

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**REGULAR MEETING**  
**JANUARY 18, 2005**

A Regular Meeting was held by the Board of Trustees on Tuesday, January 18, 2005 at 8:15 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Mayor Wm. Lee Kinnally, Jr., Trustee Michael Holdstein, Trustee Bruce Jennings, Trustee Marjorie Apel, Trustee Peter Swiderski, Village Manager Neil P. Hess, Deputy Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto.

**CITIZENS:** Twelve (12).

**APPROVAL OF MINUTES**

On MOTION of Trustee Holdstein, SECONDED by Trustee Apel with a voice vote of all in favor, the Minutes of the Regular Meeting of December 7, 2004 were approved as presented.

On MOTION of Trustee Apel, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Minutes of the Regular Meeting of December 14, 2004 were approved as presented.

**APPROVAL OF WARRANTS**

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

Multi-Fund No. 62-2004-05 \$9,270.14

**6:05 PROTEST PETITION**

**Mayor Kinnally:** A resolution on the protest petition is noted on the agenda but a draft resolution is pending a discussion. The Board of Trustees met in executive session with counsel immediately prior to this meeting and had a far-ranging discussion concerning the protest petition that was filed by Purdue Pharma in connection with the rezoning of the old Ciba-Geigy property on 9-A.

The Board of Trustees has decided to accept the protest petition, but the acceptance of the petition was not unanimous. What was unanimous was the Board's displeasure at the way the protest petition was submitted by Purdue Pharma and Purdue Pharma's attorneys; the contents of the protest petition; the reaction and lack of response by Purdue Pharma and their counsel to requests made by counsel for the Village and the Village Board for backup information that would help us determine whether or not the protest petition was valid; the

last-minute nature of the submission of the protest petition. The displeasure of the Board extends to the Millsaw petition that was rejected by the Board previously. Our disappointment and misgivings concerning the Purdue Pharma petition were mirrored even to a greater extent with the Millsaw petition.

But the Board has decided to accept the protest petition, for a number of reasons. One of the concerns that the Board has is that in the future our accepting this petition will not be in any way a measure of what the Board would do, or what the Board would consider, in any future protest petitions that may be lodged on any subsequent rezoning done by the Village Board.

**Trustee Jennings:** I would like to underscore the last point. We do not consider our decision tonight to be setting a precedent in any way as regards our handling of future protest petitions, either by Purdue Pharma or anybody else.

**Mayor Kinnally:** It is my feeling and the feeling of my colleagues that our job was made much more difficult, and it was a much more lengthy process than was needed, because of the contents of the initial submission and the subsequent submissions that were given to us.

The Board was somewhat hamstrung by what was given to us and what was not given to us. For that reason, we are in the middle of January working on something we initially dealt with in November. We spent a lot of time and a lot of executive sessions on this: calls to New York State, the attorney general's office, the secretary of state's office, the New York Conference of Mayors, and a number of other resource people.

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 accept the Protest Petition filed on behalf of Purdue Pharma in connection with the rezoning of what we know as the 9-A site.

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
Trustee Michael Holdstein		X
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:** The Board is starting the process of the recruitment for my replacement. The firm Bennett Yarger will be here next week conducting about 20 interviews with members of the Board, staff, and community leaders. The Board has sent out an e-mail to the community asking for input. We have received only seven or eight responses, so I urge people to respond with that information for the recruiter.

The Town of Greenburgh and the six villages within Greenburgh are making an appropriations request to Congresswomen Lowey to improve radio communications among the seven police departments in the Town of Greenburgh. We are applying for a grant of \$944,000 for federal fiscal year 2006. No local match is required. They are asking for a support letter to the congresswoman supporting the application; I recommend that I be authorized to sign a letter of support.

**Mayor Kinnally:** That is fine as long as you run it by the police chief.

**Village Manager Hess:** We have already discussed it.

**Mayor Kinnally:** I think that is good, and I go along with that. My colleagues?

**Trustee Holdstein:** There is no linkage here to the other proposal, which I think is flawed, having to do with not having staff enough at night.

**Village Manager Hess:** No, this has nothing to do with that. This is just radio communication.

**Trustee Apel:** I think it is fine.

**Trustee Jennings:** It seems like a good idea to me.

**Trustee Swiderski:** There is a certain dynamic tension between a proposal that speaks to unifying radio communications and our looking at what leaving the town might entail. But since it does not seem to commit us any further to the town other than to allow for intercommunication, I have no problem.

**Mayor Kinnally:** Yes, I do not see any tension here. Mutual aid would continue to work. Neil, you have a green light.

## **BOARD DISCUSSION AND COMMENTS**

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

**Mayor Kinnally:** I have just met Fred Yaeger who is the PR component in our liaison with ARCO. Mr. Yaeger, thank you for coming. We continue to have discussions with ARCO. Mark Chertok and I are going to discuss coordinating with ARCO and the DEC to follow through on both the design engineering for the cleanup on the land, and with what is going to happen with OU-2. We are in receipt of information from a consultant to ARCO with comments on the suggestions of the DEC for dredging and capping the Hudson River for the offshore areas. The commissioner of the DEC, Erin Crotty, is leaving her post. We will connect with the new commissioner when that appointment is made. I do not expect any interruption in the cooperation and communication we have had with the DEC.

Neil, where are we on a timetable for the Cove with the Army Corps?

**Village Manager Hess:** I have no clue.

**Mayor Kinnally:** Maybe we can have something for our next meeting.

## **2. Definition of "Mixed Use Building" - Planning Board Report**

**Mayor Kinnally:** We have a reaction from the Planning Board on what they would like to see on the mixed use definition in the zoning text.

**Trustee Swiderski:** I have been a proponent of the modification to the mixed use definition from the beginning, and that came from discussions with Meg and others who made it clear that the way it is configured now is not necessarily going to result in what we want on some of the sites in the downtown. We have two flavors of the definition of mixed use building. I would prefer that there be Planning Board and/or Trustee approval of any residential use on the ground floor, not as of right. However, one concern still stands, the cascading onto other zoning districts. If it remain confined to the downtown CC area, I would be comfortable in supporting it.

