

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**REGULAR MEETING**  
**JUNE 22, 2004**

A Regular Meeting was held by the Board of Trustees on Tuesday, June 22, 2004 at 8:20 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 Manager Neil P. Hess, Village Attorney Brian Murphy, and Village Clerk Susan Maggiotto.

**CITIZENS:** Five (5).

**APPOINTMENTS**

**Mayor Kinnally:** I would like to announce the appointment of Dr. Sheldon Sorokoff as the alternate member of the Zoning Board of Appeals, and I thank him for agreeing to serve.

**APPROVAL OF WARRANTS**

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

Multi-Fund No. 3-2004-05    \$167,366.76  
Multi-Fund No. 5-2004-05    \$318,677.70

**50:04 LOCAL LAW NO. 5 OF 2004 - AMENDED ZONING MAP**

**Village Manager Hess:** We have had a public hearing on this local law. The Board has had an opportunity to review the zoning map. The Planning Board has reviewed the zoning map. Some minor changes were made from the initial draft, putting in some of the paper streets that were not included on this map. The cluster zone areas are now included on the map also. We recommend its approval.

On MOTION of Trustee Jennings, 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. 5 of 2004 adopting the amended Zoning Map of the Village of Hastings-on-Hudson as follows:

BE IT ENACTED by the Board of Trustees of the Village of Hastings-on-Hudson as follows:

Section 1. The Zoning Map of the Village of Hastings-on-Hudson is hereby amended as shown on the attached map, which (1) reflects the Downtown Zoning adopted on January 21, 2003, and (2) identifies property-specific zoning as incorporated into the Geographic Information Systems (GIS) data base.

Section 2. Section 295-7 of the Local Zoning and Planning Law of the Village of Hastings-on-Hudson, New York is hereby amended by replacing the date "May 1, 1979" with the date "June 22, 2004."

Section 3. This local law shall take effect immediately.

<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	

**51:04 NEGATIVE DECLARATION MIXED USE PLANNED DEVELOPMENT DISTRICT AND REZONING**

**Village Manager Hess:** A negative declaration is a determination by the lead agency that an action will not result in a significant adverse environmental impact and, consequently, no EIS will be prepared. The action the Board is talking about tonight is only the MUPDD zoning, not any specific concept plan, not Artists Walk.

If the Board makes changes to the MUPDD or adopts some other type of zone, we will have to do an EAF and go through that process again. What you are saying is that the MUPDD zone reduces potential impacts from any development as opposed to the LI zone. That was itemized carefully by the attorney's office. There are standards and thresholds that have to be met to issue a negative declaration. Those have been met by the resolution. But a neg dec cannot be based on future studies. A neg dec can only be based on a comparison of what was existing versus the new zone. That is not to say the new zone is going to be adopted as such. We will have the discussion of the MUPDD zone at the July 13 meeting with our attorneys, Angie Witkowski, and the Planning Board.

**Trustee Jennings:** If we make substantive changes to the proposed zone before adopting it, and then have to reconsider a neg dec, why do we not wait and do this after we have acted on the zone?

**Village Attorney Murphy:** You are confronted with a moratorium issue, and it has been extended three times. The courts frown on extended moratoriums. They were specifically taken to allow the Village to study and enact. So if you continue to attempt to pass moratoriums you will have mega-problems.

**Village Manager Hess:** Issuing the neg dec at this time does not harm us at all. It does not put you in any position on MUPDD other than to say that zone has a lesser impact than the LI zone.

**Trustee Jennings:** It does not do any harm to do it, but if we do make changes it will not speed things up either. This ticking on the moratorium issue may not be mitigated by our action tonight, but maybe it will. It is worth a try.

**Mayor Kinnally:** Could we change the zone without having a declaration one way or the other?

**Village Attorney Murphy:** No, a zoning change requires some form of declaration, positive or negative, on the SEQRA, or a conditional dec. You have to comply with SEQRA.

**Trustee Swiderski:** I am not sure the rezoning would be as benign as some of the points make it out to be. I am not sure it is worth voting against it over the couple of points. In the balance, this is accurate. But it is in the balance I find disagreement with a couple of the points.

**Mayor Kinnally:** Using Peter's phrase, is this essentially a balance sheet? You take what is existing versus which is proposed and say does it cancel it out, or is it worse, or better?

