemble a lot of lots.

Mayor Kinnally: This is not something we are going to address next time, but you are saying that the committee and the Planning Board should look at this just like we looked at the other thing.

Village Planner Walker: We knew that coming into this process. Once we change one thing, everything has to be looked at. But it became more obvious that the MR-1.5 is odd.

89:02 AUTHORIZATION TO PURCHASE FIRE DEPARTMENT VEHICLE

Deputy Village Manager Maggiotto: This is a vehicle that was in your approved budget for the fire chief. We need the authorization to go through with the purchase of the vehicle.

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

RESOLVED: that the Mayor and Board of Trustees authorize the purchase of a vehicle for the Fire Chief through a New York State contract for Westchester County in an amount not to exceed \$35,000.00 to be appropriated from the general fund.

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

90:02 OPPOSITION TO SALES TAX INCREASE

Mayor Kinnally: The county board has passed a resolution requesting New York State to increase the sales tax by 1% but no portion of it would come back to the villages or the towns. We now get a *pro rata* share out of a portion of the sales tax that is earmarked for us, but this 1% increase, while it alleviates the county board having to wrestle with a substantial shortfall in their revenues, does nothing to help us.

Deputy Village Manager Maggiotto: They are fighting further about a piece of the bill that would remove the cap that has been a constant on these bills through the years. Perhaps we want to be more positive about supporting the 1% increase because it looks like it is in trouble. Lois Bronz, the chair of the board of legislators, canceled the board's vote on the measure, asking the state senate and assembly to approve the bill, and directed the lawyers for the county to rewrite the bill without this provision and rescheduled the vote for today. Now they are running out of time to do it at all.

Mayor Kinnally: The state legislature has to do it in a special session, and I do not know if the governor is going to go along with it.

Trustee Walrath: The fact that the four big cities are will not be contributing anything is enough to make me against it, regardless of what we get out of it. It is not a good solution for us even if we got a quarter of it. White Plains is still going to prosper, and this will drive

more business to White Plains than it is already getting. My thought was to strike out the if, and just put a period after tax in the second line.

Trustee Jennings: The residents of Hastings would be hurt if the county had to cut back on services and programs. We will be affected slightly if the county has to raise its property tax portion and we are going to be affected in several ways by the proposed 1% sales tax that we do not share in. Not only do we not share in the revenues, but our local merchants would be placed at a competitive disadvantage because their present advantage would be lessened relative to merchants in White Plains or Yonkers. I support revenue sharing between the county and the Village. I would like to convey that in such a way as to also convey the idea that we are not opposed to the sales tax per se. I would not put the period after tax because the alternative to that might be a cutback in services that would hurt our residents even more than the sales tax would. It is a complicated issue.

Mayor Kinnally: I question the amount of services that the county provides to us. So much of the county budget is mandated to social services that we do not get that any cutback is not going to have a significant impact on the Village.

Trustee Jennings: I drive on country roads that I like to see salted and plowed. I enjoy going to the county parks. We all benefit from the county functions as well as from the village and town's.

Trustee Walrath: I would rather pay through an increase in the county real estate tax.

Mayor Kinnally: Neil's point on this is the same as when we had to raise the parking fees; while a sales tax is regressive and it hits people in the lower economic strata more than it does people who are more affluent, the people in the apartment buildings get off relatively scot-free because the single- or the two-family owners pay disproportionately more. So it at least spreads the impact a little more evenly, where everyone will contribute rather than the single- or two-family homeowners.

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

RESOLVED: that the Mayor and Board of Trustees oppose a 1% increase in the county portion of the New York State sales tax if the municipalities and school districts do not share in the revenues.

ROLL CALL VOTE

AYE

NAY

Trustee Michael Holdstein		Absent
Trustee David Walrath	X	
Trustee Bruce Jennings	X	
Trustee Marjorie Apel	X	
Mayor Wm. Lee Kinnally, Jr.	X	

VILLAGE MANAGER'S REPORT

Deputy Village Manager Maggiotto: Those red bags on the meters mean that there is free two-hour parking and we again ask people to observe it. We are chalking the tires, and you may possibly get a ticket if you overstay your welcome. The Recreation Department is again offering holiday child sitting at the Community Center. Santa letter boxes are set up in the library and the Community Center, and you may also e-mail Santa, at santa@hastingsgov.org.

Please remember that when the red flags are out at the Community Center and at Sugar Pond there is absolutely no skating. The green flag means that there is skating.

Cablevision has been playing havoc with the channel listings, but WHOH is permanently, for now, Channel 75. The radio station is expected to be installed Saturday, and we will have our radio station on the air at 1620 AM.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: A meeting is scheduled tomorrow in New York City between counsel for ARCO and the Riverkeeper, and ARCO's counsel has requested me to be there. I am not sure what they are going to talk about, but I am going to say we have been patient enough. We are either going to resolve it or we are going to go to trial, or they have to show us what progress they have been making. It has pretty much been dead in the water. We knew that the DEC was not going to take any action until after the election. I did not understand that ARCO would not be taking any action. So we are going to push them.

2. Update on the Quarry

Mayor Kinnally: We have not heard anything from the DEC, and when we do we will let everybody know.

3. RFP for Waterfront Redevelopment Strategy

Mayor Kinnally: We have an RFP for waterfront development strategy from Phil Karmel, chair of the LWRP steering committee, and Meg Walker, our Village planning consultant, and I thank both of them and the committee for getting this to us.

