

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**REGULAR MEETING**  
**MARCH 1, 2005**

A Regular Meeting was held by the Board of Trustees on Tuesday, March 1, 2005 at 8:30 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, Deputy Village Attorney Marianne Stecich, and Deputy Village Manager Susan Maggiotto.

**ABSENT:** Village Manager Neil Hess

**CITIZENS:** Seventeen (17)

**Mayor Kinnally:** Mr. Hess is not with us this evening. Mr. Hess has had a recurrence of his cancer and will be undergoing chemotherapy over the next few months. He has asked me to say to everyone that the Village is in good hands because he is working daily with me and with the Deputy Village Manager. He has overseen the preparation of the budget, and the day-to-day activities are being ably overseen by the Deputy Village Manager. I speak on behalf of the Board and everyone in the Village in extending our thoughts and prayers to Neil and to his family in this difficult time, and wishing him all the best. He may not be here physically, but he is here in spirit and will continue to follow everything.

**PRESENTATION** – Proposed 2005 - 2006 Budget

**Deputy Village Manager Maggiotto:** Welcome to my budget. One of the perks of preparing a budget is that you get to choose the cover. I chose this cover to honor the person who has been the architect and steward of this budget for many years. In his 24 years as Manager, Neil has consistently provided us with budgets that ensure our fiscal vitality as well as our stability.

As you look at the cover, you can see some differences. There is less hair on Neil's face these days. There is a computer in the background. In 1981 we were not yet in the computer age; computers have affected how everyone lives and does business. The same blue shirt, although in 1981 the sleeves are rolled up. That might be a metaphor for the task that was in front of him. He looks a little more relaxed in 2005, with all his work behind him. But there are certain similarities. The biggest similarity is that every budget is a plan that addresses the needs of the Village, the challenges, the opportunities. Neil did that very well for all those years, and I am confident that this budget continues in that tradition.

The recommended operating budget is \$11,622,865. That is an increase of about 5% on the operating budget. I would like to point out at the outset that the increase in the general fund is not in our operating costs. The budgets from the departments came in fairly flat. I have to commend the department heads for that. You will see later on that those expenditures are in the costs that are imposed upon us, the mandated costs, outside of our control. The Library Fund is up 5.26%. That increase is a request from the library to provide mainly for additional staff hours to deal with the increases in circulation, in programming, in the use of the community rooms. The library has become a second community center, and that all has staffing implications. The Pool Fund has a minimal increase attributable mainly to staff salary increases. The Draper Fund, which shows a 19% increase, is somewhat misleading since it was only a \$26,000 budget and we added \$5,000 for some work. Here is a graphic of how our general fund has increased over the past 10 years. You can see the slight spike in the current year with our \$10 million general fund budget.

Here are the expenditures by functions. The greatest expenditures together: public safety, 25%; employee benefits, 21.2%. Those two together make up nearly 50% of our expenditures, followed by public Works, at 16.3%; general government, 14.9%, and the smaller amounts: Parks & Rec, 5.5%; community service, 3.0%; inter-fund transfers, 7.1%; and debt service, 6.6%.

The general fund budget by revenues. Of course, the greatest source of revenues for the Village is property taxes, at 69.4%. The next items: sales tax, 8.9%; miscellaneous revenues, 8.6%; state aid, 4.7%; appropriated surplus, 3.2%; recreation, 1.8%; utility tax, 1.1%; and then a small inter-fund transfer.

Assessment information. Here is the sad story. Assessments dipped, as you see in '99, due to the loss of waterfront, and then started to climb. But we have been on a decline since 2001 - 2002. That has had a serious impact on our budget. You can see the rise in the property taxes. The current request is for \$172.62 per thousand, which is a 5.91% increase. The CPI increased by 7 points. It is a 3.54% increase, less than our requested budget increase, but the CPI has a greater spike in it than it has had in any of the past 10 years. The total taxable value has decreased nearly \$600,000 since 2003, and over \$2.4 million since 1999. Every \$400,000 in decrease is a percent on taxes. You can do the math. The \$2.4 million represents our budget increase.

**Trustee Holdstein:** But the big chunk is the waterfront.

**Deputy Village Manager Maggiotto:** Yes, but it has also been special franchise assessments and the *certioraries*. We do not have the buildings to compensate for this. We are not adding to our assessments, so we end up with this very serious decline.

Our major revenue changes. We have added \$115,000 in sales tax. This is based on our study of sales tax revenues over the past year. The mortgage tax receipts are up \$50,000. In 2003 Hastings had three homes that were sold for over \$1 million. In 2004, seven homes sold for over \$1-\million. The average cost of a home went up in that year 8.5%. The lowest-priced home was 13% higher, and the highest price was 15% higher. So aside from people's refinancing because of interest rates, we also have a spike in home prices and mortgages. That is why we are projecting that increase.

