

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
JANUARY 21, 2003

A Regular Meeting was held by the Board of Trustees on Tuesday, January 21, 2003 at 8:05 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, Attorney Brian Murphy, and Village Clerk Susan Maggiotto.

CITIZENS: Eighteen (18).

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. 52-2002-03	\$ 80,770.34
Multi-Fund No. 55-2002-03	\$108,309.24
Multi-Fund No. 56-2002-03	\$ 70,514.29

APPROVAL OF MINUTES

Trustee Apel: Page 7, where I am speaking: add "time" after every.

On MOTION of Trustee Walrath, SECONDED by Trustee Holdstein with a voice vote of all in favor, the Minutes of the Regular Meeting of January 7, 2003 were approved as amended.

7:03 PUBLIC HEARING - MORATORIUM

Village Manager Hess: I would modify that to say temporary moratorium on development in the R-20 Districts, as shown in the attached map. We have a number of R-20's, but not all of them are in the Vision Plan. Three that were identified in the Vision Plan which should be included in this proposed moratorium: Andrus Children's, Andrus, and Graham School. Farragut Parkway is state-owned land or Village-owned land. Along 9-A is state-owned land. The small piece of Children's Village in the northern part of the Village was not identified in the Vision Plan. It is better from a legal standpoint, as Mr. Murphy identified in his memorandum to the Board, that we limit it to those that the Board may deem to be a dire necessity, to what the Vision Plan looked at.

Trustee Walrath: The Burke Estate?

Village Attorney Murphy: That is school property. They would not be subject to the moratorium anyway.

Village Manager Hess: With the length of time that the study is supposed to take, they have a good turnaround time in reports back to the Planning Board and the Board. A limited moratorium for those properties is probably appropriate. We will have a draft of the Local Law for the Public Hearing which will specifically identify the properties.

Trustee Apel: So we are eliminating the only one that is not public, Broadway and the Children's Village area.

Village Manager Hess: All the rest were identified in the original Vision Plan, which included Graham, Andrus, and Andrus Children's Home. The rest, in those easement areas, for the most part are either state property, county property, school property. They would not be subject to the moratorium.

Trustee Apel: Why are we not doing North Broadway? And South Broadway is behind Draper Park?

Village Manager Hess: The quarry is included on the map. There are areas that were shaded in that were not in the original study. Again, that is municipal property and that would not be subject to the moratorium. All those individual properties on North Broadway, I do not see a dire necessity to include those in the moratorium. To meet the criteria that the attorney pointed out in his letter, we would have a difficult time with that. That is up to the Board.

Trustee Walrath: They are parceled among various owners.

Village Manager Hess: Exactly.

Trustee Apel: We will just take the big ones.

Trustee Walrath: Yes, okay. Good.

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 schedule a Public Hearing for Tuesday, February 4, 2003 at 8:00 PM to consider the advisability of

adopting a local law imposing a temporary moratorium on development in the Village's R-20 Districts, as shown on the attached maps.

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	

8:03 BUS SHELTERS AGREEMENT

Village Manager Hess: Each year we are paid a fee from Westchester County based on what they sell in advertising in their bus shelters. We have two bus shelters within the Village: on Ravensdale and 9-A, and across from the school near the Burke Estate.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Village Manager to sign an agreement with Westchester County Department of Transportation for Provision of Bus Shelters for a term of five years commencing on April 1, 2001 and expiring on March 31, 2006.

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	

6:03 (88:02) LOCAL LAW NO. 1 AMENDING CERTAIN PROVISIONS OF THE ZONING CODE

Mayor Kinnally: This has been the subject of a number of public hearings of the Board and public comment sessions. We had comments put on the record here and supplementary submissions. I received a correspondence this evening from Andy Zimmerman, which we will note on the record.

Trustee Jennings: I appreciate not only the work that the committee and the Planning Board have put into this, but all of the citizens who have come to numerous meetings to discuss the proposals and have raised issues that have led to beneficial changes. This final version is very well thought out and sound. Despite lingering questions and objections, it makes good sense for our planning for the Village, and I am prepared to support it.

