

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
BOARD OF TRUSTEES  
REGULAR MEETING  
AUGUST 26, 2003**

A Regular Meeting was held by the Board of Trustees on Tuesday, August 26, 2003 at 8:10 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

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

**ABSENT:** Trustee Michael Holdstein

**CITIZENS:** Ten (10).

**APPROVAL OF MINUTES**

On MOTION of Trustee Apel, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Minutes of the Public Hearing of July 15, 2003 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 July 15, 2003 were approved as presented.

On MOTION of Trustee Jennings, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Minutes of the Special Meeting of July 22, 2003 were approved as presented.

**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. 10-2003-04 \$ 27,750.56  
Multi-Fund No. 11-2003-04 \$ 61,129.97  
Multi-Fund No. 12-2003-04 \$227,448.00  
Multi-Fund No. 13-2003-04 \$172,952.13  
Multi-Fund No. 15-2003-04 \$ 12,760.25  
Multi-Fund No. 16-2003-04 \$ 41,297.48

**68:03 ADOPTION OF LOCAL LAW NO. 4 OF 2003 - TEMPORARY  
MORATORIUM IN LI DISTRICT**

**Mayor Kinnally:** I will read the proposed local law into the record. [ reads attached ]

This matter was the subject of a public hearing on July 15, and we have received advice of counsel in review of the local law.

**Trustee Apel:** I think that the moratorium is a good idea, and gives us an opportunity to look over that particular zone. I think that it is a smart move at this time.

**Trustee Jennings:** A question for Meg: what impact would this moratorium have on the proposal pending before the Planning Board? It was my understanding that a 90-day moratorium would not have the effect of slowing down or otherwise derailing anything. It would be compatible with the existing time frame that has already been set in motion.

**Village Planner Walker:** I think that is correct. Ginsburg Development is moving ahead with developing that new alternative which they call Artists' Walk, 67 townhome units as opposed to 157 apartments. The FEIS was submitted sometime last winter and it was being reviewed by the consultants, when Ginsburg decided to pause the process and set up a citizens' group to look at alternative uses for the site. So the Planning Board is still in the process of reviewing the FEIS. Ginsburg has asked to be able to add this alternative to the FEIS and look at the significant impacts just as he did with the previous proposal. It will become a preferred alternative within the FEIS, and then it will be reviewed by the Planning Board and become part of the findings. They will review it within their findings on the rezoning application, and then the findings will come to you.

There is some question as to whether or not it complies with the LI zoning. We have asked Ginsburg's lawyers to draft a letter proposing why it does comply with the LI zoning, and then we have asked Mark Chertok to react to that.

It is going to take at least two months to complete the FEIS. They are going to move ahead on that, and probably 90 days is within reason for them.

**Trustee Jennings:** There is nothing really incompatible with what the Planning Board is doing and what we would do if we adopted this moratorium.

**Village Planner Walker:** No. Susan Newman from Ginsburg Development is here tonight. She has said as much to the Planning Board: that it is not going to hold them up.

**Mayor Kinnally:** The Planning Board has asked for authorization to retain a planning consultant to assist in the study on the LI Zone, so we will be acting on that. I will be talking to the chair of the Planning Board to see that they have what they need to move forward to facilitate the review of the LI Zone and the pending application.

**Trustee Swiderski:** I want to be clear about the process. You are going to retain a planning consultant,, and they will make recommendations on whether the current LI zoning, in general or for that site, should be modified or left as is?

**Village Planner Walker:** The Planning Board knows that they need the help of a consultant, and they would like to use the same consultant to assist them in looking at the large land tracts, in figuring the land use tools and the next steps to take. They would like to speak with the Board of Trustees at a joint meeting to discuss the direction to go with the LI zoning on Route 9-A because they have not had a lot of discussion among themselves yet. They would like your input.

**Mayor Kinnally:** I have talked to Mark and we will get Mark's guidance on that. It is something we have to sit down with Rhoda, Neil and Meg to discuss.

**Trustee Swiderski:** Does this meeting have to happen before the planning consultant goes to work?

**Village Planner Walker:** Yes.

**Trustee Swiderski:** Ninety days will expire very quickly, and in fairness to the process I do not want extension after extension because this process drags out. I would like to see it come to a useful end for everybody at some point.

**Village Planner Walker:** They would like a joint meeting before they hire a consultant, in order to give the consultant some direction. From ShopRite to Riverwalk Village, a lot of work has already been has been produced about that site, so a consultant comes in with a lot of work already completed. But in terms of the process, how the public should be involved and how you make a decision about what uses are appropriate, the Planning Board would like some direction from the Board of Trustees.

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

**RESOLVED:** that the Mayor and Board of Trustees hereby adopt Local Law No. 4 of 2003 Imposing a Temporary Moratorium on Development in the Village's Limited Industry (LI) Zoning District:  
[ attached ]

**ROLL CALL VOTE**

**AYE**

**NAY**



suggesting Maximus because they seem to have a good track record, their price is reasonable, and we talked to our auditors and they seem to have no problems with them. Mr. Hess thought it was a good idea.

**Trustee Apel:** On the fee page, under capital asset valuation services, inventory and appraisal services is at a \$5,000 cut-off. And then if you look across, it says \$5,500. What is the extra \$500?

**Deputy Village Treasurer Zaratzian:** The \$5,000 is the threshold of value to be appraised; the \$5,500 is the fee. The \$5,000 threshold means there will be fewer things to appraise.

**Deputy Village Manager Maggiotto:** Initially the proposal was for a \$500 threshold. But \$5,000 is also satisfactory. It simplifies it in a lot of ways. So we asked them to redo this page and give us a number for the \$5,000 cut-off, which is what we are recommending.

**Trustee Apel:** The other proposal gave a rate of \$21,000-plus. Will this one come up to that eventually, because they have all these other things that one could do?

**Deputy Village Treasurer Zaratzian:** I do not think it is going to come up that much. The questionnaires asked different questions. There must be a different methodology that they are using in their cost estimate. We may see some of an increase for the \$5,500 from Maximus if they find more buildings that the questionnaire did not have, but I doubt it is going to be as high as American Appraisals.

**Trustee Apel:** Why are we not doing the on-site training?

**Deputy Village Treasurer Zaratzian:** The on-site training was for their software. We thought we would proceed with the inventory, see how much information that is, and from that point on see if we are going to use their software or our own software or exactly what is the most cost-effective way of maintaining the database.

**Trustee Jennings:** How would you characterize the interaction that will take place between the appraisal firm that we hire and our Village staff?

**Deputy Village Treasurer Zaratzian:** The interaction with the two staffs is very important because they are going to have to research the history of every item that they need to assess. We are going to have to understand what information they need in what format.