I have \$21,000 less than what was appropriated in last year's budget in surplus. Fines and forfeited bail, up \$35,000. Again, it is based on our studying the revenues that we have gotten so far this year. There is increased enforcement, and therefore increased fines. Debt service: we are able to transfer \$21,445 from debt service as a revenue this year.

Our general government support is up \$153,515. We saved \$5,000 in elections by consolidating. The Municipal Building has a fairly flat bottom line. We continued with our capital project. We appropriated \$30,000 last year, which we have not spent yet but we will. It is a spring project, and it will take care of the soffit and inside of the building. We included \$20,000 this year to do the outside painting of all the trim. We now have a contract for maintenance on our generator and our heating system.

Technology shows a decline because a contract for GIS is not in there anymore. We are requesting another \$10,000 for staff assistance to Raf. We had \$10,000 in last year, and we are asking for \$20,000 this year. I made a list of all the things that that one department is responsible for, and it is quite mind-boggling. I am sure you all are aware of it. He has done quite a job with very little help. Especially with the move coming up, and the planning for it, he is going to need more staff.

Liability insurance is an increase of \$63,000. That is a projection from our insurance agent. It is over what we appropriated last year, but it is still quite a bit less than what we had been paying. Contingency: we are appropriating \$250,000, which is up \$25,000, to cover salary increases and new contracts.

Public safety budget: the bottom line is down \$71,000. It is a deceptive figure. We will have negotiations for both our public safety and public works contracts, so the dollar amount for those settlements is not in there. What is in there, however, for police is the grade increases. The police have requested one police vehicle, a new defibrillator, and lockout tools for all the vehicles. The hook and ladder building has \$20,000, again in capital, for insurance-mandated sidewalks, a fire escape, and erosion control. The fire department is requesting air packs, a thermal camera, a portable generator, and \$10,000 to convert the old ambulance to a rescue vehicle when we get the new ambulance.

Public Works. Again, the same thing. The expenditures are flat, with an increase of \$16,000. Again, we will be settling our contracts this year. We are continuing our garage door replacements, \$10,000. We added money for additional tree removal and lawn maintenance, an additional \$5,000.

Community services: a drop of \$34,000. We determined that we did not need to provide as much funds for outside consultants because our planner, Angela Witkowski, can handle a substantial amount of that kind of work in-house. The Youth Advocate also has dropped on a number of lines, mainly because of the move from the Community Center.

Parks & Recreation: an increase of \$27,717. Salary transfers from the pool budget to the general fund budget of the pool director and swim team coaches. Five thousand dollars was in the budget last year for Sugar Pond; it is not in there because we are now looking at a capital project for Sugar Pond. There is more money in parks for maintenance of trees. The Tiny Tots camp is not in the budget. Ray has decided not to offer it this year. Because the Community Center is closing, we have certain savings that we can factor in. You will see an increase of \$6,900 in after school programs, but that is offset by the revenues. That is a self-supporting program.

Here we are at the crux of the problem. Employee benefits is up \$310,000. Every \$65,000 in this budget is a percentage point of increase, so you can see that there is your 5% increase. Retirement costs are projected up at \$95,000; health insurance, up \$150,000; Workers' Comp is up \$40,000; Social Security, up \$25,000.

Inter-fund transfers is up \$35,908. We have the \$75,000 in there for street resurfacing that we do every year, and the balance of it represents the increases for the increase in the library.

Debt service is up \$62,000. The reason for that is two-fold. We are now paying this year for the fire pumper truck and the Boulanger Plaza. Debt service but it is still at 6.61% of the general fund, which is well within our recommended limits.

**Mayor Kinnally:** Every year the budget presentation is interesting because you see what it takes to run the Village, how many mandated costs there are, and how little flexibility we have because of these mandated costs. Just staying put requires a lot of money. This is Susan's budget. She oversaw the process with the department heads and did a lot of the paring down, but she worked closely as it was coming into form with Neil and got input from Neil. I thank you, I thank the staff, and I thank Neil for the time and effort that he put into it.

### **APPROVAL OF MINUTES**

**Trustee Holdstein:** Page 17, where I am speaking. I travel that road on my way "to".

On MOTION of Trustee Holdstein, SECONDED by with a voice vote Trustee Apel of all in favor, the Minutes of the Regular Meeting of February 1, 2005 were approved as amended.

On MOTION of Trustee Apel, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Minutes of the Public Hearing of February 15, 2005 were approved as presented.