Trustee Apel: The committee did an unbelievable job, after reviewing a file full of stuff they have accumulated over a year or so, reviewing the meetings and the questions that the community had, and studying in depth what was proposed. There are some questions concerning the parking and the height. But this document reflects a balanced view of what we would like in the downtown, and I would be prepared to support it.

Trustee Walrath: The committee did an excellent job. The final product is quite approvable. One of the letters we received tonight referred to height. The easiest thing would be to pass it now. If we decided to relax the requirements of the MRC as far as height, I would be willing to look at it going back to four stories, depending on the slopes. To have any redevelopment in that area is going to require additional height as long as it is under the same rules that we set up in the CC: that the Planning Board has to review and give specific approval to any additional height. We have gone through a complete environmental assessment with that in and with that out. The rest of it, I am ready to vote for.

Trustee Holdstein: The process has been a good one, and Bob Lee and Meg have done a great job of taking what was originally a hot-button issue, hearing people's concerns, and working very hard with as many people as possible to try to come to compromises. They are to be commended for their efforts in reaching out. You are not going to please everybody 100 percent, but there was a real effort to respond to many issues to produce a document that works. Several weeks ago an issue was raised by the developers for the site on Main Street related to requiring their spacing to go from 42 spaces to 52. We have another letter from that developer. I wondered if that was going to be re-looked at.

Planning Board member Lee: We have never built a residential unit with parking in Hastings in the downtown area or any zone. So we will be looking very hard at these things, and they will all be going through a full review before anything happens. There may be changes to the parking and other things in the process.

Trustee Holdstein: So a particular applicant may, within months, come before us with requests for variances.

Planning Board member Lee: A consultant said no zoning is any good until it has been in place for about three years, so that you dealt with specifics that happen under that zoning. We think this is effective and low-risk zoning, but I would not be surprised to see variances asked for.

Trustee Holdstein: It seems to me that the goal would be to try to put something in place that limits the number of variations.

Planning Board member Lee: That is the goal. We do not anticipate variations, but we have not yet built a residential enclave with parking. The parking may require certain tweaks.

Trustee Holdstein: So if we adopt it as is, we could anticipate that there will be people with different projects seeking, very soon after the adoption, variances and revisions.

Planning Board member Lee: We try to protect the Village as much as possible. Developers are very ingenious and active, and they will come up with ideas that people need to deal with.

Trustee Walrath: Andy Zimmerman has raised a number of additional points. They all deserve looking into. I know that the stream within the study area is all underground. I do not think it would have materially changed any environmental assessment.

Mayor Kinnally: This is a planning tool. It is not giving anybody the right to develop any particular parcel, and all of this is going to be subject to the normal SEQRA and administrative review. Some of the comments were made with an eye toward a project that is proposed on Main Street. To react to a proposal in coming up with a planning tool, like a zoning change, is a mistake. This is our blueprint for what we want to see. This gives us and potential developers the rules to operate under. That does not mean that any developer cannot ask for relief from the rules. That is what the ZBA is for. Part of what we set out to do was to protect what we have, and make sure that any future development is consistent with and an improvement on what we have. The requirement for on-site parking is one of those areas that there is an improvement. We are keeping the scale, the type, and the mix of what we have in the downtown area. We are trying to get a good mix of commercial and residential to invite people who live there to stay downtown, to shop downtown, and people from adjacent areas to come here both daytime and nighttime.

I thank everybody for the thorough review this has been put to. The many meetings have gotten the message out and have allowed not only those of us who have to make the decision but everybody who had input to get a better appreciation of what the problems were and how we are trying to solve those problems.

This will continue to evolve over time. By living with this text for a while we will see if mistakes were made or if improvements can be made. It is a process that is constantly ongoing. We have come a long way, and that is in part due to the hard work of the subcommittee, Meg, and the public.