**Trustee Jennings:** In interviewing these two firms, did you have an opportunity to meet with anyone?

**Deputy Village Treasurer Zaratzian:** No, I only spoke with them over the phone.

**Trustee Jennings:** Would you foresee that the distance might be a factor, Syracuse versus Manhattan?

**Deputy Village Treasurer Zaratzian:** No, I would not because Scarsdale, for instance, is using Maximus, and there are other villages that are using Maximus in the area.

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 accept the proposal of Maximus, Inc. for the implementation of Governmental Accounting Standards Board's (GASB) Statement No. 34 Capital Asset Reporting for the amount of \$5,500.00 to be appropriated from the General Fund.

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
Trustee Michael Holdstein	Absent	
Trustee Bruce Jennings	X	
Trustee Marjorie Apel	X	
Trustee Peter Swiderski	X	
Mayor Wm. Lee Kinnally, Jr.	X	

### **71:03 SALARY - VILLAGE MANAGER**

**Mayor Kinnally:** During the course of our budget review, and subsequent to the passage of the budget, we frequently ask for executive sessions on personnel. One of the reasons we do that is that we have a review of all of the personnel in the Village and the salaries and hourly rates for personnel. We have recently concluded those reviews and the next two resolutions reflect those reviews.

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

**RESOLVED:** that the Mayor and Board of Trustees establish the annual salary of the Village Manager/Treasurer at \$150,900 effective June 1, 2003.

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
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what our consultant has suggested as being the tax rate on the property based on its rent structure, where some of the units are affordable and some of the units are market rate. The PILOT is key to our proposal, in that it makes the expense side of the transaction very predictable for the bond market. I would remind you that this is a project that is planning to be financed through the Westchester IDA, and the bond market is loathe to consider projects where a lot of costs are not locked in. On the income side, the rents are similarly remitted; there is normally a cap, similarly locked in over time. These 18 units are entirely 100% affordable. Per the Affordable Housing Committee, they are affordable in perpetuity. So the PILOT, over time, becomes more and more important as the rents are, in fact, limited over a much greater period of time than any other affordable housing project would require anywhere in these United States. Affordability is usually capped at 30 or 35 years, and here perpetuity means at least 99, but probably longer.

**Mayor Kinnally:** Have the financial picture of the project, and any other sources of funding, changed since you supplied information to us?

**Mr. Anderson:** The picture of this project changes on a daily basis in a marginal way, in that the bond market, which we will access at some point, fluctuates moment to moment. The bond market has been moving against us since this conversation started months ago, but, we feel, not so substantially as to cause it not to be afforded.

**Mayor Kinnally:** What about in a positive way? Are there any other sources of funding outside the bond market?

**Mr. Anderson:** No financial sources are new to the project since the material was sent to you. Some of the projected public subsidies that we are seeking from the County of Westchester are not going to be as significant as we had hoped. There is a \$100,000 gap between what we asked for and what we are going to get, and a similar gap with an energy subsidy program from the state of New York. But all of these different sources have been disclosed previously and, again, we are massaging these holes, these little gaps, in different ways to continue to make the project work.

**Mayor Kinnally:** On the commercial side, are the rentals fixed?

**Mr. Anderson:** Only by the market.

**Mayor Kinnally:** What are you projecting on a percentage basis of contribution to the revenue stream from the commercial side?

**Mr. Anderson:** The square footage represented by the commercial is not more than 24 or 25%. The income portion of the project is somewhat larger than that, but not significantly:



25 or 30%. I might be slightly wrong there. The square footage item, a certain amount of the income might be a little less, but it is not an entirely disproportionate amount.

**Trustee Apel:** If you are not able to get retail to move in are you going to convert it to residential? If so, I presume that would be at market rate and you would be getting a significant increase in the rent that you would be getting?

**Mr. Anderson:** In theory that is a possibility, but the spaces are limited to office and artists' uses. The average retail is about 600 square feet, we use 500 square feet. To convert the commercial space to residential would be very difficult, in that there are no facilities brought to that location for cooking, for gas. There is a half-bath, a toilet and a sink and no tub or shower. All those things, of course, could be worked out. There are also no windows except for the front of the building. The back of the ground floor artists' space is captured by the retaining wall that would be built. It is hardly ideal residential space. It is small. The ceilings are somewhat lower. It is relatively dark. To make it work would cause us to have to change a lot of the systems within the building, which would be a significant disruption to what is happening above. I doubt it would be fiscally desirable to do it.

I am fairly convinced that there is a single-user, small, professional office market in Westchester which is currently unmet. We perceive there to be a significant demand for the space, particularly knowing about other similar projects in, say, Irvington or Dobbs Ferry that are closing down and scattering what will eventually be dozens of similar kinds of businesses to the marketplace.

**Trustee Apel:** If you did not make those units all affordable, and you spread them out to the other two parcels that you are considering building, what would be the difference in the revenue that you getting and the taxes that we are looking for? If you did not do this, and you went by the 10 percent rule and you left it at market value there and you gave a certain amount of units here, a certain amount at Main Street, has there been a comparative study as to what this is costing you, and the effect it is going to have on us?

**Mr. Anderson:** I am sorry, but I am not sure if I understand your question.

**Trustee Apel:** On Main Street, how many units would have been required?

**Mr. Anderson:** Two, or three actually.

**Trustee Apel:** Let us say three. Did I not hear that you were going to sell them for \$400,000?

**Mr. Anderson:** Yes, we will see.

**Trustee Apel:** That being the case, because they are not affordable you would be making, \$1.2 million on those three apartments versus what you would have if they were affordable. What are you gaining by having 18 units in one building and not having the affordable spread out in the three buildings? That is what I would like to know.

**Mr. Anderson:** Let us manage the one part of the equation. We have three apartments that we sell for \$400,000, theoretically, and \$1.2 million gross income. Let us assume that those apartments cost us \$1 million to build. So the real number to us is \$200,000. That may be high, that may be low, but that is to manage the expectation of that one site as part of your formulation. It is a question similar to a question that was by some of the neighborhood residents. The answers are myriad, and small in each of their parts. First, we are buying the land from the Town of Greenburgh for the express purpose of creating affordable housing. So if we create market rate housing on that site, the cost of the land would probably be different. We are able to access certain subsidy dollars for the Division Street site because of the density. If we go to the County of Westchester and we say we have two apartments here and three apartments there and we would like to do not one home loan, or not one HIF loan, but rather we would like to do four each for \$100,000, the reception would be relatively negative. And we would not take it on because there is no economics to it. It is already marginal. It would be even more marginal to pursue those kinds of relatively small, disparate pieces, as opposed to doing one transaction with one set of documents.