On MOTION of Trustee Apel, SECONDED by Trustee Holdstein with a voice vote of all in favor, the Minutes of the Public Hearing of February 15, 2005 were approved as presented.

### **APPROVAL OF WARRANTS**

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

Multi-Fund No. 69-2004-05\$186,826.56  
Multi-Fund No. 70-2004-05\$ 11,835.25  
Multi-Fund No. 73-2004-05\$ 48,530.50

### **21:05 DEMOLITION PERMIT ATLANTIC RICHFIELD COMPANY**

**Mayor Kinnally:** There were some issues at the public hearing about ground water and testing. To the extent that you can fill in some of that information, Mr. Kalet, please do so.

**David Kalet, ARCO Remediation Manager:** The site is primarily paved either with building surfaces or building slabs or asphalt paving. As a result, a very small amount of water can actually seep through the surface. We did some utility surveys and searches. The storm water that collects from incidental rain is going to the storm sewer system, as best as we can determine.

Part of our overall objective for the site was to identify where lead is, so we did a lead survey on where lead materials are. We will be doing additional testing to confirm the levels. If it is determined that the material cannot be used as normal construction fill, then it will be removed from the site and disposed of.

**Mayor Kinnally:** Is there monitoring in place to detect any airborne lead?

**Mr. Kalet:** Not lead specifically. The type of monitoring that takes place looks for particulates; it looks for dust. If those type of things are detected, a job is shut down until such time as things can proceed without creating dust. That is the normal protocol that is intended to be followed..

**Mayor Kinnally:** Let us assume that part of a brick wall is painted, and it is lead paint because prior to 1970 or so it was lead-based paint. What will be done with that wall prior to its demolition?

**Mr. Kalet:** It should be thoroughly wetted before it is bulldozed and snipped. But we intend to do some wipe testing. If the levels are too high for that material to be used as fill, we are required to remove it, and we will. It will be disposed of in an industrial landfill.

**Mayor Kinnally:** The balance of the wall that does not have paint on it or any lead after the wipe testing, that will remain on-site?

**Mr. Kalet:** That is allowed to be left on site, crushed, and re-utilized. We are going to examine looking at saving brick of architectural interest, of architectural quality. I am not sure what value it may be, but first of all we want to determine how much and how we can save those type of materials.

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

**RESOLVED:** that the Mayor and Board of Trustees grant a permit to Atlantic Richfield Company for demolition on the former Anaconda Wire & Cable Plant site, specifically Buildings 15, 18, 19, 22A, 79A, 52A, 52B, 53, 54, and 52 overhang, as identified on the Waterfront Application for Hearing dated February 3, 2005 and attached map, with conditions the same as in previous permits.

<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	

**22:05 RECREATION FEES INCREASE**

**Mayor Kinnally:** This was the subject of a Public Hearing on February 15.

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

**RESOLVED:** that the Mayor and Board of Trustees approve the increase in Parks and Recreation Fees as follows:

<b>Hillside and Combo Camp</b>		
<u>Category</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
E.B. Full Season	\$385	\$462
E.B. Weekly	\$72	\$86
Reg. Full Season	\$413	\$495

Reg. Weekly                      \$77                                      \$92

**Aftercamp**

<u>Category</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
Daily	\$15	\$18
Weekly	\$60	\$72
Full Season	\$240	\$288

**ROLL CALL VOTE**

**AYE**

**NAY**

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

**23:05 ADOPTION OF LOCAL LAW NO. 4 OF 2005 - VEHICLES AND TRAFFIC STOP SIGN TOMPKINS AVENUE**

**Trustee Apel:** In the discussion at the Public Hearing there was a concern that there is a need for some yield signs from the other direction and I do not see that in here.

**Mayor Kinnally:** There was a question as to who would have the right-of-way. The issue of signage was the stop sign ahead, not yield signs. To the extent that there are any other traffic control suggestions, they should go back to the Safety Council.

**Trustee Apel:** The concern was the backup because it is coming around a bend.

**Mayor Kinnally:** The area on Tompkins where the stop sign is going to be is a straight stretch. The issue of the stop sign with people coming around the bend was where we have the stop sign on Ravensdale and Kent.

**Trustee Holdstein:** The Chief made reference to the similarities of those two locations, but in both cases said it was not a good place for a four-way stop.



**Mayor Kinnally:** But Tompkins is a straight stretch. One of the neighbors said that there is a problem in making the left-hand turn when you are going eastbound on Tompkins and making the left-hand turn onto James Street, and how are we going to regulate that. Putting up a sign is not going to do it. We did not intend to add to this local law. If we are going to add to the local law, we have to have another public hearing.