I am ready to enact this. This Village can rest knowing that we have looked into the future and said we have an idea of what we want it to look like. Now put it to the test, and part of the test is developers coming in and saying this is what I want to do.

Trustee Holdstein: I want to clarify your statement about not looking at a particular project in creating a document. My references to the site on Main were piqued by the changes and how they might generate additional cars. The issue was raised a few meetings ago, and my questions were more generic in terms of the zoning text and how it might impact additional cars in the downtown.

Trustee Walrath: The premise that this started on is the concept of smart growth, and infill, of the core. That is the only place we can have any growth that will not draw more cars and more traffic. Proportionately, it will provide less in the way of cars and traffic than any other type of growth. It is permitting what growth we do permit in an area where people do not depend on their cars for getting around. That is the fundamental concept that this was based on, and I think it is a right one. We can argue over buildout densities that are way off in the future, but we will have plenty of time for further consideration. But this is a very good document; it started working toward those premises and did a very good job of getting there.

Michael Ambrozek, 16 Sheldon Place: This zoning did not consider the impact on the Village of waterfront development. We have seen that we have parking and traffic issues, and I am hoping that the Board is sincere when you say that this is a plan for the future but we will revisit it, if needed. We may need to look at how we manage the streets and the traffic controls in the Village because we have measures that have their roots in very old principles and have not been examined in conjunction with the situation today. We may need to look at zoning as part of the bigger scope of the Village: parking, traffic, and trailways, everything that contributes to the circulation of people and goods in and through the Village.

My other concern is how variances will be dealt with under this zoning proposal. This is something that you have a separate board to deal with, but if you pass this new zoning, then we should not need a lot of variances if it is something we have all agreed on.

Andrew Zimmerman, 7 Ridge Street: I am going to offer a prediction, and I hope I am wrong. We have all seen in the past years all the development projects that have come before the Village, and all the fighting that has happened on both sides. I am afraid that this will open up a Pandora's box, and we will see an exponential increase in the amount of them in the future and the amount of time we have to spend fighting on both sides. I can see you have your minds made up, and I do think that we have improved the proposal, so I will try to look at the glass as being half full.

Tom Brown, 141 Overlook Road: I am hopeful that this document is successful and makes the Village a better place. But the real test will not be known for a few years. If this document is a well-drawn, strong document and we do not have a lot of variances, we can look back in a few years and say that this is a success. If it is not a well-written document, and there are a lot of variances and we have a lot of changes that are not acceptable and not good for the Village, it will not be a success. A yardstick will be how many variances go through. Hopefully, it will be successful. But if it is not, who do we name it after?

Larry Apel, 111 Rosedale Avenue: Regarding Main Street, I am concerned about the changes of use. For decades this has been used as a garage with gas lines and oil, petroleum, and all the problems when that seeps into the ground. Since we are thinking of putting in not only stores but residences, the last thing this Village needs is someone to have a deformed child and to blame this Village that something is wrong. We should have borings throughout this entire area to satisfy ourselves and to make sure that everything is safe.

Village Manager Hess: Before they could purchase the property, as part of their contract with Hastings Garage, they had to have a cleanup of the site, which they did, and they received clearance from the DEC. They had to remove all the old soil and put in new soil; they had to meet DEC requirements and they did that prior to their contract of sale.

Mr. Apel: I am not sure that the standard to pass a conveyance of title is the same standard that should be used when working on the safety of human beings living there. What they were concerned about was digging out the underground tanks. They went so far in digging it out but they did not go the entire way. I do not know how thorough the DEC was and if there were independent labs who checked out what they said and what they did.

Village Manager Hess: They had to have a licensed contractor selected by the DEC. They had to clean out to an area that tests clear. The area they dug out was much larger than where the tanks were. They had to remove all that soil and backfill it with clean fill. They even had to barrel up all the soil that they removed off the site.