The economics of the Division Street project are not great, and it is not a project that I would have pursued exclusive of the other projects: there are going to be impediments, it is too difficult a project, there are too many variances. So the internal cross-subsidy is important to the project at Division Street, but I have never formulated whether it is more, or less, important. I have thought about it as if it were as important as the ability to do a certain number of units in one location within one financial rubric and be able to create so many units at one time. It would not have been possible to have the outcome of 18 units in total affordable by sort of breaking it up. We would have had to come up with, by mandate, six.

**Trustee Apel:** You will be able to get the property from the Town of Greenburgh because it is affordable?

**Mr. Anderson:** Yes.

**Trustee Apel:** And they would not relinquish it for market rate.

**Mr. Anderson:** I never asked them otherwise. That is our business, the element of affordability, but we usually do not do the subjective process that has been attached to it.

Usually we build our affordable units where they are as of right. Going through a non- as of right process for a project this small would not have been possible for us without these other things. And, in fact, it was not possible for a couple of non-profits that looked at this site over time and chose not to do it.

**Trustee Apel:** What is the biggest expense that you are going to have?

**Mr. Anderson:** The biggest expense will be the construction costs. The biggest, or extraordinary or marginally extraordinary cost, is the site itself, which is a difficult one.

**Trustee Apel:** Because it is rocky?

**Mr. Anderson:** Actually, there is a picture of this site under rocky in the dictionary.

**Mayor Kinnally:** This is not the first developer to the dance. But it is the longest stayer. It has been an exceptionally challenging site.

**Mr. Anderson:** My friends in Yonkers recommended it to us because they thought that because we are also a builder we would be able to do it more efficiently. We found that even with our competitive advantage it was a very thin proposal.

**Trustee Apel:** I am trying to understand, if you did it a different way would you make more money and not have to do this? And could you? Is there something that we are missing here? The Planning Board has not passed this and we do not know what the final outcome is going to be from them. So we do not know what you are going to be building there. To ask for a PILOT before we know that information is premature because we do not know what we are looking at other than what you have given us.

**Mr. Anderson:** The PILOT is certainly dependent on the current number of units, and if it were lower I would come back and ask for a deeper subsidy on the PILOT side. But also understand that we are asking for a reduced amount of taxes to be paid on a piece of land that currently is not producing tax revenue. While we are managing the number down as a function of this request we are actually making a positive out of a negative. That is a significant issue for the Town of Greenburgh because the town has to make payments to the school board to make up for the lost revenue. We are adding to the tax role even though it is at a reduced rate, and not that great a reduction over time.

**Trustee Jennings:** Is there some reason why the PILOT needs to be agreed to and determined in advance of the other approvals from the Planning and Zoning Boards?

**Mr. Anderson:** There is no reason other than that it could lose other processes that are going to happen subsequent to the Planning and Zoning Boards' approvals, or expected approvals. Those are conversations with the bond market and with our bond buyers. So we want to start that process now with that positive result. When and if those other processes end positively, as well as the building department process and some other things going on as well, we would be able to start more expeditiously.

**Trustee Jennings:** We might be able to give you an assurance of a fairly level PILOT over a number of years without necessarily yet being ready to specify how high that level should be.

**Mr. Anderson:** So it might be lower than what we are proposing?

**Trustee Jennings:** Just as the taxes might go down.

**Mr. Anderson:** Right, which is actually an interesting question. That our PILOT is not in your account at this point.

**Mayor Kinnally:** That was a joke also.

**Mr. Anderson:** Thank you. The school board has essentially signed off on this, but I think wants to caucus, all in the same room, and understand exactly what our mutual obligations are. And we will present that package to you in the next 10 days or so.

**Mayor Kinnally:** We are not going to make a decision tonight anyway. One of our colleagues, Trustee Holdstein, is not here and he will have a couple of questions.

**Sue Smith, 26 Lefurgy Avenue:** The Affordable Housing Committee has been working on this site for a long time, trying to get somebody to develop it. We are delighted at the prospect of 18 units, since our goal is at least 30 at this point and we only have four. We think if this does not pull together, it is not going to happen on that site. Not that we would not keep trying, but we have had a number of developers that have come and gone. We know that there have to be some financial incentives for affordable housing to be built. The town is doing that with the cost of the property being as low as it is. In the case of what we already build, you gave the land. It is essential to have some kind of public gift to make these things come together. So in this case, this is something that is being asked of you folks as well as the school board.

**Mayor Kinnally:** Eric, we will probably be back to you with additional questions or information, but our next Board meeting is September 9 and we will try to do as much as we can in the interim, including talking to the school board, and to Neil and counsel.

**Robert Sanborn, 12 Kent Avenue:** As far as I know, there was only one RFP issued for this site. It was issued by the county several years ago, which I participated in. Since then, there has not been any other notice of interest, or solicitation of developers. I presently am employed by WestHab, a non-profit developer, the largest in Westchester County. We would be very interested in participating and providing a proposal to the committee. And alternatively, looking at for sale and, if possible, rental units and presenting a different view and a possibly different design. I do not know if that is possible. The process is unclear.

**Mayor Kinnally:** I would suggest that you talk to Sue Smith. This site has been under consideration and under review for quite a while.

**Mr. Sanborn:** So the process is basically open, at this point.

**Mayor Kinnally:** Again, you should talk to Sue Smith. I am not going to say if the process is open or not, because it is not under our aegis. It is under the Affordable Housing Committee, and they have had discussions over the years with proposed developers and with the Town of Greenburgh.

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

**Deputy Village Manager Maggiotto:** I wanted to mention the Village's experiences in the blackout of August 14, which is fading from memory quickly, partly because we weathered it so well. Everyone who was on-duty at that time—our police officers, some of them 24 hours straight, our fire department had 65 men standing down— was ready for whatever eventualities might happen. And, as it turned out, not much happened. People managed it very well. The fire chiefs were a little nervous driving around and seeing all the candles flickering in the windows because candles are one of the primary causes of home fires. They highly recommend the use of flashlights as opposed to candles. But I do thank everyone and commend everyone.

**Mayor Kinnally:** I observed it from a distance, having been on vacation at that point. I called in and heard exactly what Sue heard, that things were under control, that the fire department was on duty, the police department was certainly on duty, and that whatever concerns or calls were necessary were addressed at that time and the lights were back on at 7:46 the next morning. I congratulate and thank everyone for the cooperation that was shown. Everybody met the challenge and took it in stride. Not to minimize the discomfort and the severity of the situation, but I was reassured to hear what had happened and, more particularly, what had not happened.