**Trustee Apel:** I have no objections to a public hearing. I am concerned about the safety and the cars getting to that point. There needs to be signage indicating to people that somebody is not stopping. It is a big problem on Ravensdale.

**Trustee Holdstein:** The simple solution is you put a little sign underneath the stop sign that says three-way. When I want to make a left onto Kent, I do not have to stop. I still have an obligation, as I am turning, to make sure that cars that have to stop are stopped. Because they may be stopped, I do not have to and I can go right through and make my left. It is the responsible attitude of driving. We cannot police everybody. When you pull up to that stop that we are putting in at Tompkins you need to look and realize that traffic coming the other way up the hill does not have a stop, and if a car is coming I have to wait. The only way to do that is to put this little word three-way under that stop sign.

**Trustee Apel:** I just do not want to cause a problem. If you put the stop sign in, is it going to cause more problems than if we wait and put all the other signage that is appropriate there?

**Trustee Holdstein:** Absolutely not.

**Mayor Kinnally:** I do not see it. We should ask the Police Chief and the police department to look at the situation, and if it requires more signage, then the Safety Council will take a look at it.

**Trustee Jennings:** I am prepared to vote for this, but I am unpersuaded with the arguments about three-way stop intersections as opposed to four. I think there should be a stop sign westbound as well as eastbound, with warning signs around the curve at Ravensdale and at Tompkins. I have heard this argument for years about the Ravensdale-Kent intersection and I do not buy it. It seems to me we are reproducing the same mistake on Tompkins. Since there is a good reason to have it eastbound, we will go with that. But I would like to follow up and see if we cannot get another on westbound, as well.

**Deputy Village Manager Maggiotto:** We can ask the Safety Council to take a fresh look.

**Trustee Swiderski:** I am in accord with what Bruce just said.

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

**RESOLVED:** that the Mayor and Board of Trustees hereby adopt Local Law No. 4 of 2005 amending the Code of the Village of Hastings-on-Hudson, Westchester County, New York, Chapter 282 Vehicles and Traffic.

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HASTINGS-ON-HUDSON as follows:

Section 1. Section 282-16 of The Code of The Village of Hastings-on-Hudson is hereby amended by adding a new subparagraph DDD as follows:

Stop sign at Tompkins Avenue controlling eastbound traffic at the intersection of James Street

Section 2. All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed..

Section 3. This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State.

<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	

**24:05 AUTHORIZATION TO SELL EXCESS VEHICLES**

**Deputy Village Manager Maggiotto:** These vehicles are not in service, and Mike Gunther wants to get rid of them. He needs the space. The revenue is not going to greatly impact the Village's futures, but it is better than just junking them.

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

**RESOLVED:** that the Mayor and Board of Trustees declare the following as excess vehicles and authorize the Village Manager to sell same by public bid:  
1996 Chevy Blazer - 85,918 miles  
1996 Chevy Caprice - 112,586 miles

<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	

**25:05 SNOW AND ICE NYSDOT AGREEMENT EXTENSION**

**Deputy Village Manager Maggiotto:** This comes up every year; there is no change.

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

**RESOLVED:** that the Mayor and Board of Trustees authorize the Village Manager to sign the agreement to extend the municipal Snow and Ice Agreement for the 2006/2007 snow season with the New York State Department of Transportation.

<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

**26:05 CHANGE OF MEETING DATE**

**Trustee Jennings:** I will not be able to attend even with this change.

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

**RESOLVED:** that the Mayor and Board of Trustees change the date of the Organizational and Regular Meeting from April 5, 2005 to April 7, 2005.

<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	

**27:05 SUPPORT RESOLUTION - WESTCHESTER COUNTY EMPIRE STATE GAMES APPLICATION**

**Mayor Kinnally:** This is something that will boost not only the county's visibility but maybe its pocketbook, and I do not see any downside.

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

**WHEREAS,** Westchester County has recently submitted an application to host the Empire State Games in 2007; and

**WHEREAS,** the Empire State Games is the largest competition of its kind in the United States, a multi-sport event for amateur athletes patterned after the Olympic Games; and

**WHEREAS,** the Empire State Games in Westchester are expected to attract 6,000 athletes, their families, friends and coaches to the County, boosting the economy for local restaurants, hotels, retail stores and entertainment and recreational venues; and

**WHEREAS,** Westchester's many student-athletes and excellent athletic programs stand to benefit if Westchester hosts the Empire State Games in 2007; and

**WHEREAS,** hosting the Empire State Games is a great opportunity for the County to publicize its cultural, recreational and historical attractions to the entire State of New York; and