**Village Manager Hess:** Are you improving the potential impacts from any development in the future from zone A to zone B, from LI to MUPDD?

**Trustee Swiderski:** In balance, I would say yes.

**Trustee Apel:** I agree with Peter because there were some that I do not care for in here either. But it is fine.

**Ida Billet, 86 Kent Avenue:** I have a negative declaration of my own. I am here because my neighbors and I are very concerned about the negative impact of further development of any properties, particularly contiguous to our neighborhoods, but in Hastings in general to the Saw Mill River Road, to the Ridge Hill shopping center. But we are counting on your wisdom, on your past actions as a Board, to be cognizant of the need for wisdom and prudence in considering the impacts of any development on the life that we lead in Hastings. I feel like a living archive. I have lived where I have been for 44 years. I have seen traffic on Ravensdale Road go from a trickle to a torrent. If there were not stop signs on our corners we would be hard put to get out of our neighborhood.

**Mayor Kinnally:** We have to limit our comments to the proposal in front of us, and that is the negative declaration.

**Ms. Billet:** The negative declaration, I understand that it will be studied further, and we will be here to follow that.

**Lorraine Kuhn, Ardsley:** I disagree with the negative declaration concerning public health and safety. By allowing the zoning change, which includes allowing housing on this site as it exists, which may be contaminated and is too close to chemical plants, you may well be creating a negative impact on public health and safety.

**Susan Newman, representative - Ginsburg:** I am a representative of Ginsburg Development, and I also live in Hastings at 37 Hollywood Drive. With respect to housing, the LI zone currently allows for housing provided it has ground floor retail. That is part of the CC zone in the Village, and this encompasses all of the allowable uses in the CC zone. So to the extent that housing is already present in the LI, this change, which might include housing, is no more impactful on public health and safety than the existing zone.

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

**WHEREAS,** approximately ten years ago, a proposal for a supermarket on the 7.45 acre parcel on the west side of Route 9A in the northeast corner of the Village (“9A parcel”) was made to the Village, and

**WHEREAS,** even though a supermarket was a permitted use in the Limited Industry (LI) district, in which the 9A parcel lies, the proposal did not receive necessary Village approvals because of serious concerns

about the impacts of the supermarket, including impacts on traffic and the downtown business district, and

**WHEREAS,** subsequently a proposal was made to rezone the 9A parcel to permit a 157 unit multi-family residential development, and

**WHEREAS,** during the course of the State Environmental Quality Review Act (SEQRA) review of that proposal, the proposal was modified to reduce the number of residential units and add some retail use, and

**WHEREAS,** the Village of Hastings-on-Hudson retained the planning firm of Stuart Turner & Associates (STA) to recommend the most appropriate uses for the 9A site, and

**WHEREAS,** in February 2004, STA submitted a "Report to the Village of Hastings-on-Hudson Regarding Use and Zoning of Route 9A Site," which included a number of recommendations for rezoning the 9A parcel, and

**WHEREAS,** the Hastings-on-Hudson Planning Board considered the STA Report, along with the "Community Vision Plan for Comprehensive Planning and Strategic Action Plan," dated August 1999, and

**WHEREAS,** the Planning Board recommended to the Board of Trustees that regulations for a new zoning district, the Mixed-Use Planned Development District (MUPDD), be enacted and that the 9A parcel be rezoned to the MUPDD, and

**WHEREAS,** on May 18, 2004, the Board of Trustees declared itself Lead Agency for the SEQRA review of the proposed action, and

**WHEREAS,** the Board of Trustees conducted a public hearing on June 8, 2004, relative to the proposed MUPDD regulations and the rezoning of the 9A parcel to MUPDD, and

**WHEREAS,** the Board of Trustees reviewed the Full Environmental Assessment Form, prepared in compliance with SEQRA, a copy of which is attached, now therefore be it

**RESOLVED:** that the Board of Trustees determines that the proposed action will not have a significant adverse impact on the environment and does not require an Environmental Impact Statement for the following reasons:

1. The proposed rezoning will not have a significant adverse environmental impact as a result of any physical change to the project site. The proposed rezoning will have positive environmental impacts in that it requires that the entire 7.45 acre parcel be developed in compliance with a coordinated concept plan. In addition, it imposes buffer requirements and development limitations that are not in the existing zoning requirements for the site.
2. The proposed rezoning will not have a significant adverse environmental impact on any unique or unusual land forms.
3. The proposed rezoning will not have a significant adverse environmental impact on any water body designated as protected. The proposed rezoning imposes greater setbacks from the Saw Mill River than the existing zoning requirements.
4. The proposed rezoning will not have a significant adverse environmental impact on any non-protected existing or new body of water.
5. The proposed rezoning will not have a significant adverse environmental impact on surface or groundwater quality or quantity. The proposed rezoning eliminates uses more likely to affect water quality, such as cleaning, dyeing or laundry establishments and chemical plants.
6. The proposed rezoning will not have a significant adverse environmental impact as a result of altered drainage flow or patterns, or surface water runoff.
7. The proposed rezoning will not have a significant adverse impact on air quality. The proposed rezoning eliminates uses more likely to

affect air quality, such as chemical plants. The proposed rezoning also eliminates many of the uses that are more likely to generate large amounts of traffic, such as restaurants, banks, and retail uses larger than 1500 square feet.

8. The proposed rezoning will not have a significant adverse impact on any threatened or endangered species. The proposed rezoning imposes greater buffers and setbacks from the Saw Mill River than the setbacks in the existing zoning.

9. The proposed rezoning will not have a significant adverse impact on any non-threatened or non-endangered species. The proposed rezoning imposes greater buffers and setbacks from the Saw Mill River than the setbacks in the existing zoning.

10. The proposed rezoning will not have a significant adverse impact on any agricultural land resources.

11. The proposed rezoning will not have a significant adverse impact on aesthetic resources.

12. The proposed rezoning will not have a significant adverse impact on historical and archaeological resources.

13. The proposed rezoning will not have a significant adverse impact on the quantity or quality of existing or future open spaces or recreational opportunities. The proposed rezoning imposes greater setback requirements from the County Trailway than the existing zoning does.

14. The proposed rezoning will not have a significant adverse impact on the exceptional or unique characteristics of a critical environmental area.

15. The proposed rezoning will not have a significant adverse impact on existing transportation systems. The proposed rezoning will have a positive impact in that it eliminates many of the uses that

are more likely to generate large amounts of traffic, such as restaurants, banks, and retail uses larger than 1500 square feet.

16. The proposed rezoning will not have a significant adverse impact on the community's sources of fuel or energy supply.

17. The proposed rezoning will not result in objectionable odors, noise, or vibration. The proposed rezoning will result in positive impacts in that new requirements specifically prohibiting such impacts are imposed for any research facilities.

18. The proposed rezoning will not have an adverse impact on public health and safety.

19. The proposed rezoning will not have a significant adverse impact on the character of the existing community. The proposed rezoning will have a positive impact on village character in that it eliminates uses that will generate large amounts of traffic and uses that compete with the downtown business center.

20. Although the proposed rezoning is likely to generate some public controversy, the Board does not believe that this is a significant environmental impact.

**ROLL CALL VOTE**

**AYE**

**NAY**

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

**52:04 MUNICIPAL BUILDING MASONRY WORK FRONT ENTRANCE STEPS**

**Village Manager Hess:** You have seen the proposal from Mr. DiLeo. This work will be completed in July and it should be a great improvement to the front of the building.

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 approve the proposal of Danny DiLeo Masonry and Carpentry, Eastchester, New York for removal of the Municipal Building front entrance steps and replacement of same with bricks and bluestone in the amount of \$17,500 to be paid from bond proceeds.

<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	

**53:04 SALARY CHIEF OF POLICE**

**Village Manager Hess:** The Board of Trustees, after due consideration and evaluation, has made a determination of salary for the Chief of Police at \$115,000.

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 salary for the Chief of Police at \$115,000 effective June 1, 2004.

<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	

**54:04 SALARIES PART-TIME PERSONNEL**

**Village Manager Hess:** This is based on review and evaluations of part-time personnel, and these were the recommended rates.

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



**RESOLVED:** that the Mayor and Board of Trustees approve the sale of surplus vehicles to Constantine Shikarides for \$2,551.00 and North White Auto Inc. for \$302.00.