**Deputy Village Manager Maggiotto:** Another success we had this summer was our camp program. Ray Gomes and all his staff also deserve a lot of thanks and congratulations. The schools were unavailable for us to use our camps this summer, and they really had to scramble, which they did. They managed to accommodate a good number of children in various sites around the Village. Lisa Carmody handled the camps directly, Jean Schnibbe involved in registration, Kendra Garrison at the pool, where kids spent a lot of the time, and of course, Jimmy Piazza. It's nice to mention all these people because they all contribute to the effort. I think any parents who had children attending the camps were very well satisfied. We got a lot of favorable comments on it.

There has been a much greater display of flags since 9-11, and many of those flags are getting torn and worn. The proper way to dispose of them is by incineration. The VFW and the American Legion together are planning a respectful incineration of old and worn American flags on Wednesday, September 10 at 7 o'clock on the grounds of the Admiral Farragut Post on Farragut Avenue. They invite anyone who has a flag that they would like to dispose of to drop it off at the Community Center or at Village Hall, and everyone is welcome to attend this brief and dignified ceremony.

Our Village-wide tag sale is on Sunday, September 21 at MacEachron Park from 10 a.m. to 4 p.m..

## **BOARD DISCUSSION AND COMMENTS (cont'd)**

### **2. Update on the Waterfront**

**Mayor Kinnally:** We are in the process of drafting, with the other parties, the consent decree to incorporate the terms of the settlement of the ARCO suit. We expect that a version suitable for reading by the Board of Trustees will be available soon after Labor Day.

**Trustee Swiderski:** What is up with the state DEC on issuing their PRAP?

**Mayor Kinnally:** It is an extremely frustrating situation, and I do not have an answer. We were promised end of August, it is now being moved into September, and I will not even venture what part of September. Part of the delay may be whether it is a PRAP for OU-1 and OU-2 separately or jointly. At meeting on the 9<sup>th</sup> I will have either a PRAP in my hand or a better idea of what the timing is.

**Trustee Swiderski:** My understanding was that it was always going to be for both the off-shore and shore version.

**Mayor Kinnally:** It has gone back and forth. For a time, it looked like it was going to be joined, and then because of certain complexities and technical difficulties with OU-2 they decided maybe we will just go out with OU-1. Your guess is as good as mine. But we have been trying to push them along, and they've been pushing back saying they are working on it.

It is very important that we get this sometime in September so we can have the necessary comment period and a constructive public review session and we do not bump into the holidays at the end of the year.

The *New York Times* article has sparked a flurry of comments from people in the area and across the county. I have gotten a number of calls and e-mails, and submissions from people who are interested in development. The article has increased our visibility and sent the message out that this is a real project, that we are moving forward on it, and that we have a fairly general blueprint as a result of the RPA initiative. Developers are saying, Let us help you with the blueprint. And we have our own ideas. So it was positive.

### **3. Kinnally Cove**

**Village Planner Walker:** One of the questions that came up at the last meeting was whether or not the cove should be lighted at night to allow kayakers and canoeists to paddle back after dusk. Eileen Bedell is here tonight from the Hudson Valley Health & Tennis Club. Ray Gomes and I met with her last week, and she has given us a number of questions and issues that we need to discuss with staff and with Brian Murphy. We discussed the lighting issue with her. In the summer they have lighting along the easement or right-of-way at the north end of the Tennis Club. They have a significant amount of lighting there for the tennis courts up until 11 o'clock from Memorial Day until Labor Day. After that the bubbles go up, and they glow but there is not that direct lighting overhead.

We were considering low-level lighting along the boardwalks, perhaps along the path when the tennis lights are not up, and maybe out to the end of the kayak-launching floating docks, so that if somebody is brining a kayak back they would be able to see their way out of the water and down the path. The idea was not to light the whole thing so that people would be encouraged to use it late into the evening because the Parks and Recreation Commission would not like to have a lot of people using the boardwalk until 11 o'clock or 12 o'clock at night. I know the kayakers and canoeists like to go out when they get home from work and stay out until after dark. So I think it is a good consideration to have something. I did not draw it onto the plan, but the idea would be to have something every 20 feet along the floating docks and along the easement.

**Mayor Kinnally:** Low-level and low-profile, not ambient lighting.

**Village Planner Walker:** Not to light the entire area, but to pinpoint the dock. It could even be solar lighting. But you might want a beacon at the end of the floating dock so people could see it from afar and then they can home in on it when they are coming back. We added another \$20,000 to the budget for that.

You have a request for proposals that I drafted. Once the concept is in place we can hire a landscape architect who would become the head of a team that would include an engineer and a habitat specialist. If we started right away we may be able to begin some construction in the spring or summer. But if we do not start this now, and we do not get the design and construction documents done over the winter, then we are looking at another year. So my thought is, can we firm up the concept so that we could get somebody working on it over the winter. If it does not go out to bid by March or April, we are not going to be able to use the summer building season.

The important thing is for the committee to hear from you that the goals of the project, as stated in this RFP, are what you would like to see happen on this site.

**Mayor Kinnally:** One of the things that came up last time is the long-term and short-term feasibility of a tidal marsh where there is a structure on the outside of the marsh that may impede the tidal motion of the area. I note here that you have consulted with Hudsonia and Creative Habitat on the feasibility of the tidal marsh.

**Village Planner Walker:** A preliminary plan was done with IQ Landscape Architects last year which showed a small tidal marsh in the corner and a boardwalk going around the perimeter of the site. We met with the Hudsonia folks and with representatives from the DEC who were habitat specialists. They both said such a small wetland is unlikely to survive, and you have got to do it in a bigger way. You also have to build some sort of breakwater to protect it from the currents and the wakes of the boats passing by. They suggested a stone breakwater that would go across the cove and create a kind of dam there, or a wooden boardwalk with these structures hanging down into the water which would attenuate the waves. So the committee and the Parks and Recreation Commission thought we could achieve two things with this breakwater. We can achieve a boardwalk that takes off right from the end of the tennis club's boardwalk and links directly to MacEachron Park instead of wrapping around the perimeter. It might be much more attractive because you are out closer to the river and away from the street. Instead of walking next to the street, you are walking almost in the river. You could have wonderful scenic overlooks from the middle of that boardwalk. If you had aquatic habitat here, you could also be overlooking the marshland, the birds and so on that would be feeding in this area.



The thought was it is either all or nothing. Either we build the whole cove as a tidal marsh and move the kayak launching out beyond the boardwalk, or we keep the beach and do not do a tidal marshland. Or we could restore some upland plantings and make it a lot more attractive around the perimeter and have it be more indigenous and natural around the perimeter, but still have a beach.