**Mayor Kinnally:** Can that be done, Marianne?

**Deputy Village Attorney Stecich:** You can do what you want. But the Planning Board said the reason they separated out the CC district was in the other two districts, the MR-O and the MR-C, there was never the intent that residential not be permitted on the ground floor. So the proposed definition says that a mixed use building is simply a building containing residential and non-residential uses. That is one change. But in the CC it is more of an issue: do we want residential on the ground floor? There are two proposals here. One says that you

could have residential on the ground floor as long as it is not on the storefront. Or you could say the same thing, but it would have to be upon the approval of the Planning Board or the Board of Trustees. That is a second change. I am not sure what you mean about the part that you do not want to apply to the LI district,.

**Trustee Swiderski:** That is the only one that it cascades to. I do not know what other districts inherit.

**Deputy Village Attorney Stecich:** It is not a question of cascading. This is a definition that applies to the entire code. This is not a requirement for the CC district, it is a definition for anyplace in the Village where it is allowed.

**Trustee Holdstein:** If I understand Peter's point, we want it to be more site specific or zone specific.

**Deputy Village Attorney Stecich:** You can eliminate the cascading, but it is not clear to me what you want in the LI district. Whatever you want in the LI district, we can fix it.

**Trustee Jennings:** What is allowed right now in the LI district?

**Deputy Village Attorney Stecich:** The current definition of mixed use, which means no residential on the first floor. But the way it is proposed to be redefined, it is a total change of the definition only as to the ground floor. You are changing the definition. My point is do not get hung up about whether it is going to cascade or not cascade. If you tell me what you want in each of the districts I will draft it so that is the way it is in each of the districts.

**Trustee Swiderski:** The last time the Board did not get hung up on whether it cascaded or not, it cascaded, so I am hung up.

**Mayor Kinnally:** She is saying drafting. Do not worry about the drafting. We have to agree on the concept.

**Deputy Village Attorney Stecich:** Do not worry about the drafting. I can write it however you wish, once you agree on the concept. I am not saying it is silly. It is an important consideration.

**Mayor Kinnally:** Let us deal with the CC first. What is the sense of the Board, how they want to define mixed use? We are talking about 10 West Main Street. What do we want to do with that component? Do we want to go for a variance, or do we want to change the law to address this situation?

**Trustee Swiderski:** Once again, maybe I was not clear. I am in support of the redefinition if it applies specifically to the CC downtown area.

**Mayor Kinnally:** And that would be the definition that appears in footnote one?

**Trustee Swiderski:** Either definition as presented by Marianne is fine with me whether it involves Planning Board approval or not. I prefer a Planning Board approval, but if the Board overall was less moved by that I would still support it. My preference is for Planning Board approval that ground floor residential is not as of right, that it would require a case-by-case approval. But overall I support a redefinition.

**Trustee Holdstein:** Is that a Planning Board function or a Zoning Board variance function?

**Mayor Kinnally:** It would not be a variance. It would be a special permit by the Planning Board.

**Deputy Village Attorney Stecich:** It is not exactly a special permit, but it is permission. Under your code the Zoning Board gives special permits. But there are situations in the code where the Planning Board permits slight variations, for example, an extra story on a building in prescribed circumstances.

**Trustee Holdstein:** The only drawback to Planning Board jurisdiction is that the Zoning Board requires notification of neighbors for a variance, and notification would not be part of it for the Planning Board unless we stipulated that as well.

**Trustee Jennings:** I was persuaded by the arguments why permitting at the 10 West Main site made sense. I was concerned about the possibility of this then happening at other locations in the downtown where it would not be as desirable. Perhaps those concerns are allayed by other requirements concerning size and so forth, and that 10 West Main is really the only place where this is likely to kick in. I tend to like the procedural safeguard of Peter's proposed version: to have the Planning Board consider it in the context of who is asking and where it is and what the effects would be. I am more reassured that this will not bring unintended consequences and get out of hand. As far as jurisdiction, I see this as a new building situation from the beginning, not some modification in an existing usage, so it makes more logical sense for the Planning Board to have the jurisdiction.

**Trustee Apel:** My question is about size. Someone could buy all the stores on Warburton and make it one big store. If we are going to allow this then we need to put in a size limitation. Saying there are only one or two places it could be done is not a valid argument, because people could buy up more property and want to do the same thing in other places.

**Mayor Kinnally:** You mean tear them down and start from scratch?

**Trustee Apel:** I do not know if they would tear them down, but you could do anything with them.

**Mayor Kinnally:** If they are not tearing them down they still have to have the residential component for the parking in the building.

**Trustee Apel:** Whether they rip them down or renovate them, we would end up with more places with residential in the rear because someone has bought them all and decided that is what they are going to do. Do we want residential on the ground floor in all of the stores in the downtown area? There is always a possibility that we do not see that they buy up more property and decide I have all this property now and I want to have residential in the back and I will fit in my cars. What do we want down there?

**Trustee Jennings:** That is a meaningless question. Under your hypothetical, do we want this in the downtown area, we would no longer have the downtown area. We would have something else. So how can you answer the question?

**Trustee Apel:** I rest my case.

**Mayor Kinnally:** You cannot rest it; I do not understand it.

**Trustee Apel:** If you are saying this is okay because we have 10 West Main and we do not have to worry about other pieces of property because there is only maybe one other piece of property that they can do this on, I do not believe that is true. I believe a developer could come in, buy up more property, rip down all the buildings, redo them, and decide to put residential on the ground floor, based on this, in the back. And do we want this?

**Mayor Kinnally:** Only if the Planning Board allows it. That is the proposal that we are talking about. They would seek permission from the Planning Board. It is not as of right.

**Trustee Apel:** We need to make it more restrictive. If someone came in, they could only do it if it is very large. Other than that, if they come in and they have a smaller piece of property, we need to show that there is a minimum lot size.

**Mayor Kinnally:** Marianne, can that be done?

**Deputy Village Attorney Stecich:** Yes, it could. I am not a planner, but it may be the configuration of the piece of property rather than the size. If you put together of a bunch of

properties along Warburton, it might not be all that deep but it would be wide and there would be a lot of storefront. It may be big enough, but that may be exactly the situation you do not want. Or if you have a piece of property that is smaller than that, but very deep, it does not make sense to have retail or business deep into it. I am not sure it is the size of the property that is as significant as the configuration.