Mr. Apel: I came home one night and there was a terrific odor. It was rectified, in that there was a cover put on the excavated ground. What was dug out in relation to the overall premises was about 60 percent of the whole field. I think that borings should take place.

Village Manager Hess: If there is a concern, the Planning Board will address it at site plan review.

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

RESOLVED: that the Mayor and Board of Trustees adopt Local Law No. 1 of 2003 amending certain provisions of the Zoning Code:

Be it enacted by the Village of Hastings-on-Hudson as follows:

The Zoning Code of the Village of Hastings-on-Hudson is hereby amended 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 Industrial (LI) as per the attached document.

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	

Mayor Kinnally: I want to thank everyone for their input. We talk about community-based planning; this was it in spades. The product that we have today and the progress that we have made is a testament to that input and everybody's time, imagination, intelligence and, most of all, patience. Let me add one thing. An inquiry had been made about the application of this to

the LI Zone, and we had asked for and received advice of counsel on that. The questions have been answered to everyone's satisfaction on the Board.

VILLAGE MANAGER'S REPORT

Village Manager Hess: I had a concern about what was granted to us by the Community Development Block Grant Program. This round of grants is \$200,000 in the year 2005. I sent a letter of objection to Norma Drummond, deputy commissioner in charge of CDBG. She responded right away, indicating that they would return the \$180,000 from the previous round in addition to the \$200,000, and would recommend that it be funded in 2004 if we have an architect on board before July 1 and are ready to move along. We have had the feasibility study done, we have had community meetings, and we have had input from the Youth Advisory Committee and the Parks and Recreation Commission. I would like to take the next step and put together a small committee, with a Trustee, myself, and people from the school board, the Youth Advisory Council, and the Parks and Recreation Commission to spearhead this, and move it forward so we can meet the deadline and make that \$380,000 available to us next year towards the Community Center.

Trustee Jennings: I would like to volunteer to help you with that.

Village Manager Hess: Great. Michael might want to get involved also.

Trustee Holdstein: Sure.

Village Manager Hess: I have looked at the comparison of leased vehicles versus purchased vehicles for the police chief. The cost is approximately \$325 a month to lease versus the \$25,000 we had put in the budget, so it makes more sense at this point to lease. I am not sure what the build-out date is. It was my intention for the next meeting to put it on for authorization to lease. If the build-out is February 1 I may have a problem, so I would like the Board's intention that I could move forward if the build-out date is February. Otherwise, I will put it on the first meeting in February for specific authorization.

Mayor Kinnally: I think it is a good idea. I would give you that go-ahead, if you could let us know where we stand.

Village Manager Hess: As part of a grant received previously in the police department, all our police vehicles now have in-car cameras. Whenever there is a traffic stop, we are completely wired. When someone is pulled over you can hear the officer talking to the

person, and the person talking back to the officer, and everything is on tape. It is for liability purposes.

As of today we are going through a New York State audit; the auditors will probably be here for three or four weeks.

Boulangier Plaza was an item we talked about last year. I would like to proceed and get a proposal on design for the plaza. We would like to do construction in August when the downtown is at its slowest, so we should move forward now with getting a proposal or two to bring back to the Board. I will send out a letter to a few people and ask for proposals.

Acquisition of Graham: the only thing left to do is a requirement by the county law department that a Phase 1 environmental audit be done on the Graham property before they will contribute their 50 percent towards the acquisition. We got a proposal from Dorson Environmental which came in \$1,500 less than the estimate, at \$3,500. We used them as the monitor on the Age Carting, and they were very good. They worked well with the state and submitted all their reports in a timely fashion. I would like authorization to proceed so we can finalize this and get our money from the county and state and acquire the property.

Trustee Apel: Does the county have any money to give us?

Village Manager Hess: I am going to see if I can back-bill the county for \$3,000 because they threw in \$75,000 extra for these types of things.