**Mayor Kinnally:** One of the concerns mentioned was mosquitoes in the area.

**Village Planner Walker:** Most mosquitoes do not breed in saltwater. There may be some species that do. But if you have ever kayaked on the Hudson River, you never have a mosquito problem. Same thing in tidal wetlands. I have kayaked in tidal marshlands in Maine, and where there were thousands of mosquitoes on the mainland, as soon as you got into the water there were no mosquitoes at all.

**Mayor Kinnally:** With this boardwalk and attenuation system that you are talking about, it would not impinge upon the tide coming in and going out, and refreshing?

**Village Planner Walker:** It still will come in and out. When we did the topographical survey of the cove we found that it is very flat until it drops off quite suddenly way out here about 10 feet beyond MacEachron Park. We are using the same grade. If we do not dredge it, it is still going to do that. What will happen, though, over time, if you do these plantings it will gradually silt up more. It is doing it anyway, but it may speed up the silting process. In a natural process this will become land over time, just the way Sugar Pond is trying to become land.

The people from Hudsonia said that if you had a deep-water channel in your marsh it would encourage more fish to lay their eggs, so you kind of create a fish nursery in here. I thought, why do we not just continue the deep channel all the way and create a little beach for launching kayaks at high tide. You would have to have a bridge for them to go under, and it may be difficult. But it may be easier to get the permits to dredge if you are creating a fish nursery, too. The DEC may look more favorably on it.

What we want to hear from the Board is, is this the correct concept? If we hire a consultant, we want to make sure that they are not going to be spending months and months, and a lot of time and money, looking at a lot of alternative plans or a lot of alternative objectives.

**Mayor Kinnally:** I have not heard a lot of feedback from the people in the Village. I would like to keep this as high visibility as possible, and to revisit this at our next meeting and use Channel 75 as a vehicle to get input. We are only going to get one shot, and it could be a fantastic opportunity for the community, not just for kayakers, but for people who would get

down there on a regular basis. It is amazing how many people use MacEachron Waterfront Park today compared to what it was ten years ago. I see the same thing here, so I want to get as much input as I can from it, and I hope the community will respond. Maybe I'll ask *The Enterprise* if they would give it a little more prominence.

**Village Planner Walker:** We made a lot of copies of the plan, and people picked it up at Village Hall. We can do that again. We also put it on the website. I got two or three e-mails that asked why we cannot have a beach for swimming. The Parks and Recreation Commission discussed that at great length. They do not think that this is an appropriate place for swimming. It is not deep enough unless you dredged it out. The problem with swimming there, besides some concern about the toxins in the river by the ARCO property, is that it is really muddy, mucky, and shallow. If you walk in you sink down to your knees in the muck.

**Trustee Swiderski:** When do we stop looking for input and when do we say we are done?

**Mayor Kinnally:** The end of September gives us time to go to design and start bidding it out. There has to be an end, but certainly give people an opportunity when they come back for either the first look or the last look.

**Trustee Swiderski:** The move of the boardwalk off-shore was a brilliant one. Anyone who thinks about it has responded positively to that idea. Lee was right when he mentioned that both Bruce and I were concerned about mosquitoes. I jokingly said that we will not have to worry about kids after dark because the hordes of mosquitoes will chase them off the boardwalk. One possible outcome of this plan would be clouds of mosquitoes, garbage and other debris captured on the wrong side of that thing, and a horrific swamp. Another outcome is birds and egrets walking around in a tidal marsh and people walking around without mosquitoes covering them. I want it to be that second one. My only concern is that whoever we hire has the expertise to tell us we are not going to be a breeding ground for mosquitoes, and that the water dynamics do not result in the trapping of debris, soap scum, everything else that you can imagine happening at this site, and all of us covering our faces in three years' time when it begins to happen.

**Trustee Jennings:** The lighting discussion was not limited to the kayakers coming out of the river after dusk and having to have the pathway lit. There was also discussion of the scenario in which people would perhaps have dinner at Harvest or be in MacEachron Park, but want to stroll down the boardwalk to the riverfront to the shops that will be there, and the activities that will be there. And everything in between, including the tennis club and Blu. The idea of lighting was really all the way up and down the boardwalk.

I am sure the mosquitos is a question that biologists and environmentalists can answer. You may be right about the saltwater/fresh water habitat, but anecdotally, from being out in the

salt marshes in South Carolina in the tidewater country, and from some experience at Constitution Marsh up by Garrison, Cold Spring, that part of the river, I am not sure it is true that there are not mosquitoes around the marshland in the Hudson River. I am concerned about people walking up and down the boardwalk, and the kids playing in the park next door, and the ambient effects of putting in a habitat which is not the habitat that has been there for these many years. We need to have our eyes open going in about the sort of peripheral effects of creating this particular type of habitat.

I feel that there is a tension in this plan between wanting to create a marsh and habitat that is for the purposes of an ecosystem that should not be disturbed, should not be full of human beings in order for it to work well, versus the goal of creating a boardwalk that is very heavily used by people, and that that is what we want. We want to encourage people to come down there as much as possible, to walk up and down that boardwalk. This is not just for a handful of kayakers. This boardwalk concept out near the water, in the water, is a wonderful concept. I agree with Peter. It is much better than putting it by the road. But it has little to do with the use of kayaks. It has a great deal to do with walking up and down the boardwalk and being close to the river. So I see a tension between wanting to have this be a place where we have a very nice ecosystem that is not much disturbed versus a very busy public place.

**Village Planner Walker:** I have been looking at new waterfront projects around the Hudson River and around Manhattan. There are two that include a habitat. One is wetland habitat, one is just upland from the water habitat. One is very heavily used. It is the Riverside South Project next to the Trump buildings. They have put in a lot of natural grasses. It is amazing how many people ride their bikes and walk up and down the pathway there. They have piers going out into the river. They are trying to create a natural habitat for birds. Another one is in Inwood on the Harlem River, where they have done wetland habitat next to a new waterfront park. The two things are being combined more and more, but I agree that the tension that is created is not easy to resolve.

**Eileen Bedell, Owner, Hudson Valley Tennis Club:** Over the next month I would like to work with legal counsel and the town to review two issues. First, Bruce, you mentioned there are going to be lots of people here. I totally agree, and our discussion was about kayakers as well as just people walking along the various promenades. The entire main vehicle for people to come out is on this easement road, which is technically my property. So the number one issue I want to understand is the legal liability I have for anybody who is hurt, any damage that is done either to my property or whatever, because that is all on my property. We need to look at the decisions that were made at the time I purchased the property five years ago as well as the ramifications of indemnification from any kind of access. That was not the intended purpose of that easement, for lots of people. It certainly is very poor in access right now for emergency vehicles.

**Mayor Kinnally:** I can assure you that the intended purpose of the easement was access for people who would be walking along the Hudson River.