**Trustee Apel:** I believe that people should apply for a variance and I would not want to do this.

**Trustee Holdstein:** I am comfortable with the definition as Peter has proposed it. I would add that there should be notification for the immediate neighbors. I would also add that 10 West Main be defined as a street.

**Village Manager Hess:** West Main Street is a street. East and west is a street; north and south is all parking lot.

**Mayor Kinnally:** I think notification is a good idea. We can require what we do for a variance. If it is going to be part of an assemblage it is going to be a component in the proposal from day one that will have to be looked at by the Planning Board. I cannot imagine that the Planning Board is going to be any less vigilant than the Zoning Board in ensuring that the work that was done to redefine residential requirements in the CC district is going to be maintained. One of the central components to getting both commercial and residential in the area is that the buildings would be self-contained with parking.

**Trustee Holdstein:** This is purely hypothetical. If a developer were to buy the entire block of buildings on Warburton from West Main to Spring, and knocked down MC Cleaners to construct a ramp that would access off Main up to the roof for parking, they could then conceivably take the entire first floor of all adjoining buildings, cut them in half, and put residential on the back side by providing parking on the roof. Forgetting physical, would that technically fit within the law?

**Deputy Village Attorney Stecich:** I do not know because it has never come up whether rooftop parking is allowed. I am not sure it is.

**Trustee Holdstein:** As I was listening to Marge I was trying to think of a scenario that could fit her concerns about size, and that is the one that popped in my head. As off the chart as it sounds to propose that, and to take Marge's point to the extreme, do we set ourselves up?

**Mayor Kinnally:** Michael, I have to commend you on the use of the words off the chart because it defies logic that it could happen. Where are you going to build a ramp?



**Trustee Holdstein:** If you picture where the cleaners is, it goes right up onto the roof. But I am concerned because they have to provide off-street parking, which we think restricts it automatically.

**Mayor Kinnally:** Those buildings are not very deep. I cannot imagine you would get any livable space back there.

**Trustee Holdstein:** I am not sure I agree with Marge, but I am thinking in terms of a size issue of whether there needs to be something to protect us. Maybe the better example would be the Peugeot dealer because that is such an expansive building.

**Trustee Apel:** You could take the Peugeot place, which already has the parking facility, you could use that as parking and buy the rest. Then before you know it, you have this apartment complex over there. That is my concern. We have to look beyond what we have now, and what the possibilities are for the future. Are we setting ourselves up for a problem? In some ways you have to be restrictive. Having the variance, where someone has to prove that they cannot do something else and this is the way we have to do it, is really the strongest way to keep control of that area.

**Mayor Kinnally:** The size bothers me a little bit, but I do not see the logic when you extend it out, because the size of the building may not pose the problem. What does a larger lot do for you as opposed to a smaller lot? What is the rationale of cutting it at a certain point?

**Trustee Apel:** Because if it is a very large piece of property, then the developer is going to say I definitely have to have residential because you do not want me to have a huge department store here. You want me to have lots of little stores, and it is too much space. This is the argument we are getting from the other guy.

**Mayor Kinnally:** That is not the argument you are getting from the other guy. His argument is that it does not make sense to put that type of commercial on the ground floor because it is going to be isolated. It is a world of difference between the ground floor in the back of 10 West Main Street and Warburton Avenue.

**Trustee Holdstein:** But is that not a depth issue?

**Mayor Kinnally:** It is not a depth issue. It is a location issue.

**Trustee Holdstein:** I agree with you: to take Hastings Prime Meats or the laundromat and cut it in half and put an apartment in the back, it would be strangely configured and difficult. But if you owned the whole building and you had more length, you could conceivably do something. So maybe it comes back to size. I am not sure I am ready to sign up with what Marge is saying, but the depth was an issue, at least on 10 West. To put a retail on that back side overlooking the parking lot would not work. Maybe some specifications might be helpful.

**Trustee Apel:** It is all a matter, if we are talking about 10 West Main, of getting the view of the waterfront. You could put a restaurant there. It could be fine. So I do not agree with the fact that you cannot do anything over there. There are other things: law offices, for example. It does not have to be the kind of space that needs people walking by.

**Trustee Holdstein:** Right now the building there exists in our community as residential.

**Mayor Kinnally:** The whole street is residential.

**Trustee Holdstein:** Nobody is objecting to the fact that there are residences in that same location on the first floor.

**Trustee Apel:** Yes, but the point is we are going to change the whole configuration of this area, not just this piece of property. We do not know what is going to happen in the future with all these other pieces of property. That is why I think you would have a lot more control with a variance procedure.

**Trustee Holdstein:** But with Peter's definition they have to go before the Planning Board to make that case.

**Trustee Apel:** A variance is stricter in terms of the proof that you have to provide to show that you cannot do it this way.

**Trustee Holdstein:** We are not setting it up as a hardship, which is the definition for the Zoning Board. But in effect you are doing the same thing. You are saying you have to show the Planning Board why you feel that residential is the only thing that is going to work in this particular location on the first floor.

**Trustee Jennings:** When we rezoned the CC several years ago, the change in our zoning law was very complex. Some people said at that time that there was a certain amount of flexibility built in. We would make some changes, we would see how they worked, we would respond to different projects and needs over time. I wonder if we are not at such a

moment here. Many of the people who were the architects of the CC rezoning are now saying to us, in the form of this report from the Planning Board, that perhaps the definition is too rigid and should be modified somewhat with care and prudence, and this is one of these adjustments. If we do not take it, then all of that talk about being flexible and learning from these things goes by the boards. We have put ourselves into another straightjacket just as rigid as the straightjacket we got ourselves out of when we rezoned the CC.

**Trustee Swiderski:** I concur with Bruce.

**Mayor Kinnally:** I do not think the Planning Board is going to give anything away. The Planning Board certainly has a sense of what they wanted and what the consensus of all of the people who worked on this was. Marge, I do not discount any of your fears. They are justifiable and we do not know what is going to happen in the future. But these pieces of legislation evolve and breathe, and we have to see where we are with them. This is the first real tinkering that has been done, and it came up with probably the largest development we have had in the CC district in the last 30 or 40 years. A number of people have been troubled by what they perceive to be a very restrictive and unintended consequence of a definition in the area. People can say we are reacting to the developer of 10 West Main Street. But that is the only way that we identify where there are shortcomings or flaws in what we have enacted. I have faith in the Planning Board that they will look at a developer's plan and they will come up with the right thing, not just with respect to that development proposal, but in the context of the entire area. The overriding concern with the CC district was to revitalize the CC district and to get a mix. We do not want a CC district that does not have a residential component. On the other hand, we do not want the residential component to overwhelm the commercial component. We want it to be a balance

**Jim Metzger, 427 Warburton Avenue:** There are issues in the Village right now with what is going to happen on the waterfront; how valuable that may make the property in the CC area; what certain developers may be willing to do in terms of buying lots of small pieces, make big pieces. The issue is that there are unintended consequences that none of us can see, and there has not been enough time to study this since this issue came up.