**WHEREAS,** Westchester County has never been given the opportunity to host the Empire State Games before; and

**WHEREAS,** every Westchester municipality stands to benefit from Westchester County hosting the Empire State Games in 2007; now therefore be it

**RESOLVED:** that the Village of Hastings-on-Hudson supports Westchester County's application to host the Empire State Games in 2007 and will encourage our residents also to support the application; and be it further

**RESOLVED:** that the Village of Hastings-on-Hudson urges Governor George Pataki to select Westchester County as the host of the 2007 Empire State Games, and be it further

**RESOLVED:** that a copy of this resolution be transmitted to Governor George Pataki, New York State Office of Parks, Recreation and Historic Preservation Commissioner Bernadette Castro and Westchester County Executive Andrew J. Spano.

**ROLL CALL VOTE**

**AYE**

**NAY**

Trustee Michael Holdstein

X

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

**28:05 GRANT APPLICATION - DOWNTOWN PARKING STRATEGIC ACTION PLAN**

**Village Planner Witkowski:** This is a request for something that the Planning Board has been wanting for a long time: to look at the parking resources we have, and then look for some opportunities in and near the downtown where parking may be expanded or reconfigured to make it more efficient and useful. We felt that this was an opportune time to seek this grant because of the renewed interest in reviving the Chamber of Commerce by the merchants. Patty Speranza and I put together this application and submitted it on Friday. We can submit the application prior to a resolution. It is for \$25,000 without any match. We have had quality communities grants before, so that helps to be in their pipeline because this one is very competitive. There is only \$1million, and it is open to any community in the state, which means there are 1,600 potential competitors. This was the second recommendation that came out of the Vision Plan, the first one being the downtown zoning. That is another reason that the Planning Board wanted to pursue this.

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

**RESOLVED:** that the Mayor and Board of Trustees authorize the Village Manager to file an application for funds from the New York State Department of State Quality Communities Demonstration Program in the amount of \$25,000 to fund a Downtown Parking Strategic Action Plan Project.

<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	

**29:05 CERTIORARI SETTLEMENT GREAT ATLANTIC & PACIFIC TEA CO.**

**Mayor Kinnally:** This comes to us on a recommendation from *certiorari* counsel after a review of the years in question and the documentation produced by A&P. His assessment is that we come out way ahead in agreeing to the reduction. We save the expert fees in preparing for trial and the attorney's costs of going to trial, and the exposure and the possibility that we could have a worse outcome.

**Trustee Holdstein:** I can accept this, but I am voicing a general frustration that when property values are rising in our village here is one that is dropping. I assume in communities where housing stock properties are rising, then commercial values would rise.

**Mayor Kinnally:** Not in the assessment area. Part of it is a function of how much money the property has generated. We have this with apartment buildings all the time. We get their rent rolls. We see the income and the costs. If you look at the periodic reports from *certiorari* counsel, you see all the protests that are filed. If you look at the real estate you say the real estate is worth more today. But they are constantly here looking for reductions because the formula is different.

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

**WHEREAS,** petitions having been filed by the property owner below challenging real property tax assessments on the Village's assessment roll with respect to the following parcels:

<b>Property Owner</b>	<b>Address Description</b>	<b>Year(s)</b>
<b>GREAT ATLANTIC &amp; PACIFIC TEA CO.</b>	<b>87 Main Street Volume HA, Sheet 11 Lot P100</b>	<b>1996- 2004</b>





**Trustee Jennings:** What does the term official sponsorship mean?

**Mayor Kinnally:** We sign on and endorse what they are doing. There are no expenses.

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

**WHEREAS,** comprehensive planning, land use regulation and the review and approval of land development proposals are among the most important functions of local governments in the State of New York; and

**WHEREAS,** members of local administrative boards such as the planning board, zoning board of appeals, and conservation advisory boards consider and dispose of many important applications for permits, variances and interpretations of local land use regulations; and

**WHEREAS,** local legislative bodies are authorized to use their delegated authority under state law to adopt a wide variety of land use regulations, controls and incentives to provide for the balanced and harmonious development of the community; and

**WHEREAS,** land owners, developers, and leaders of local civic organizations (such as land trusts) are regularly involved in testifying regarding matters pending before these legislative and administrative bodies; and

**WHEREAS,** knowledge of the authority of local governments regarding land use control and responsible decision-making regarding these matters is important to the quality of live and future success of the communities; and

**WHEREAS,** the Land Use Law Center of Pace University School of Law, with the assistance of the Natural Resource Conservation Service, the Hudson River Greenway, and the Soil and Water District Conservation Boards, has established an exemplary program of training and supporting local officials, private sector representatives, and civic leaders in land use decision-making known as the Community Leadership Alliance Program; now therefore be it

**RESOLVED:** by the Board of Trustees of the Village of Hastings-on-Hudson that it supports the continuation of the local land use leaders training programs of the Land Use Law Center, that it offers its official sponsorship of the training sessions conducted under the Center's programs, and that it encourages other institutions, cities, towns and villages in the Hudson Valley Region to offer their support and sponsorship of these lands use training programs and to nominate local leaders for participation in these programs.