**Ms. Bedell:** Correct. We will talk about the volumes and what legal liability I have for insurance purposes.

**Mayor Kinnally:** On the issue of legal liability, I do not think our counsel could tell you that. Your counsel could probably tell you that.

**Ms. Bedell:** Very good. I was told that I could get some help from the town, but I will come back to that later. I will not be supportive of anything where I have to have huge legal liabilities. Everyone knows the stories of what is going on with commercial insurance.

The second issue I will be exploring is that the property that I own was originally, and is still zoned, as a 60-slip marina. The reconstruction of the building, including the infrastructure of the tennis facility, is now complete. I will be now moving forward on the feasibility of reopening the marina, appreciating that could take quite a bit of time and is also contingent on what goes on on properties on both sides. Will this placement of the kayak launch, or the existence of a wetlands, jeopardize the zoning that I purchased, which is for a 60-slip marina? That question is the other question I will be exploring before the meeting next month.

**Mayor Kinnally:** Certainly, the tidal wetland is substantially removed from the slips that you can see the remnants of. So I do not think it would impinge upon that.

**Ms. Bedell:** I am looking for the protection of both my development rights as well as any things that come about from things such as wetlands, etc. that can come back to haunt you later on. But the assumption is that there will be a marina with motorboats in my property at some point, so we would not want that to either damage anything around the kayak launch or around the wetlands.

**Trustee Apel:** We wanted a couple of emergency lights on there in case there was a problem and we needed to look at something in the water. For safety reasons we would want to have emergency lighting.

**Village Planner Walker:** There is nothing like that around MacEachron Park right now. Would you require that around MacEachron Park as well?

**Trustee Apel:** Have not thought that far in advance. Short of having someone in a police boat going around and checking, I do not know if that is important.

**Ted Mason:** A spotlight. A big one right on the corner of the tennis court property. Turn it on in emergencies in the boat launch area. That is basically it.

#### **4. Phase II Stormwater Implementation**

**Village Planner Walker:** We need to get your opinion on whether or not we should apply, with other municipalities, for DEC grants to undertake one or more of these implementation steps for the Phase II stormwater permit implementation.

**Mayor Kinnally:** Are there municipalities which have evidenced interest in this?

**Village Planner Walker:** A number of them, yes. Susan and I met last week with a number of municipalities and representatives from Dolph Rotfeld Engineering. They were interested in teaming up to go after some of these grant monies. It appears that you are more likely to get money if you apply as a group.

**Mayor Kinnally:** Which municipalities are interested?

**Deputy Village Manager Maggiotto:** Dobbs, Ardsley, Larchmont, Peekskill, Sleepy Hollow, Briarcliff, New Castle, Bronxville, Mount Pleasant attended the meeting.

**Mayor Kinnally:** I think it is a good idea. If the money is there, and there is strength in numbers, we might as well go ahead and do it.

**Village Planner Walker:** These are steps which we might as well undertake as a group instead of all spending our individual funds on them. For example, the two things we discussed at the meeting were to develop a map showing storm sewer outfalls into the natural water bodies like the Saw Mill River or Hudson River, and that could be undertaken with Westchester County GIS. The second one which we discussed was enforcement of control measures to reduce pollutants and stormwater runoff from construction activities.

**Mayor Kinnally:** Do you need formal action from us, or just guidance?

**Deputy Village Manager Maggiotto:** Not at this point. We need to write a letter of intent to support the resolution. We can tell Mike Ritchie that we are interested, and give him the date of our next Board meeting. This all has to be done by September 30.

**Mayor Kinnally:** Is the sense of the Board that we want to pursue this?

**Trustee Apel:** Oh, absolutely.

**Mayor Kinnally:** Let us put it on for September 9.

**Trustee Apel:** When do we have to have Phase II of the Stormwater Implementation done?

**Village Planner Walker:** We have to have taken some significant steps by January 7, 2004.

## **5. Draft Trailway Map**

**Village Planner Walker:** I would like to introduce Adam Hart, who is the graphic designer and has produced this map, which we are very pleased with so far. More editing is needed, and there may be more information in terms of historic and natural landmarks. Our goal is to have this printed, produced, and ready to hand out on October 7 when we have the walkable communities workshop.

**Trustee Apel:** Adam, it is beautiful. However, some of us that are older, who maybe have the time to walk around and do this, cannot read this map. The print is too small. Under the sites of historical interest, I cannot read it at all and I am wearing glasses. I would urge you to enlarge it.

**Village Planner Walker:** A bigger map, or just bigger print?

**Adam Hart:** The printout that you have is 95% of a page size that would be 11 by 17. This is 11 by 17 that you are holding in your hand. The final size of the map when it is printed will be 12 by 18. So that is approximately 10% larger, which will help a little bit. In terms of finessing the legibility, that absolutely could be done to make the type more legible. The font is about 6 or 7 point.

The primary function of the map was to indicate where the trails are located. So as far as the historic interest and other text that you would read on the map, that must be legible. In terms of using this as a street map, that is a secondary purpose to the map. It will be enlarged so that it can be legible, absolutely. But the primary purpose is to show the trails in Hastings and the greenspace.

## **6. Boulanger Plaza**

**Deputy Village Manager Maggiotto:** This is in conjunction with the next item, the bond resolution. We want to have a resolution prepared authorizing the borrowing of the money

needed for several projects. Two of them are the fire pumper and equipment for \$460,000, and the balance at the pool that we had agreed to of \$300,000.

The third item is the Boulanger Plaza wall and lot. Neil's recommendation, which you have in front of you, is that this project should stand on its own as a project, that we should do the whole thing and bond the money to do it. With that in mind, I asked the landscape architect to review her cost estimates and give us a firmer budget, which comes out to about \$470,000. That would cover the whole project. Replacing the upper wall in the rear of the parking lot is a health and safety issue, and we need to go forward with that as soon as possible. The rest of the project would be done next August, which is the optimum time for doing anything in that parking lot, since it is such an essential site for all our storekeepers and all of us.

We need the sense of the Board. Do you want to go forward with this project, and can we go ahead and have this bond resolution prepared, including the Boulanger?

**Trustee Apel:** I do have a question on the stucco facing or the granite facing. Is the higher rate here?

**Deputy Village Manager Maggiotto:** Yes, it is. Under rear wall replacement, item number 14, for \$132,000: that is where we could reduce it if we wanted to use stucco facing and granite. When she talks about granite, what she means is both using the old granite stones from the upper wall that can be saved, and then new granite. It is not clear at this point how much of the old stone we can save. They did not want to try to create a wall exactly like the lower wall because it is so difficult to match the look. It will be a contrast, but will reference the lower wall. What they would like to do, ideally, is have most of it brick with granite interspersed in it, and then a cap and down the side. This same design would be reflected in the front plaza wall. But it does not have to be that way. It can be stucco facing, and then reusing the granite and referencing the existing wall that way.