There is a remedy in place in the Village. It is called a variance. The reason that we have variances is because nobody can foresee when a law is put into place that it will cover every situation. I agree that it requires notification of the neighbors. Since the consequences are not known, it should be set up to be more restrictive and not less restrictive.

I do not believe the Planning Board looks at all of the issues regarding zoning and how they affect local neighborhoods. I refer to 422 Warburton. There was a commercial component. The Planning Board wanted to approve it. The Zoning Board took a longer, harder look at

the ramifications and decided that commercial was not appropriate. The Planning Board, the Zoning Board, and the Trustees should all be involved in looking at these issues.

This particular issue was brought up by a developer. Developers exist to make money on their projects. In some cases it helps a community, in some cases it does not. They are going to look to make changes that will help their case. We need to put checks and balances on, not remove those checks and balances.

**Jeff Bogart, 5 Jordan Road:** This seems to me a case of setting standards. I am reminded of when the Trustees gave the Planning Board the power to decide on whether a building might be a four-story building as a result of a request from a developer in certain circumstances. I wondered at that time under what set of circumstances should that request be allowed. I do not think that the Trustees when they gave that authority to the Planning Board set any kind of guidelines for the Planning Board. Is this another situation where the Trustees are about to give the Planning Board authority to do something without providing any guidance about how to evaluate the situation?

Going for a variance ought to be a step along the way, if only to see whether the proposed use is the only use, and whether there are other uses that might make sense. It should go to the Zoning Board, but if it does go to the Planning Board the Trustees ought to take a look at some guidelines and at least envision the possibilities that might occur, and see whether or not they want those possibilities, so that it is not just in the context of a particular request for change as a result of someone wanting to put in a particular building on a particular site.

**Mayor Kinnally:** That is interesting. I do not know what those guidelines are, but we would ask counsel to look at that.

**Danielle Goodman, 28 Ashley Road:** One of my concerns is that the commercial district would be overwhelmed with housing. Is there a way to proscribe in the statute a ratio of commercial to housing, so that once the quota was met then no more grants could be given by the Planning Board to give more housing? I am concerned about tax base. Commercial brings money into this village at a higher tax rate. If someone bought the entire block from the cleaner to the gallery, could that be all housing? If they provided for parking, would there have to be some commercial component under the definition?

**Deputy Village Attorney Stecich:** The definition says that a mixed use building would be a building containing both residential non-residential uses, except that in the CC district only non-residential uses are permitted on the ground floor. The Planning Board, however, may permit residential use on the ground floor in the CC district so long as such residential use is not located on that portion of the ground floor story that fronts on the street and such residential use is compatible with neighboring properties.

**Ms. Goodman:** My concern would be that you figure out a way of limiting how much residential you are going to permit. You want to encourage commercial and discourage residential on the ground floor for our survival in terms of taxes. When the Planning Board looks at these things, I don't know that they necessarily put a priority on looking at the tax ramifications, and that would be a concern. I would like the downtown to be commercial.

**Mayor Kinnally:** I agree. I am not looking to eradicate the notion of mixed use in the downtown area. But your statement that commercial generates more in the way of taxes, I do not understand. We establish one tax rate for the Village; it depends upon the assessment, so many dollars per thousand.

**Village Manager Hess:** They are not assessed at a higher rate.

**Trustee Apel:** But if they are commercial we are going to get sales tax money from them.

**Village Manager Hess:** No. We get sales tax from all commercial sales in Westchester County and outside the cities based on population. If we had no sales in the downtown we would still receive sales tax.

**Trustee Apel:** But would not be generating more sales to go into that pot.

**Mayor Kinnally:** We do not get more money out of property taxes because it is commercial space. And we are not looking to have somebody come in and do a complete apartment building. The CC district is commercial. It is not going to be eradicated. I cannot imagine that the Village Board or the Planning Board would allow that in the context of what the revamping of the zoning text was in the commercial area. We want to have a vibrant commercial area and we want to encourage residential development in the downtown area, too.

Marianne, how would this read, given what we have said?

**Deputy Village Attorney Stecich:** It would read pretty much the way it reads in my memo of January 12. We could, though, add a notification process. You could add that the Planning Board may, after a public hearing on the same notice as that required for a zoning variance, permit residential use.

My suggestion also is that we run this past the Planning Board. The Planning Board has not seen this revised definition. You may think of provisos that would strengthen it, but the Planning Board's concern was that there be some flexibility because it is hard to legislate all possibilities. That is why you give them some discretion.

**Trustee Holdstein:** What about either a minimum or maximum apartment size?

**Deputy Village Attorney Stecich:** The way it reads now in the CC, mixed use buildings are allowed, provided that any residential unit contained therein has a minimum gross floor area of 500 square feet. That would remain because the only thing we are changing is the definition. I gave you the suggestion of a couple of Zoning Board members in a previous memo that no more than 50% of the ground floor can be residential, or whatever percentage you want. That recommendation was made to the Planning Board. They did not like it because how do you know the percentages? Maybe 50% makes sense, but someplace else 85%. But that is something else you could put in.

**Mayor Kinnally:** What about Jeff's point on guidance to the Planning Board?

**Deputy Village Attorney Stecich:** There is some here. It cannot be on a storefront. It has to be compatible with neighboring properties. The apartment size is already in the code. To the extent you want more guidance, it could be written in.

**Trustee Apel:** Are there other communities that have this particular mixed use definition, or other definitions, that we could see?

**Deputy Village Attorney Stecich:** No, that is not a commonly defined definition. It usually happens in downtowns, and it is one of those things that just existed and most of it is pre-zoning. There is not a standard definition for this like there is for a single-family house.