In December Tara Conte went to work for the City of Yonkers recreation department. Lisa Carmody, a part-time employee in recreation since 1996, will be starting as a full-time recreation assistant on Monday. She has worked in the camps, and she will be heading up the camps this summer. It will be quite a challenge since we do not have the use of the schools. Ray has been talking with a lot of people, negotiating with a lot of organizations, to get us space for the camps this summer.

EXECUTIVE SESSION

On MOTION of Trustee Apel, 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 litigation.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: There is a meeting scheduled on Thursday between counsel, myself, ARCO, and the Riverkeeper to discuss settlement of litigation. I also have a meeting scheduled for Thursday with the governor's secretary and chief of staff, John Cahill.

Trustee Jennings: Concerning the activities of the DEC, I read a couple of weeks ago about how a proposal from ARCO had been submitted to the state. The state had not found it acceptable. The newspaper story said that the state asked ARCO to redo it and resubmit it. Is that process delaying the state's final PRAP and the other findings that we are waiting for?

Mayor Kinnally: Part of the delay had to do with the FS that was submitted. That may be what that article was about. I was somewhat surprised by the article, because it was old news. I do not know exactly where things stand with the DEC. We will be back with the DEC after these meetings. I want to go to them with a full ledger of questions. My sense is that ARCO is beyond the three feet at this point. I know everybody else is, so ARCO might as well be. Good try, ARCO. But having done that, let us get a little realistic.

Trustee Holdstein: I was wondering on my morning train rides into the city when we were going to start to see something happening on the Uhlich site in their demolition.

Mayor Kinnally: It is happening. They are on-site.

Village Manager Hess: They were doing abatement inside.

2. Proposal for Completion of LWRP

Village Manager Hess: This was discussed by the Board at a previous Board meeting but it was put off because I was not at that meeting and you asked for my comments. Both those items are budgeted and were previously approved by the Board: \$11,000 for completion of the LWRP, \$10,000 for our share of developing a redevelopment strategy.

Mayor Kinnally: On the waterfront redevelopment strategy, it is part of our discussions with ARCO and the Riverkeeper: what are we going to do? It is certainly timely. And we have had discussions with the LWRP on this. It is a natural progression of where we have been and where we are going.

Trustee Apel: The Cashin completion: the report said something about more recent traffic studies. It does not say when they were.

Village Planner Walker: They are not that recent, but I think he is referring to the traffic studies for the LWRP of the waterfront and downtown, and also from more recent DEIS's like Andrus, Riverwalk Village: things that have happened in the last three or four years.

Trustee Apel: In the cost analysis it mentioned additional meetings. Is there any agreement on how many? It said there will be two meetings, and if he only goes to the two meetings, is he going to get \$1,000 for two meetings? Or is he going to get \$1,000 if he goes to four meetings, or five meetings, or six meetings?

Village Planner Walker: The last time he came to dozens and dozens of meetings. I think he is trying to protect himself this time around. As I understood it, it was about two meetings with the LWRP and then an additional one or two meetings that he might be required to come to with the Board of Trustees. I will clarify that with him, though.

Trustee Walrath: I would like to have a little bit of attention paid to the Wicks Law. There is a campaign going on. *The Journal News* seems to be firmly behind it, and I would like us to take a position, or think about taking a position.

Mayor Kinnally: I do not know if we have to wait. We have talked about the folly of the Wicks Law every time we go out to contract.

Trustee Walrath: I will move we take a position in favor of terminating the Wick Law and coordinate it with whatever campaign is going on. It sounds like quite a few people are on board.

Village Manager Hess: The governor has supported it. The Republican senate has supported it. It has been difficult to get it through the assembly. There has to be a state-wide push on this.

Mayor Kinnally: *The Journal News* has clarified the issue quite well. It probably adds 10-, 15-, 20 percent to what we have. Look at this building, what we had to go through to bid it out separately. Just our time alone, and then the cost of each individual contractor.

Trustee Walrath: A lot of that is waste because of the difficulty of coordinating these contractors. Nobody benefits.