Village Planner Walker: This is a grant that we got almost a year ago. There is not a deadline necessarily, but it is one of those pieces in the larger puzzle that needs to be placed before we can move on to other things and spend other monies that we have received.

Mayor Kinnally: If it is not fatal, we will roll it over to January 7. But that is not to foreclose any discussion now.

Trustee Apel: We estimate the cost of the study to be \$20,000. So that means we are going to need to get another \$10,000 into this process?

Village Planner Walker: Yes, and I debated whether or not we should put in the RFP what our cap is. But they want to know, and I think it is only fair. So if you feel it should be less, then we will make it less. It is up to you.

Trustee Jennings: The grant from the Hudson River Valley Greenway Communities Council must be matched by the Village. If we only wanted to kick in \$5,000 we would only get \$5,000.

Village Planner Walker: We have a group of dedicated volunteers and a hard-working village staff, and often we can match with in-kind services.

Trustee Jennings: This RFP makes reference to implementing one of the recommended steps in your report. I am reminded of the fact that we have not discussed the LWRP report. We had turn to that report before we start implementing too many of its recommendations.

Village Planner Walker: That is why we are bringing the next item on the agenda, Cashin's proposal for doing the balance of the work on the LWRP.

4. Proposal for Completion of LWRP

Mayor Kinnally: Was not the expectation that Cashin would continue on?

Village Planner Walker: It always was the expectation that they would complete the work, except for the GEIS. The work is really boilerplate. Most of it they have done many times before. It is not a difficult thing to pull together the other sections. The GEIS takes more creativity.

Philip Karmel, LWRP Committee Chair: I do not think the Board needs to nail down exactly what it wants to do with the waterfront before proceeding with the RFP. We know there is going to be a mix of different uses including park land and some other types of development. There is going to be a substantial shortfall in how to pay for that and substantial questions about how to accomplish those developments. The idea of the RFP is to get a white paper for the Village government with good ideas about what type of strategies we could use to achieve those results. So there may be some advantage in waiting, but a lot of the thinking that would need to go into the white paper is not dependent on the specific details of a real estate development.

Mayor Kinnally: I would like to get Neil's comments on this, too. We will postpone this until our next meeting.

5. Commuter Tax

Mayor Kinnally: The proponent of this is Trustee Holdstein, and he is reacting to Mayor Bloomberg's proposal to have a 5% commuter tax. I was surprised when the state allowed the commuter tax to lapse, and it was done in the course of a senate primary race a couple of years ago. It was done for purely political reasons. The question is, is it appropriate for people who work in New York City to pay some income tax? I do not buy the Mayor's arguments. If you look at what most commuters take out of the city, and what the city pays to provide services to us, it is not 5% of what we are earning there. I would be in favor of saying to the Mayor, be happy to get what you used to have and do not overreach. Five percent is ridiculous.

Trustee Apel: I agree. I think you could take this to the nth degree. Where is this going? Are we going to have taxes in Hastings for people that come from New York or someplace else? They should get taxes from people that live there, and I disagree with the Mayor's concept that we have to give him additional funds.

Trustee Walrath: New York City's real estate taxes are notoriously low. If you have an equivalent house in a nice section in New York City, then you pay a fraction of what you pay up here. Certainly 5% is ridiculous. I oppose their changing it at all from what it is now.

Mayor Kinnally: It is zero now.

Trustee Jennings: I am concerned about the impact on our constituents here. It is not only New York City. My wife works in Yonkers and pays some Yonkers city income taxes. I get a little bit of my income from working in Connecticut, and I have to pay Connecticut income tax. It is an interesting question about these overlapping jurisdictions. I understand the feelings of the people who live in Hastings, and I am not going to oppose a statement on our behalf in favor of the interests of our constituents. I believe that is our job. I also think, however, that we have to think regionally about these problems. As I express my tentative appreciation for Westchester County, I ought to express a similar sentiment about New York City. We all who live fairly close to that giant, difficult place benefit greatly from it and we need to do our fair share that it remains viable and a liveable city. It is a great city, and we do benefit in many ways, both material and immaterial, from being close to it. If we wanted to get away from some of the expense we could move to Kansas, or Indiana, where I grew up. But I, for one, choose to live here despite these things.

Mayor Kinnally: I would like to incorporate some of these comment, and have Trustee Holdstein come up with a resolution to have next time.

6. Other

Trustee Apel: At the last meeting we discussed a moratorium for large tracts, and Brian was going to look into this and come up with recommendations.

Village Attorney Murphy: That was after tracts were identified. I will have that for you.

Mayor Kinnally: I think part of the discussion was that it could not be blanket and we had to identify the locations.

EXECUTIVE SESSION

On MOTION of Trustee Apel, SECONDED by Trustee Jennings with a voice vote of all in favor, the Board scheduled an Executive Session immediately following the Regular Meeting to discuss land acquisition and possible litigation.

On MOTION of Trustee Jennings, SECONDED by Trustee Apel with a voice vote of all in favor, the Board scheduled an Executive Session for December 18, 2002 to discuss personnel.

ADJOURNMENT

Mayor Kinnally: I would like the Board to adjourn in memory of David Riggs. Dave was a former captain in Riverview Manor Hose Company Number 3, and he served this village well. We note his passing, and extend the sympathy of the Village to his family.

On MOTION of Trustee Walrath, SECONDED by Trustee Apel with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting in memory of David Riggs at 10:15 p.m.