**Trustee Apel:** I meant that you might look at other restrictions, or whatever Jeff was saying, to see if there are other things that whatever board is overseeing.

**Trustee Jennings:** It is never entirely clear cut what should be in zoning law and what should be left to site planning processes. We have been concentrating on an untoward result as regards residential and we want to be careful not to have that happen. But we also have to look at the other side of it. We could, if we are not careful, make the requirements for commercial space be such that we will have empty commercial space in our downtown because the market will not make those places rentable or viable. Can we really fine tune it that much in the zoning law? Do we not have to leave some of this up to landlords, tenants, and the marketplace in terms of what kind of businesses flourish in village downtowns? We have to be careful not to be so precise in our zoning requirements that we ensure vacancies, or usages that are too limited or too uniform so that it ultimately hurts the economy of the Village.

**Mayor Kinnally:** Marianne, have we clarified everything for you?

**Deputy Village Attorney Stecich:** Yes, I will fix this up to add the notification requirement. I will check to see if there are guidelines in a couple of other codes. I will present something to the Planning Board Thursday, and give you that feedback at your next meeting.

### **3. LIPDD - Planning Board Report**

**Trustee Swiderski:** The LIPDD proposal came from both Marge and me. I hear what the Planning Board has to say. If they are not willing to support this, then the failure to change the LI zone to prohibit big box is a mistake. I am surprised they were not at least willing to look at that. Without that, we face potentially other proposals similar to ShopRite. The Planning Board feels as it does. I am not going to rebut them point by point. We have disagreements about whether residential is an appropriate use. They feel that as long as it is not an appropriate use you throw out the baby with the bath water and throw out the whole LIPDD concept because it does not make sense for that residential. I disagree.

**Trustee Jennings:** I am also surprised that they did not address a different way of amending the existing LI. I expressly requested that they do so, and I was disappointed to see that that was not addressed in their report.

On the other hand, I agree with all but one of the Planning Board members who felt that the mixed use planning district concept and procedure did not make sense if you were not going to have mixed use. If we are going to keep the LI district non-residential, then many if not all of the aspects of the complicated approach that was first in the MUPDD and has carried over into the LIPDD lose their rationale and are neither desirable from a planning point of view nor from the Board of Trustees point of view in terms of our early involvement. Trustee Swiderski expressed some reservation early on in our discussions about whether we on the Board of Trustees were so busy that we might be overwhelmed by this process. I felt if it was a really mixed use plan that it was worth our getting involved. If it is going to be a car wash or a strip mall or something, I do not think it is worth our time and attention.

So for many reasons I feel that the LIPDD is not a well thought out, carefully structured, and organic proposal. The LIPDD is the bits and pieces that we have left over after the failure to pass the MUPDD. It does not cohere as it stands. We need to take another approach to the LI zone, make minimal changes that we can agree upon, and then see where we can go from there. I would favor prohibiting certain kinds of large retail as a minimal change, but I do not feel like embracing the entire remnants of the defunct MUPDD in the form of the LIPDD.

**Trustee Apel:** Since I was one of the authors of the LIPDD, you are right, Bruce, that some of the things were left over. Peter and I tried to leave the best of what we thought was in the MUPDD. We took out the big box and residential, and I still feel strongly about that. Whether we do this in the LIPDD form or not, I would like to have a resolution that we take up the LI, that we look at it at our next meeting. I do not think we can wait any longer. We did not deal with the LI when we went over the CC, and you know how I feel about that, so we need to start addressing this at our next meeting with a resolution that we are going to. Or perhaps set up

hearings and move on with this so that we can make the changes. I do not want to keep dawdling because there is no reason to do so. We can let people see the LIPDD and have discussions on the LIPDD with the community, and we could go from.

**Trustee Holdstein:** I concur with the immediate change to remove large box from the LI zone. With the acceptance of the Purdue Pharma petition this evening, to a certain degree we are back to square one. The MUPDD and a LIPDD, for the moment, need to both go bye-bye. I am the last one that wants to spend a nickel unnecessarily, but my suggestion is to retain another consultant. By collecting a few of the people that have opinions that vocalized them here, putting them together with maybe one member of the Board of Trustees, and hiring yet another consultant, we have got to come up with some very clear definitions. And maybe some heads might get turned around on a second vote that may say that residential is the best and you do not want any retail; or the opposite, that residential is the worst thing.

I am not thrilled about a lot of things about the site, but I was not as upset about the concept of residential or mixed use. I do not want to see an extension of what they have in Ardsley, or a mini Central Avenue. I am more averse to too much retail on that site. We all think that office is the best, but does not seem to be in demand, or would have the least impact on our Village streets.

Given the high level of sensitivity to this issue, I say we take one more stab at it with another consultant. But put that consultant in the same room with two or three people that spoke out against the MUPDD and two or three people that spoke out in favor of it, and maybe one Board member. I get frustrated because we hire experts and if it suits what you want to hear they are great, and if it does not they are incompetent or they did not listen. We make a point of saying to the community and to ourselves that we are going to go back to the starting point again. Here is our goal: let us find out what really is the most beneficial from a tax standpoint, is the least impactful, is the best long-term, that we do not have empty buildings that are unrented whether they be living spaces or retail spaces or commercial.

**Mayor Kinnally:** . Michael, you used two phrases. One was if we can turn some people's heads, and the other one was to reach a consensus. As far as turning heads, we are at the point now where they are turning and they are spinning. And as far as reaching a consensus, we have tried that. Unfortunately, that is not what this is all about, reaching a consensus. We try to get the community's input, and the community has a big stake. But what 20 people in a room may say, or 30 people, to reach a consensus, it still has to come before the Board of Trustees. The Board of Trustees should not be guided by that consensus. The Board of Trustees is elected to make decisions for the Village. We can count noses, but we are not elected to count noses. We are elected to listen to the points made by everybody: by the people in the community, by the proponents, by the opponents, by each of us individually and collectively. Ultimately I do not care what an expert says or does not say, or a facilitator says



or does not say. Each of us has to vote how we feel about it based upon all of the input we have gotten.

We had Mr. Nolon in, who tried to get the parties together to hammer something out. It did not work. Then we hired a consultant who came up with a proposal. A lot of people were unhappy with the proposal, but that is what the proposal was. I am not looking to shop around for somebody to come up with maybe a little better proposal that most people will like. That is not why we are hiring him. We are hiring him for his expertise.