<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	

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

**Village Manager Hess:** Spring Thing last Saturday was great. I have heard nothing but very positive comments. I want to compliment Linda Knies, who put it all together. We had approximately 100 vendors, and everything went very smoothly. She did a great job, as usual, for the Spring Thing.

All the comments relative to the Community Center have been forwarded to the architect. I have asked them for a time frame on when they are going to come back to the Board to present a second layout and plan, and evaluation of the potential second floor on the building, or a partial second floor. It will include things such skylights in the main room, decking on the back, and some of the other Board comments. I suggested September 14 or August 17.

I am planning that this pool is going to open Friday morning at 10 a.m. We had our health department inspection yesterday. They only had seven minor items on the punch list. There is a follow-up inspection tomorrow afternoon. Just to give you some ideas, the bottom of the fence can be no more than 1-1/2 inches off the ground. The inspector went around the entire facility, around the fence, with a measuring tape. There were two sections that were a little high. Those have been changed.

The depth has to be within 1/4 inch of what it says on the tile. If it is incorrect, that tile section has to be changed, and they did have to change a tile section because it was an inch or so off. When they made up those tiles it was at the time of design, not of construction. When the inspector goes through her inspection tomorrow, she has the right to come up with other items. But she was very pleased with the construction.

We have the operational inspection on Thursday at 2:30. That is a different person who checks all the valves and the operation of the filters to make sure they are all functioning properly and that all chlorine and pH levels are correct. Because of the size of the main pool we are still filtering it. We should see good clearance on that pool by noon tomorrow. It is being filtered all night tonight. Ray is going up there about 10 p.m. to check it, and if it needs to be backwashed it will be backwashed and the filtering process will continue.

The pool will be open Friday at 10 a.m. It will run from 10 a.m. to 8 p.m. all weekend. Friday and Saturday it is open to the general public. We will be open, selling permits, on Friday until 5 p.m. and on Saturday from 10 to noon. For the membership, the first drawing for the Yankee tickets will be next Monday. So you have until Monday to sign up for the pool if you want to be eligible to get those Yankee tickets for July 22.

**Trustee Apel:** What is the rate people will be paying?

**Village Manager Hess:** The rates have all been reduced by the Board by 10% for the season. The early bird rate will run through the weekend. We will extend it through Monday.

**Trustee Swiderski:** The Kleins had raised an issue about the night lighting. Was there any fine tuning done since that e-mail?

**Village Manager Hess:** They had another test last night at 9 p.m.. Don Ruda, the gentleman who was here when we had the lighting discussion, said the lights will be tweaked a bit because we have to have that 50 foot candle level on the decks and on the pool. We have to do some minor trimming of trees by the training pool. They checked the lighting level outside the fence and it was at a minus-5, so the light is not shining outside the pool area. As this flashlight demonstrates, I am not shining the light on you but you can still see it. That is the issue up there; they can see the light. But it is not illuminating the back yard or the house.

**Mayor Kinnally:** I was there and it was pitch black on the pool road because the two street lights have not been re-hooked up. I saw the Kleins and observed what they were talking about. There is no lighting on the house or on the property, but they are complaining that they can see the light. I pointed out that the light from the street light cast light on the patio, and she said she has learned to live with that. But there is no difference in the illumination of their house whether the lights at the pool are on or off. It is amazing how you go from direct darkness to light. You can draw a line across the road. There is absolutely no feathering of that light.

**Trustee Swiderski:** I had somebody call me from Valley Place and they said that the lighting was remarkably limited. Just a glow on the horizon. Very pretty, if anything. It was not particularly disruptive. It was quite subtle.

**Village Manager Hess:** We are excited. We are really looking forward to it. Ray Gomes has taken some tremendous heat over the last couple of months, but I want to compliment him. He has worked a solid 40 days up there without any time off, and he has been going up there every night checking. He has done a tremendous job keeping this thing going and getting staff up there to help out, and we are going to be open.

**Mayor Kinnally:** We have all had frustrations and comments about the pool. I saw Ray on Friday night, Saturday, Sunday of this past weekend, last weekend, Memorial Day. And whatever has happened or has not happened at the pool is not the result of Ray's not being there and riding herd on everybody. He has spent a lot of time up there and it has taken its toll on Ray. He will be very happy when this pool is open.

**Village Manager Hess:** The last time we did a major renovation was 18 years ago. The last superintendent of recreation prior to Ray recommended the renovation and then left.