Mayor Kinnally: Well, people do benefit. Contractors benefit from it. But certainly the municipalities and the political subdivisions do not benefit from it.

Village Manager Hess: It is not the contractors, but the unions.

Mayor Kinnally: I would move that we support the repeal of the Wicks Law.

On MOTION of Trustee Walrath, SECONDED by Trustee Holdstein with a voice vote of all in favor, the Board of Trustees voted to support the repeal of the Wicks Law.

Trustee Apel: Regarding MetroNorth and their design, are we going to have a meeting?

Mayor Kinnally: There was a meeting in Dobbs Ferry on this last week, and it was the same kind of meeting that MetroNorth offered us: not a meeting that the public participated in, but a meeting at which MetroNorth presents. MetroNorth has told me that they do not want to have a meeting at which there will be questions from the public. I reported on this in November or December, that I told them there is no way we are going to filter questions from the public. They are a public authority, and I do not understand why they are not accountable. To the extent that there would be a meeting, it would be a televised work session. We are the ones setting the ground rules. I will call Mark Mannix again and talk to him about it.

Village Planner Walker: The Planning Board was very interested in meeting with MetroNorth, and definitely had opinions about the design.

Trustee Holdstein: I was approached by a Dobbs Ferry resident as far as perhaps our two villages working together, even to the point of whether we need outside counsel. The DOT has the responsibility for bridges and MetroNorth has responsibility for walkways. There does not seem to be a coordinated effort.

Mayor Kinnally: I pointed out that the Dock Street bridge is lower than the new overpass would be, and they replied that may be but that is DOT and it is not MetroNorth. It is not a coordinated effort, and they have no intention of coordinating it.

I saw Senator Spano at the dedication of the Dobbs Ferry library and told him that the mayors had met a number of years ago and we talked about getting other entities at the state, i.e. the DOT, to talk to us because we are looking at regional concerns, and he said he would do that. We are going to follow up and get that meeting so we can coordinate this. I pointed out to MetroNorth that if the overpass is raised and the Dock Street bridge is raised a similar amount, we are not going to be able to accommodate that grade on either side of the bridge. The reply was that you probably have a good point; DOT will deal with it.

Trustee Holdstein: From a legal point what standing do we have on this?

Mayor Kinnally: They took some of my comments into consideration in the redesign but they are not subject to our zoning code or to our review. Are they subject to SEQRA, Mark?

Special Counsel Chertok: MTA has an exemption in legislation for certain modest types of actions, and I think this falls within it. However, they are not exempt from the Coastal Zone Management Act just because they are a state entity.

Village Planner Walker: We might be able to put something in the LWRP about it, if they have to meet the Coastal Consistency regulation. And the waterfront plan called for an additional drop-off on the west side to handle new development on the waterfront. It could be served by extending the platform to the south. The elevator tower that they are proposing would preclude that.

Mayor Kinnally: No, actually it would not preclude that. The tower is going to be in the middle of the platform also. There is no way to get around that. But they had money in their budget to move the platform south. Right now they are not going to do that. Part of it is that there is no real need for it at this point.

Village Planner Walker: But they are not ruling it out in the future?

Mayor Kinnally: They are not ruling it out, and I think if we continue dialogue on that point they will be somewhat amenable. But the difficulty is that you are going to have to get to them early in the process because when they start the designs the stairway has to go a certain way and they have to reorient everything.

Special Counsel Chertok: Let me answer Mr. Holdstein's other question. Depending on the source of the funds, if this is federal grant money that is directly to be used for this purpose then there is a NEPA compliance issue that also may exist, the National Environmental Policy Act, which is the federal mirror image, generally speaking, of SEQRA. A number of years ago, when there was a fair amount of hubbub about the MetroNorth station in Phillipsburg Manor, a draft complaint was served on MTA which got their attention.

Mayor Kinnally: This is not MTA. This project is MetroNorth and the Port Authority.