<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**

**Deputy Village Manager Maggiotto:** To be sure that people get the message that all voting is in the library for the village election, we are mailing about 5,500 postcards to all registered voters. We will have all the former polling places marked, and I hope there will be minimal confusion.

Two weeks ago we had a successful quarry study meeting that generated a number of excellent ideas. The study committee is meeting next Monday night to review all these ideas and begin our process of sifting through them and coming up with a report for the Board. We are pretty sure we are on target for the May 15 date we were given.

We are presently interviewing for a consultant for our transportation and pedestrian plan. Trustee Apel is on the committee, with the Planning Director, Bill Logan from the Planning Board, school board representatives, and myself. We have conducted three interviews from among all the people who submitted proposals to us. We have one more coming up, and after that we will make our selection and move forward.

I had a pre-construction meeting today with Christina Griffin and the contractors for the wall project at Boulanger. We need to get all their papers in order and anticipate that they will start work on removing the wall in perhaps as soon as two weeks. For the first two weeks for

safety reasons we will take out seven spaces at the far end of the Boulanger lot underneath the wall. After that they will be working from the top through the VFW, so it will not inconvenience people in the parking lot.

The cove drawings are up on the website, and we have several large boards on display in the library windows. We urge people to look at the proposals and give us feedback. We have some more cost information that we will be providing to you from McLaren. We are investigating that material going into the water, and we will have some suggestions and perhaps an alternative to that.

We have a program now in place, thanks to Fred Hubbard, of Adopt A Trail in Hastings. We already have a number of volunteers who have offered to take responsibility for one of the several trails that we have in the village. We have a great trailway system in place, but a lot of the trails need attention. The only way this is going to work is with the volunteers who use them. So far we have gotten quite a few volunteers. I encourage people who use these trails to click on the Website and see what they can do to pitch in to help their favorite trail.

I have to congratulate the Public Works department on dealing with yet another snow. I found the streets to be in excellent shape when I came to work this morning. Snow came down quite heavily before daybreak and set them back a bit, which is why we did not have garbage collection today. Also, schools only had a two-hour delay instead of being closed, so they had to get all the side streets cleared first thing. But again they did an excellent job.

**Mayor Kinnally:** Let me add my compliments to the DPW. It has been a rough stretch for them. I saw that snow coming down very heavily early in the morning after the streets had been cleared. My thanks to the DPW, and my thanks also to the people in the community who are moving their cars and not creating bottlenecks so we can get the plows through and open up our streets.

### **EXECUTIVE SESSIONS**

On MOTION of Trustee Holdstein, SECONDED by Trustee Jennings with a voice vote of all in favor, the Board scheduled an Executive Session immediately following the Regular Meeting to discuss personnel and acquisition of real property.

On MOTION of Trustee Holdstein, SECONDED by Trustee Apel with a voice vote of all in favor, the Board scheduled an Executive Session for March 8, 2005 immediately following the Budget Hearing to discuss personnel items.

## **BOARD DISCUSSION AND COMMENTS**

### **1. Proposed Local Law No. 6- LI Zoning**

**Deputy Village Attorney Stecich:** The Board has asked me to draft a resolution that would eliminate very large retail spaces in the LI district. I raised the issue with the Planning Board to see whether they had any suggestions, although this is not their formal proposal because they never took a vote and it was kind of a consensus.

The amendment looks pretty short. That is because the list of permitted uses in the LI district reads “any use permitted in the CC district.” So I added the limitation that has three parts to it: except, one, that no retail use shall have a gross floor area exceeding 2,500 square feet; secondly, the total gross floor area of the retail uses permitted under paragraphs 15 and 16 shall not exceed 25% of the area of the lot permitted to be covered under Section 295-77E2. Let say you have a lot that is 200,000 square feet and the developable limits in the LI district are 15% if any building exceeds one story. You could only have a 30,000 square-foot footprint. Of that 30,000 square feet, only 25% could be retail. So in that scenario the total retail area cannot exceed 7,500 square feet.