On consensus, the Planning Board recommended a proposal. The county gave us their input on the proposal. The Village Board voted 3-to-2. Now, do we have a consensus? It depends on which way you are looking at it. It is a split issue in the Village. I do not know how you brook that divide. But I do not see getting another expert is going to help. What are we going to do? Are we going to say to the expert, We want you to give us your preliminary findings before we hire you? Is that what we are looking for?

**Trustee Holdstein:** We have a lot of opinions about the tax rates, the traffic, the impacts. We should be able to come up with some things that up to now have been too vague and have allowed for this constant battling between positions. There has got to be, in dollars and cents, somebody that can show us from a tax standpoint which of the different options will net us the most in terms of tax revenue, which of the options will generate the most and least traffic.

**Mayor Kinnally:** We have the latter. The report says quite clearly that the least traffic impact is residential. Patty Speranza, the chair of the Planning Board, does this for a living. She has said that the least traffic impact is with residential. When you look at the entire impact, it is with residential. I do not know, maybe we are being sold a bill of goods that is wrong.

I am not denigrating what you are suggesting. I think it is passing the buck. I do not know how much more information we are going to get from another expert or from the community.

**Trustee Holdstein:** You talk about counting noses. I do not think I have ever been shy about voting the way I feel is in the best interests of the Village. As you said, we had 3-2 vote, and due to other circumstances that 3-2 vote was nullified. My concern is whether there are some lingering issues that could be clarified. I am reaching for a solution, though I have my own opinion which I voted based on the MUPDD. I will turn the tables on you, Mr. Mayor. What would be your solution at this stalemated point?

**Mayor Kinnally:** I do not have a solution, but it is not throwing money at another expert. I have asked, if not X, what is the Y? I have not heard the Y. We do not want to be another Ardsley. We do not want to have strip malls. We do not want to have large box stores. We do not want to have a movie theater. We do not want to have industrial. That circle keeps getting

smaller and smaller. The LIPDD is sweeping up what is left over after the demolition of the MUPDD. I do not think it is really what you want there. I do not think it fits in with what would be beneficial for the Village or consistent with what we want in our village.

**Trustee Swiderski:** That circle does not get any smaller. Right now the circle has widened, because the original LI zone has been expanded to stop the cascading effect.

**Mayor Kinnally:** I agree. I do not think anybody is in agreement that we should leave it the way it is. It has to be changed. The big box has to be taken out of it. The cascading aspect of it, I do not see a problem. But we get back to that dirty word residential over there.

**Trustee Swiderski:** It has residential right now. And given this split on the Board, I understand there is no way. As part of the minority I understand there is no support on the Board for overriding the uses as allowed now, which happen to include housing.

**Trustee Jennings:** Maybe if we tried to take smaller bites we could make some progress. I understand the disagreement among us about the concept of having any residential in the LI zone. Given that the current LI zone allows residential above the first floor, you are concerned that the change we are contemplating for the CC not impact the LI because you do not want to extend residential to the first floor in the LI. I understand the point you are making, but could we have a further discussion of the reasons, if we are going to have residential in the LI at all, we should not have some portion of ground floor residential? Because that seems to me to be a different argument than saying we should have no residential at all.

**Trustee Swiderski:** No, it is the political reality of a board that votes as it now stands. I would prefer not to have residential cascaded onto the site, but I do not have the votes to turn that around. And the camel's nose is halfway under the tent. I don't feel like having his rear end in the tent as well. It is the political reality of what we have here.

**Trustee Jennings:** I understand what you are saying and I respect it.

**Mayor Kinnally:** Can we train the camel?

**Trustee Jennings:** I am not trying to quibble with you. But we might take the attitude that, I do not like it, but given that there is going to be residential there anyway why do we not look at what makes sense for that site and try to figure out the pros and cons of having residential on the ground floor or not as opposed to simply saying, I do not like any residential; I have got partial residential, but I will not allow any more.

**Trustee Swiderski:** You bring up a good point and I have to think about it. Once I acknowledge that the nose is under the tent, do I shrug and admit the rest? I do not know.

**Trustee Apel:** When we voted in the CC originally, and I asked why are we not dealing with the LI, I was told, do not worry about it; there is a proposal out there and we will not have to deal with it. I want to know if we can go back to the original definition of the LI because I was misled.

**Deputy Village Attorney Stecich:** You would have to do a zoning change. The zoning amendment would be to rezone the LI district to include whatever uses were included before the CC changes. But before the zoning changes the LI it was not all that different from what it is now.

**Trustee Apel:** Well, the thing I do not want is the mixed use, and that is what is not in there.

**Village Manager Hess:** That was there before by special use permit.

**Deputy Village Attorney Stecich:** Maybe it addresses the one issue, the mixed use, but there are so many other issues it avoids. That would avoid the big box issue.

**Trustee Apel:** We should go after the big box right away, and we should just take it out. Let us just get on with that.

We need to go back to our Vision Plan, and do we want people over there. That is a basic issue of how we see our community. Even if it was the lowest traffic, nobody ever left the building, is that what we want for our community? We need to look at the whole picture. Do we want people over there that are going to have kids going to another school system, that are not going to be involved? Or do we want to have people in our community that are more involved altogether? What is the philosophical issue here? We went through the LIPDD and we took things out.

**Mayor Kinnally:** But those things were ancillary to the residential.

**Trustee Apel:** I understand, but we took out anything that anybody disagreed with. So this is what we are left with, and I do not think that is such a bad idea. I think you start from that basis, and you start from the philosophical point of view of what it is that you feel would be great for Hastings. What do we want to bring into our community? What is going to be an asset to us?

**Mayor Kinnally:** What do you want to see there?

**Trustee Apel:** I liked the idea of artists' studios and galleries. You could have something really charming over there. There are creative things we can do that would be more of a draw, without having people living there, things that would be compatible with the industrial stuff

around you. Up the hill you have office buildings, and next to you that other warehouse, and on the other side cemeteries and whatever. When you drive from that point on you see how separated you are from the Village. It is a separate area. So you have to think about what is its draw. What is going to get people to go there, if you want them to go there. What is going to be useful, and what is going to be charming? I think there are developers that are creative and would think of those things.