**Mayor Kinnally:** When Christina was here, she discussed a wall along Main Street and she showed us pictures of a wall from Yonkers. It is Hudson Street at the church in Yonkers. It is very striking, and if you can have that point-counterpoint there I think it would be addressing this. Maintenance of stucco is difficult. If she can come up with something that is similar to what they have down on Hudson Street, you should go down and take a look at it.

**Deputy Village Manager Maggiotto:** Another place where you see the combination of brick and granite is in the Manzi's building next door. Along the sides of the building are insets of granite on the red brick.

**Mayor Kinnally:** There has been a lot of discussion at the ARB about incorporating and saving that granite and the brick, so I think it would be great. I am never anxious to spend a lot of money, but I would like to see us at least put a provision in there for pursuing that. We are not authorizing the money, we are just doing a bond resolution. So I would rather have that and see the best job we can get, and then make decisions.

**Trustee Swiderski:** I agree.

**Mayor Kinnally:** That cares care of the bond resolution item.

## **8. Greenburgh Mobile Command Post/Communications Vehicle**

**Mayor Kinnally:** This is a series of correspondence we have had. It first came to Chief Marsic, and then it was pursued with Chief O'Sullivan. I would like to talk to the police and fire chiefs about this, because we have our own command vehicle.

**Deputy Village Manager Maggiotto:** We had an Emergency Response Team meeting last week to review the blackout operations, and we discussed this at that meeting with the police personnel and the fire department. That was exactly the point that they made. We, as a village, do not have a use for this vehicle. We have our own command central. They felt that while it might be a nice thing for the other communities to have, and to have access to, this is Greenburgh's vehicle that Greenburgh is going to be using. They are not going to parcel it out. This vehicle would not enhance our ability to communicate either internally or with other municipalities. We can do that now. So it is a question of whether you need to jump on board or not go along with it. They put us in kind of a tough position.

**Mayor Kinnally:** They did put us in a bind. This happened before with the fly car, the backup where there is a cardiac call with the ambulance. There has to be a fly car responding if there is not a certified EMS. There was more of a justification and rationale for that, but I am not so sure this is needed by us. If it is a town-wide emergency, it is not going to be here. If it is only a Village emergency, we have it. It may be well-intentioned to allow for the villages to opt into it, but it is a cost-sharing move more than anything else.

**Trustee Apel:** If we do not opt into it, then the others will. We do not have to.

**Mayor Kinnally:** We do not have to. The others may. I do not know what they want to do.

**Deputy Village Manager Maggiotto:** So far, Irvington has.



**Trustee Apel:** I think the question would be is, if they opt to do that would the Town of Greenburgh then tax us anyway?

**Trustee Swiderski:** My take is he is just looking for political cover. He is not asking anything more than a letter of support, right?

**Trustee Apel:** Yes, but he said that the cost would be borne by the residents of the Town of Greenburgh to a tune of a dollar a household.

**Deputy Village Manager Maggiotto:** The tax could just be imposed on the residents of the unincorporated part of the town. Instead, he wants to spread it across the whole town, on the theory that the whole town will have use of this vehicle and will benefit from it.

**Mayor Kinnally:** Should I talk to him at this point, or will we get any more information? Do we need it? You are saying we do not need it.

**Deputy Village Manager Maggiotto:** I do not think we need any more.

**Trustee Jennings:** I think we are ahead of the curve.

**Mayor Kinnally:** I think so, too.

**Deputy Village Manager Maggiotto:** I can respond that we feel that our needs are met already with our own preparations, and we cannot in good conscience incur the expense for our own residents who would prefer that it would be handled by the unincorporated town.

## 9. Other

**Trustee Swiderski:** Was there ever a discussion on the Zinsser bridge with Paul Feiner?

**Village Attorney Murphy:** A letter was sent to him with all of the relevant labeled points. I do not know, since it came from Neil, whether or not there has been a response.

**Mayor Kinnally:** Not that I know of.

**Trustee Apel:** We asked to have a meeting with everybody altogether, and we have not heard that either.

**Village Attorney Murphy:** Yes, that was requested. It was requested that there be a meeting between the Village and the town to explore this and the importance of an immediate, or very rapid, resolution of the issue.

**Mayor Kinnally:** I would suggest that Neil follow up on that with Paul. And not deal with Susan Mancuso, but with Paul at this point.

**Mayor Kinnally:** Everybody got the letter from Roberta Carmel about the deer in the Village, and I talked to Neil and the DEC about it. It came up a few years ago with the DEC and the Aqueduct, and the DEC acknowledges there is a problem and that is about it.

What people are talking about are two distinct problems. The first is the nuisance of having deer in our gardens and eating our greenery. The second is the health and safety aspect of it, with Lyme disease, but also health and safety with motor vehicles. We lost a patrolman to retirement because of a collision with a deer. It is a real problem and we are not alone. An e-mail went out from some of the other mayors about this, and we are going to continue talking. It is a village problem, but it is not a village solution.

**Trustee Apel:** It would be great if all the mayors, and we, got together and made some sort of decision. It may be that it is a county thing and we have to sit down with Andy Spano, or the state, or whatever.

**Mayor Kinnally:** It is a county and a state thing. The board of health is county. There is a state health department, but they do not do this. The whole wildlife thing is state DEC. A number of suggestions have been floated about. A number of communities in this area and on Long Island have looked at this, and they range from killing the animals to trapping and transporting them. But the communities to which you would be transporting these critters have the same concerns that we have. Many minds are going to have to come up with a pretty good solution. Neil has talked to Paul Hammons about this and Paul has given me a lot of information. I have passed it on to Neil, and we will have to continue talking. A lot of notoriety is given to West Nile, but it is probably more of a health concern with the deer and Lyme disease.

**Trustee Apel:** Dick Ward was supposed to send us a report on the breakdown of the original versus what was bid report, and we have not got it.

**Mayor Kinnally:** Did you get that, Susan? Can you ask Dick?

## **PUBLIC COMMENTS**

**Planning Board Member Bill Logan, 532 Broadway:** I wanted to discuss the issue of pool lighting. This is a topic where there is water under the bridge. A lot of approvals have already been granted. However, the chronology that I am aware of is Ward Associates created a set of documents which were presented and reviewed. Another part of the chronology is that we had a member of the community who sent an e-mail to Neil Hess, Andrew Gross, who is here tonight also. He is a lighting professional. He raised a concern based on his experience. I spoke to Neil about it briefly. My perspective, in addition to being an architect and a resident of the Village and also on the Planning Board, is that I have been spearheading some of the lighting issues from the Planning Board's perspective.