[laughter]

Ray came in, and in his first month had to finish up that renovation. He is experienced in pool stress. He was the pool director in the Village of Scarsdale before he came here, as a rec supervisor. Ray knows pools.

**Mayor Kinnally:** The old filter room was one scary prospect, with all the chemicals and everything. This one is highly sophisticated, and the difference is night and day. It is a different kind of filter, and that is part of both the learning curve and the turnaround time of getting the initial cleanup done. But as Ray says, this is a very sophisticated, highly technical operation.

**Village Manager Hess:** Ray is one of the few superintendents who is a certified pool operators.

**Trustee Apel:** What is the outside tank?

**Mayor Kinnally:** Chlorine storage. It is outside, it is accessible, it is much safer. Ray was really concerned about the health and safety of the workers and the users of the pool. The

bathroom looks pretty good, too, all things considered. The roofing looks good. The painting looks very good.

## **BOARD DISCUSSION AND COMMENTS**

### **1. Update on the Waterfront**

**Mayor Kinnally:** I spoke with Mark Chertok and we are trying to get a meeting with Mike Gerard to talk about public space and access on the waterfront. We want to get some commitment on the environmental trust fund, start drawing down some of those funds, and maybe we can have further discussion about the cove.

**Village Manager Hess:** Angie and Susan are meeting with Dave Kalet and Phil Karmel at the site.

### **2. Other**

**Trustee Apel:** Could we get a report from Angie on anything that is outstanding? It would be helpful to know the status of some of the projects that are going on.

**Trustee Swiderski:** A proposal was raised to me in regard to the pool, if it could be forwarded to the Parks & Recreation Committee. The idea was that chairs be made available at the pool, plastic or Adirondack style. It sounds like a sensible amenity that would not cost more than a couple of hundred dollars.

**Village Manager Hess:** The problem is storage: where do we store these chairs day to day? But we will take a look at it. I know they have discussed it before.

**Trustee Swiderski:** We seem to have run out of steam on the cove, but we did get a request that a kayak launch be built. It will not happen this year?

**Village Manager Hess:** No, we are looking at a temporary this year.

**Trustee Swiderski:** One of the reasons we stalled out was discussion of the marsh grass or not. We can debate mosquitoes and marsh grass till the cows come home, but it would be great if we could move along the other components which everybody was in accord on.

**Village Manager Hess:** If I recall the discussion, part of that grant was conditional on that marsh area. That is maybe where we got hung up. It was a mitigation to DEC.

**Trustee Swiderski:** It would be great if we woke up that idea. It is an eyesore, and it just cries to be utilized in some productive fashion.

**Village Manager Hess:** Ray has gotten information on temporary floating docks that we can put out there and anchor so people can go out from the end of the walkway at the south end of the cove.

**Mayor Kinnally:** I had a conversation with a member of the Safety Council, and there is going to be a recommendation concerning utilization of the area around the high school and middle school for drop-off. We ought to get that and have it on our agenda for July 13. We ought to send it also to the school board and the police department.

**Trustee Swiderski:** I forwarded a letter to Mr. Martinelli in Yonkers on the Ridge Hill issue. I will forward that to the Board.

**Trustee Apel:** We had a joint meeting with the school board. Is there anything in the recommendations that we made that we need to discuss this summer?

**Mayor Kinnally:** No, you better talk to the school board about what they feel happened that evening because there is a difference of opinion as to the effectiveness of those recommendations. I would talk to your colleagues on the school board as to exactly what was accomplished that night in connection with the recommendations and whether or not it is binding, or effective, as to both boards.

### **EXECUTIVE SESSION**

On MOTION of Trustee Apel, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Board scheduled an Executive Session immediately following the Regular Meeting to discuss personnel.

### **MEMORIAM**

I would note the untimely and tragic passing of former resident of the Village, Chuck Fleming. He grew up here, he was a star athlete in Hastings, and a member of the Board of

BOARD OF TRUSTEES  
REGULAR MEETING  
JUNE 22, 2004  
Page - 16 -

Trustees in Dobbs Ferry. I would like to have a motion to adjourn this evening in his memory.

**ADJOURNMENT**

On MOTION of Trustee Apel, SECONDED by Trustee Jennings with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 9:20 p.m. in memory of Chuck Fleming.