**Trustee Holdstein:** I have maintained throughout all this process from the petitions to the MUPDD to a particular developer that we have tried to look at these things separately. I am trying to keep them separate, and I am not lobbying for anything, but it is ironic that I am trying to come up with what we want for the zone and yet Ginsburg's proposal for a work-live space was the most intriguing, interesting proposal short of baseball fields that I have heard for that site when you think about the artistic community we live in. That concept minimized concerns with traffic, minimized impacts of schoolchildren, gave us some business, and gave support to a community that yearns for artistic space. I hear repeatedly about the many people who have different art-related or at-home businesses. This would not have an overwhelming amount of residents but would also have that retail. The studio would be there that the person on the trail might want to stop by and see that sculptor located there because they are thinking of buying a piece.

So while that was the most diverse and unique proposal that I had heard for that site, we stand still with the roadblock about residential. This proposal is as close to anything that I have heard that seems to answer the needs of our community and tries to address in the least detrimental way all the concerns that so many people have had. That is the irony to me. But I understand that Peter and Marge are going to have objection because of the residential, though I think it would be very minimal.

**Trustee Apel:** One of the concerns I have with residential and the artists' studios is that what are you going to do to prevent the fact that the person moves in and they do not want to have a home-based business and they are going to move in more people. You could have more people living in there. So they may not use it the way you think they are going to use it.

**Mayor Kinnally:** You would have a C of O for the living unit, you have a C of O for the work unit, and you cannot have people living in the work unit. That may be one way of dealing with it. If it is zoned for mixed use and part of the use is a commercial work space, you cannot have people setting up cots in the work space.

There is agreement here that we have to go back to the Planning Board. I would be happy to ask them to get rid of the big box at the very least. Maybe it was an oversight. They were reacting to the LIPDD proposal. I certainly do not get a sense that any of them are enamored of the big box, and they would be very happy to get rid of it. It has been a good discussion

tonight. We ought to just go back and chew on it. Our next meeting is February 1. I can talk to the Planning Board in that period of time.

**Susan Newman, 37 Hollywood Avenue:** I am a representative of Ginsburg Development. I am an artist. I went to Brown and I did a cross-enrollment at RISD. For nine years before joining GDC I painted in my studio in Hastings, I sat as a board member of the Gallery at Hastings-on-Hudson, I was a member of Upstream Gallery, and I was one of the founders of Open Studio Day. I am very much immersed in this art community. So when these ideas started coming together, I was able to come up with the live-work concept, trying to use everyone's thought processes as a genesis for it. I am pleased to hear that one of the Trustees appreciates that it was a more novel solution.

I have a suggestion that maybe gets us out of this quagmire. The MUPDD right now allows either for residential or for mixed use. Maybe the answer is that you cannot have just residential, but you can have mixed use. That way it still incorporates every other aspect of the planning process that seemed appealing. We have to come before this Board with a concept plan. It does not go to the Planning Board until the concept plan has settled in with everyone. It can only be mixed use. It is a very simple language change; it is a very easy drafting change. I would even argue that deleting that one item does not force us back into a public hearing process. If there were a 4-1 consensus on the Board that that was a logical amendment to the MUPDD it could survive a protest petition from Purdue Pharma, so it alleviates that issue of how do we get over the super-majority issue.

**Mayor Kinnally:** Yes, but do you foresee any part of a residential on the ground floor?

**Ms. Newman:** Yes. Because each unit will have an office space and a residential space, and the logical way to divide it is horizontally. To do otherwise complicates the structure of the building too much.

**Trustee Apel:** But you are still having residential.

**Ms. Newman:** But it is all live-work. It is a mixed use building.

**Deputy Village Attorney Stecich:** As opposed to purely residential.

**Ms. Newman:** I am suggesting that we re-look at the MUPDD and eliminate a provision in the MUPDD that says you can have residential or you can have mixed use. By definition, the mixed use allows residential provided there is non-residential uses in the building as well. So what it eliminates is a situation where you could end up with what they have in Ardsley, which is an all-adult community.

**Trustee Holdstein:** What you are saying does not address Peter and Marge's objection to any residence on that site.

**Ms. Newman:** It does not address it except that you cannot have exclusive residential. And it is the compromise of having no decision. I was hoping to persuade them, because since there is an as of right residential use now, this may be a preferred as of right residential use because it is forced to be in conjunction with something that is mixed use.

**Trustee Jennings:** Your suggestion about how to break out of the gridlock is interesting, but I am not sure that it will be persuasive to my colleagues who are opposed to residential across the board. What you are saying is very similar to what we would do if we extended the definition from this revised definition from the CC to the LI. Having permitted residential above the ground floor, now we would then permit residential on the ground floor in the LI subject to certain approval processes. To add back in all the other components of the MUPDD is the difference between what you are saying and that. But as far as the sticking point, the residential issue, is concerned, it is the question that I posed to Peter earlier. We need to have a conversation. If we are stuck, or if residential in LI is a given, then let us talk specifically about the pros and cons of which floors it ought to be on and try to help each other understand better why or why not it makes sense to put it on the ground floor. At this point, rather than another paid expert consultant, we ought to have that conversation. And we need the help of those who can give us input about the specifics of whether it makes sense to have residential on the ground floor there. Maybe we can find at least four of us up here who have overlapping objectives enough to come to a resolution of that issue. As long as we keep arguing about residential in the abstract, though, or residential in any way, shape, or form, we are not going to make any progress.

**Trustee Holdstein:** But the bottom line is it does nothing to address Peter and Marge's objection, which says we do not want residential on the 9-A site.

**Mayor Kinnally:** But it is in the law right now. Residential is allowed. It is in the LI zone: you can have residential in a mixed use component, but you cannot have residential on the ground floor, as it stands right now, under the current mixed use definition.

**Trustee Holdstein:** So understanding that, Susan and Ginsburg could come to this village and say, based on the zone that exists there, we want to propose a mixed use with residential on the second floor. They would have the right to go ahead and make their proposal to the Planning Board and go through the whole process of building that. Correct?