The concern was the whole strategy of using 80-foot poles with stadium-style lighting. Neil sent the drawings to me. I have reviewed them and I have made some written comments, which I would like to summarize briefly.

**Mayor Kinnally:** We probably need Dick Ward for this. But we would be happy to listen.

**Planning Board Member Logan:** I reviewed the drawings for quality of life as well as code issues. The scheme is two 80-foot poles. Eighty feet is really tall, taller than just about any tree in the Village. And there is a total of 44 fixtures, each of which is 1,500 watts. This is over 60,000 watts of light. This is a stadium-type lighting design. The CitiBank parking lot has a 35-foot pole with three 1,500-watt fixtures. And that is a very bright installation. This is many times that. The immediate concern, aside from light spilling into the atmosphere and destroying our dark skies and our ability to see the sky, is issues that are addressed in our code: light trespass, light spilling onto adjacent properties, creating glare, creating a dangerous situation for drivers going up the hill to the pool. This is like the U.S. Open. The code has language which specifically prohibits light trespassing onto adjacent properties and creating glare. There is also a section of the code that relates to pool lighting, in particular. It has similar language about light trespass. Light trespass is basically your ability to see the light source from adjoining properties.

The Village planning principles talk about new construction preserving the scale and character of the Village. Probably you have to go to the New York Thruway to have anything that is comparable to this, or to a stadium.

**Mayor Kinnally:** Bill, one of the problems that we have is that we are acting under the Westchester County health code. What alternatives do we have?

**Planning Board Member Logan:** The health code, as I understand it, mandates 50 foot candles at the level of the deck and at the level of the pool. I think Mr. Gross has done some

analyses of what some of the alternatives might be, and I am sure there is a range of alternatives. But I would just like to talk about the downside of what we have here. These 80-foot poles could potentially act as lightning attractors. They are the tallest metal object anywhere in the Village, with the possible exception of the water tower. Do we really want these lightning RODS next to our pool, our children, and our adults. They have 60,000 watts of energy going through this. It is a huge amount of energy. There are also 44 fixtures suspended over the heads of the people that are going to be using it.

**Mayor Kinnally:** I understand this. I am trying to move to alternatives. We are not crazy about when the county came back and talked to us about the lighting fixtures. It cost us a lot more money. It is going to clutter the deck. All of what you are saying may be true. What are the alternatives? I am willing to people to work on alternatives. We talked about having fixtures in the pool. The concern is the penetration of the lighting to the bottom of the pool so that we comply with the Westchester County code. The last thing we need is anything which is a monstrosity here. Our understanding was that this was needed to comply with Westchester County's standards.

**Trustee Jennings:** Not only was it that it had to be bright enough to see to the bottom of the pool, but they required that all the deck surfaces, not just the surfaces around the water, be illuminated to the level they specified. That was the additional requirement which came later. All of us on the Board have been concerned about the effect on the neighborhood of the ambient lighting. We were assured that the kind of lighting that was being planned was a kind of lighting that just went down, not out. We have been given assurances that it would not be such a big problem for the neighbors. If that turns out not to be true, we should explore alternatives.

**Andrew Gross, ½ Crossbar Road:** I have been in the lighting business since 1992, serving time as the national sales manager for a lighting manufacturer, currently working for a lighting representative in Westchester County. I found out about this project by accident, by WHOH-TV, when I heard how far over budget the lighting plan had gone. I ran into the sales manager for Musco Lighting, the lighting that has been proposed for the project. He assured me that 80-foot poles on an uphill side of a neighborhood would not put light into that neighborhood. I cannot see it. I think you could read *Esquire* magazine on the porches in the back yards of some of those homes at night if those lights go in.

**Mayor Kinnally:** My suggestion is that if you have any information you can pass it on to us, and we will pass it on to Ward. If he wants to have a discussion with you, that would be beneficial to all of us.

**Mr. Gross:** That is fine. I do not want to be the authority. I have a proposal. Each one of these points is a lighting level on the deck and around the building. This was done with 25-foot poles, 750-watt floodlights, approximately a 20,000 watt savings of lighting usage on the town's part. I do not know installed cost. I do know to install an 80-foot pole you need a minimum 10 foot deep by approximately 6 foot wide hole, plus crane work.

**Mayor Kinnally:** How many poles are you talking about there?

**Mr. Gross:** I am talking 18 poles, 25 feet high.

**Trustee Apel:** Are you saying that is the equivalent of the lighting that is proposed now?

**Mr. Gross:** No. I am saying this is better.

**Trustee Jennings:** This would meet county code?

**Mr. Gross:** Yes, it would. County code is 50 foot candles from edge of pool deck to edge of pool deck across the surface of the water. I have never seen anything in the code that says anything about penetration of the water. Because you really cannot do a light reading underwater.

**Mayor Kinnally:** Did he not discuss penetration of the water?

**Trustee Apel:** Yes.

**Trustee Jennings:** That is the way it was presented to us. See the bottom of the pool.

**Mr. Gross:** I assume they are proposing that the 50 foot candle reading on the surface of the water would give you that.

**Mayor Kinnally:** I do not know. But we talked about installing lights similar to what we have now in the main pool to accomplish just that, and he said you would not get the penetration. But we will pass your information on to Ward. I will leave it to him, and Susan if you can talk to him, to reach out to you. The downside to what you show there is that it is clutter. How close to the pool would those stanchions be?

**Mr. Gross:** These are mounted just outside the pool deck. This is a first showing to the Board that it can be done a different way, more in scale with the town, more in scale with the rural neighborhood that it is in. You cannot just think about the light that is coming down.

You have to think about the reflection off the pool deck. With that amount of light reflecting off the pool deck, you are going to be the bright star from the other side of the Palisades.

**Deputy Village Manager Maggiotto:** What is the depth required for the footing?

**Mr. Gross:** A 25-foot pole uses about a 3-foot by 18-inch wide footing.

**Mayor Kinnally:** From a hardware standpoint, what would the equivalent cost be?

**Mr. Gross:** I do not know what your costs were on the other, and I do not have any installed information. I can tell you that material-wise, I threw down some quick numbers; to the contractor this would be under \$70,000 in materials.

**Planning Board Member Logan:** There may be several solutions that we can optimize. Maybe with the ARB we can site these things sensitively, and we can make sure we get the foot candles where they need to be.

**Mayor Kinnally:** I do not know if we want to get the ARB involved.

**Planning Board Member Logan:** Maybe not the ARB, but at least go through a couple of cycles of feedback. What are the advantages of this, what are the advantages of the other, and then optimize this design.

### **ADJOURNMENT**

On MOTION of Trustee Jennings, SECONDED by Trustee Swiderski with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 10:30 p.m.