**Trustee Holdstein:** But within that 7,500, no one retail space could exceed 2,500.

**Deputy Village Attorney Stecich:** Right. You could have three 2,500-square foot stores; you could have ten 750-square foot stores; you could have a mix. But no one store could exceed 2,500 square feet. Coming up with that number is the main thing I wanted to talk to the Planning Board about. That was the number in the CC district for the cutoff on whether you have to provide parking. They thought there should be some consistency with the numbers. Then it occurred to me that if you have this limitation on retail, what could you have on the ground floor? There seemed to be an assumption in the discussion that artists’ studios were permitted on the ground floor as they are in the MR and the MR-C, but in the CC they are only allowed above the first floor. In the downtown you try to encourage retail uses on the ground floor, but it did not make sense to have that limitation here, so I added that artists’ studios could be permitted on any story. They are now permitted only upstairs.

**Mayor Kinnally:** My fear is that we may be forced into a catastrophe at the other end of the spectrum: a series of small retail stores on the first floor.

**Deputy Village Attorney Stecich:** That was the reason that the Planning Board suggested that not more than 25% of the developable area could be retail space.

**Mayor Kinnally:** It might be advisable to put a minimum size in there also so you do not get the small slivers into a number of storefronts that would be falling into the same trap as what faces everybody in Ardsley.

**Trustee Apel:** What do you want it to look like?

**Mayor Kinnally:** I know what I do not want it to look like. I do not want a series of retail outlets, mom-and-pop outlets, small outlets that are not going to be what we want, to use a phrase from the argument about the residential, at the gateway of our village. A minimum square footage might avoid having nothing more than a series of very tiny stores, or stalls, fronting on 9-A.

**Trustee Swiderski:** . I am not sure a minimum avoids what you are looking for. If there is a number you want to play with it is the 25% of the area. I was going to compliment Marianne. This pretty much hits the mark as far as an attempt to fulfill the spirit of what I was looking for. A quarter of the developable area would not be enough to result in a strip mall, even if it is just a front. To address Lee's concern, the only thing I can imagine is to bring that 25% down a bit.

**Mayor Kinnally:** Let us assume we have a two-story building. If you had all commercial on the first floor it would be 50% of the building?

**Trustee Swiderski:** It would be 100% of the footprint. Right, Marianne?

**Deputy Village Attorney Stecich:** You are dealing with two different numbers: footprint and gross floor area. The amount of retail space is limited by gross floor area. So let us say the limitation was 2,500. You could have 5,000 square feet on the ground floor and 2,500 square feet upstairs. You can only have a total of 7,500 square feet of retail space no matter where it is.

**Mayor Kinnally:** The likelihood is that you are not going to have retail space on the second floor. The bulk of it could be on the first floor and it could still be a substantial part of the frontage of the building. That is my fear. I like the ratios. It controls what we are doing, but I do not think it controls it enough. It still could front-end the retail on the front end of the building.

**Trustee Swiderski:** Front quarter.

**Mayor Kinnally:** Front half of the building, right?

**Deputy Village Attorney Stecich:** On this particular lot there are fairly substantial setbacks: a front yard setback of 25 feet, a rear yard setback of 40 feet. The lot is shallow, so the building could only be so deep. Probably the maximum would be 50% it could be divided into. Let us say 50% of the retail was across the front. Then half of the frontage would be retail. That is probably most realistic if the back was used for some other permitted use, offices or something like that. But it is not so deep that you could say 25% of it would be loaded along the front so you would have half of the frontage.

**Mayor Kinnally:** You are saying that there is a built-in limitation on the fear that I have. Let me throw something else into the mix. Let us say we have artists' studios on the first floor. We try to encourage that, right?

**Trustee Apel:** I would think.

**Mayor Kinnally:** There is a residential as-of-right at the present time on the site. Is there a problem putting a couple of the units, to make them duplexes, on the ground floor, just in this area, not in the downtown? I am trying to get the best-looking buildings there, without giving the developer a bonus. If we have the residential there to give us the flexibility, you are going to have the keystone of what the Planning Board was trying to do with the MUPDD. To give them the flexibility to come up with something that is not only viable, but will look pretty good. I can see something of a mixed use with maybe a couple of duplexes in there. I have no idea if architecturally it is feasible.

My big fear here is it is a strip. I want to make sure that these units, if they are going to be built, are not going to turn into white elephants, not going to be vacant, not going to look like hell; and then we are going to have a real problem on our hands.

**Trustee Apel:** My objection to that is because I want to limit the amount of residential. You are opening it to having more people.