Special Counsel Chertok: The Port Authority believes it is not subject to either SEQRA or NEPA because it is a bi-state agency and therefore is exempt from at least those environmental laws. Again, if the grant money for this project comes directly from a federal agency as opposed to generalized funds, then there still is a NEPA issue because it is a federal agency that is subject and not MTA or the Port Authority.

Mr. Zimmerman: Have you seen the lights on the Palisades that just appeared tonight?

Trustee Walrath: I have seen one light before, and I read in the paper the next day that there had been an accident and it was a rescue thing.

Mr. Zimmerman: It looks like a football stadium light shining straight across the river at us from the Palisades, and I was hoping it was not a permanent thing.

Mayor Kinnally: We will check it out.

Jeff Bogart, 5 Jordan Road: I have a couple of questions in connection with Hastings News. The action that was taken tonight on the rezoning: were those new rezoning categories mapped, or do we have the equivalent of paper zones that have been set up, with mapping to come? I would just like to get some clarification on that.

Mayor Kinnally: Yes, they have been mapped.

Mr. Bogart: Has Uhlich begun dismantling its administration building? There was interest on the part of one of the Planning Board members in seeing that retained.

Mayor Kinnally: They have not started dismantling. They are doing asbestos abatement in that building right now.

Mr. Bogart: Has the Village decided it is interested in the building?

Mayor Kinnally: No. It does not matter if the Village is interested in the building. Uhlich is not interested in selling the building. Uhlich is interested in selling the whole property.

Mr. Bogart: And is the Village interested in that? I have heard statements along that line.

Mayor Kinnally: Some members of the Board have expressed interest.

Mr. Bogart: Would the building be valuable coming along with the property? Would the Village want to see the building on the property?

Mayor Kinnally: I do not know if we would have any use. There is a difference of opinion here. But Uhlich is going ahead with the demolition of all the buildings on the site.

Trustee Walrath: The only way to prevent it would be to acquire the property.

Mr. Bogart: And the Village has not reached that point, or it was not going to consider that in the near future. Is that the way it works?

Trustee Walrath: We have done some investigation, and I will make a call tomorrow. But we do not have the state DEC's remedial action. There is no PRAP out for that. We need to see where they are going with it because the value of the property has to be discounted the money that it will take to clean up. I do not think we want to get into it if there are no assets. We want to see how it going to be cleaned up before we acquire it, and who is going to clean it up. It is very hard to put a value on it not knowing the solvency of the people who are the potentially responsible party.

Mr. Bogart: So one could conclude that it is unlikely that the building is going to be around when it comes time at some point in the future...

Mayor Kinnally: A very safe assumption.

Mr. Bogart: The Village web site has the environmental assessment statement for the downtown rezoning, and it is marked as a draft. Is that a final document?

Village Planner Walker: It says draft because it was submitted to the Board for their comments and changes, but were no changes after December 13 so it becomes final.

Mayor Kinnally: As adopted by the Board.

Mr. Bogart: A newsletter sent out from the Village recently described the garbage pickup as being available at your door. In the area where I live that does not seem to be the case.

Village Manager Hess: That is why we reiterated that in the newsletter. If it is within 70 feet of the street and it is a cleared out area, you just let your garbage man know to make the collection there.

Mr. Bogart: I had discussed with you, Neil, at one point and you had told me it was not available in two areas in the Village.

Village Manager Hess: The policy was inconsistent so we made it consistent. I was getting concerned with the number of cans at the curb, getting knocked over with wind, garbage around, cans blowing around. If your garbage cans are within 70 feet of the street, and it is a cleared out area, we have rear yard collection. Hopefully, the streetscape will look better.

Mayor Kinnally: We are trying to reschedule our postponed meeting with the school board, and I have asked the Manager to find out if free passage is allowed through the Burke Estate.

ADJOURNMENT

On MOTION of Trustee Holdstein, SECONDED by Trustee Walrath with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 9:30 p.m.