**Mayor Kinnally:** Yes, but it cannot be on the first floor.

**Ms. Newman:** That is the proposal we made a year and a half ago and got hit with this moratorium, which is why I am now trying not to repeat history. The proposal that you were less enthusiastic about, which was Artists' Walk, had ground floor galleries and artist-type spaces, and the upper floors were residential. In order to accomplish that I had to use the whole site; we did not have room for a ball field; it had other constraints. The MUPDD, because of its flexible thinking, gave us the flexibility to create the ball fields and consolidate the space into an elevator building. It is what became the better solution because the zoning actually created the better solution.

If you are suggesting that you feel comfortable letting me go back to Artists' Walk, I will go back there. We can make it work. We have an as of right conforming solution that has been on the table for over a year and a half before the Planning Board, ready to complete an SFEIS on it. We were literally this close to finishing that when it was put on hold with the moratorium. As a courtesy to the community and the Board we did not finish the environmental review. We could have, but I wanted to see what other ideas came out of this process. We were as enthusiastic as some of the Board members about the live-work idea or we would not have proposed it.

I am trying to take the better of the two ideas, not necessarily the one that conforms to the zoning, and say how can we save the better of the two ideas, give people the confidence that that is what is going to happen, and have it done in a way that gives everybody control. The MUPDD zone had a flaw if you did not want exclusive residential, because you had a choice in that zone. It could be 100% residential or it could be mixed use. The live-work concept addressed the mixed use definition. We did not respond to the all-residential concept because we heard comments that it would be nice to have artists' spaces, and it would be nice to have some galleries and it would be nice if the public felt comfortable in this site. But the fact does remain, under the LI, we could do ground floor retail and upper floor residential as of right. We could finish the environmental, we could be done with it. Unfortunately, I now like the live-work idea better, too. It is one of the final ironies, where because of this process we were forced into a better concept. We did get some great ideas. And being able to provide the public benefit of 1.75 acres of open space ended up being a nice benefit of all of this, not something that we could recreate through the Artists' Walk concept.

That is why my suggestion is maybe the compromise is to strike the exclusive residential uses in the MUPDD and recognize that the MUPDD is now no different than what the existing LI allows in terms of mixed uses other than the fact that it can go on the ground floor, and has many, many other benefits: largely, that this board gets to see the concept plan before it goes forward. And secondly, it gives us the flexibility because we do not have to spread it out all over the place. We can consolidate it and put in the open space aspect.

**Mr. Metzger:** Most of my friends are artists. I do not know a single one that could afford to move into new real estate in Hastings. I love the idea of a work-live space. I brought it up with Meg when we were discussing issues on Ridge Street six years ago. But I am not sure that that is the appropriate site for it.

One of the issues is that we are designing from the inside out. When I was in architecture school we were cautioned not to design a house by deciding what hinge you want to use on the front door. You need to look at the big picture. Where are we going to be 10 years from now? How is traffic on that site going to be affected by what happens on the waterfront? If you develop residential and it increases traffic flow in and out of town, when is that going to happen: on weekends, during the day? Perhaps commercial would be better there to bring more people into the town during the week when it is less crowded. We are failing to look at the big picture. Looking at the Vision Plan and deciding where we are going to end up is more important than looking at a specific piece of property and deciding can we put a car on there or should we put a ball field there? Those issues become negligible if that is the wrong place to be looking at those uses.

**Mayor Kinnally:** It is not the wrong thing to look at if there is an as of right application in front of us.

**Mr. Metzger:** But we should be trying to make decisions of those issues based upon how that will affect what happens in the rest of the Village rather than just what happens on 9-A.

**Mayor Kinnally:** I understand, but the overriding concern is as of right. If you have something as of right, there is so much latitude you have. It is a good point.

**Ms. Goodman:** If we are going to revisit the MUPDD I would request that you revisit the setbacks. As written now, there is a 35-foot setback from the road and a 50-foot setback from the river. The river takes me to flooding. I called the Army Corps of Engineers today to make sure I was giving you the right information. There is a potential financial contribution expected from the Village if flooding results from building. I brought the statute. The citation is the Water Resources Development Act of 1986. From that point forward contributions are expected from both the federal and the non-federal source. The Army Corps contracts with the state. So the state puts in money and the feds put in money. And then the state turns around and looks to the local municipalities.

Elmsford taxpayers are going to have to pay their tax monies into flood remediation for flooding problems caused by the Saw Mill River. One of my criticisms is that that report never looked at the financial impact of any building over there, be it residential or otherwise. It would be very good to form a task force. There is plenty of advice, and you have very bright



people. You had the good citizens in a mediation run by Sean Nolon and the plug got pulled. I was never told why. I was never told there was no consensus.

**Mayor Kinnally:** Sean threw his hands up. We did not pull the plug on it. Sean said this is not going anywhere.

**Ms. Goodman:** I do not know that there was any final report.

**Mayor Kinnally:** There was never expected to be a report.

**Ms. Goodman:** But there were citizens there that were interested, they had a learning curve. I have all the documents. You could form some sort of task force, and there could be a solution for that property. I am not anti-development.

**Mayor Kinnally:** The flooding will be part of the SEQRA process.

**Ms. Goodman:** It should be part of the rezoning process. Why wait until a developer has spent a lot of money on SEQRA, and then you find out that the Village is going to have this financial burden? That may change your opinions about what you want to do with the property. And do not rely on the builder to get that answer for you. It should be an independently obtained answer.

To Trustee Holdstein's comments, he is going in the right direction. I do not know that paying another expert is the trick if you do not get data that was overlooked the first time and better data than what's in the Turner report. And then you might get the real answer.

**Jean Halpern, 26 Ravensdale Road:** This is a question to ask Susan. You were saying that you needed under the current configuration an elevator building. How tall?

**Ms. Newman:** The Artists' Walk concept, which is the as of right concept, is a walk-up building in the allowable 40-foot height of the LI zone. The MUPDD also allows for the same 45-foot height, but it allows for a three-story building so that we could put in an elevator. It depends on which proposal you are referring to. Neither of those two solutions would be more than 40 feet, but the MUPDD allows it to be three stories and the LI is written as a two stories alternative. But both are the same height.

**Mayor Kinnally:** We have an executive session following this meeting that we set at our last meeting to discuss personnel items and items with counsel having to do with litigation, including the Taxter Ridge litigation.

**ADJOURNMENT**

BOARD OF TRUSTEES  
REGULAR MEETING  
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On MOTION of Trustee Holdstein, SECONDED by Trustee Jennings with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 10:35 p.m.