**Mayor Kinnally:** The floor space devoted to residential would not change. As it is now under the LI zone, you can half the building just residential as long as it is above the first floor. I am not looking to change the 50% mix. I am saying you can configure the buildings to have duplexes so that you have a little more vibrancy and viability to the project. There are two competing interests here. One is that residential is anathema to some people. The other is keeping the residential in scale so that it does not become a full residential project. I understand that. But where you have a mix, you want to make sure that the mix works. I wonder if allowing for some first and second floor residential units without giving the residential units any more square footage makes the project more acceptable from an aesthetic, financial, planning and viability standpoint.

**Trustee Apel:** So you are going to end up with townhouses.

**Mayor Kinnally:** No, you cannot end up with townhouses. You will have a mix of duplexes, commercial, artists' studios. You could not put any more residential in any one building. Allow what you have but reconfigured in the same building, so you do not have a blah project, a pedestrian square box that does not do anything for the Village, for the gateway. I do not worry about developers; I worry about the development. After the developer builds it, we have to look at it. It may be that we can come up with a better product giving it that flexibility.

**Trustee Jennings:** If we are going to have residential as-of-right in LI, instead of limiting it by which floor it could be on it makes more sense to limit it by percentage of total space. That makes better sense because it gives more flexibility to the architecture. I agree with you about that. But I am concerned that if we do not have something like a mixed residential/artist kind of project, if that does not happen, then we go to some indeterminate future with who-knows-what kind of proposals coming along. I am concerned about the strip mall. That is not desirable. I am trying to imagine what kind of configurations might be desirable. If the ShopRite proposal was on the order of 45,000 square feet, then 2,500 is very low. Could you have a nice restaurant there with this limitation as opposed to a small fast-food type of place?

**Deputy Village Attorney Stecich:** But there is no square foot limitation on restaurants. The square foot limitation is only on retail uses. There is no limitation on the site of an office building, a restaurant, a bank, any of the other permitted uses.

[ Discussion of retail and service uses ]

**Deputy Village Attorney Stecich:** There are large retail uses that are not big traffic generators. An auto dealership is not a big traffic generator, or a piano store or something.

**Trustee Apel:** Let us say we kept it at this for whatever reason. Could the auto dealer ask for a special permit to have a bigger space?

**Deputy Village Attorney Stecich:** They would have to get a variance.

**Trustee Apel:** But I am just saying there is a mechanism by which, if for some reason there was some larger thing that came in.

**Deputy Village Attorney Stecich:** You could lay out some criteria. It would be hard, though. This is all in the discussion the Planning Board had. This is how the whole discussion started on trying to redefine the uses in the LI district, which is why they came up with that other proposal. Because it depends: some big uses are not very traffic-intensive, others are. It is hard.

**Trustee Apel:** If most of the stuff downtown is 1,000 square feet, then Hastings Prime Meats is probably closer to two. Say that kind of store, and that is what I am guessing. And I understand your concern because you could have it all in the front.

**Mayor Kinnally:** Exactly. Retail would want to be out in front.

**Trustee Apel:** They could have it all this way. That would have to be a decision if you want to have it.

**Mayor Kinnally:** I do not think you want to have that. I cannot imagine any developer would want to have that if they are trying to have a mixed use site. I believe that will detract from the site, but I am not going to speak for a developer.



**Trustee Apel:** I would like to see that there is not one general term for mixed use. It has to depend on what zone it is in.

**Trustee Swiderski:** I still find the proposal as it stands far superior to a site that currently is without the protection extended by some limitation against big box.

**Mayor Kinnally:** We are all in agreement that we want to have that limitation.

**Trustee Jennings:** I agree with your concern, Lee, and I think the proper response to your concern is to think about a minimum size limitation as well as a maximum. The trouble I have with that concept is that we will get to the point where we thread the needle so finely that we zone in a way that nothing commercially viable can be built. If we keep the maximum as low as 2,500 I am hard pressed to know what the minimum should be and still have a big enough room for somebody to work with. I would like to set a minimum, perhaps 1,500, and maybe raise the 2,500 a little higher because it is way smaller than anything remotely resembling a big box, so we would still have the protection.

To Marge's suggestion about the specific definition of mixed use in the various zones. That is a logical point. But if we define a mixed use specifically for the LI zone or specifically for 9-A, we may run a cropper over our disagreement about residential. I wonder if it is feasible to write a specific mixed use definition for that site.

**Deputy Village Attorney Stecich:** You do not need to write a different definition. You can keep the same definition and then add provisos for that particular district. You have one now in the CC. It says mixed use provided that any residential unit has a minimum gross floor area of 500 square feet, and that artists' studios shall be permitted above the ground floor. So without having to redo the definition you could write different provisions in each district.

**Mayor Kinnally:** But that is a zoning change, right? Let us assume that it can be written, that the Board in general agrees with that concept, and the number of units, or percentage of the building, that could be devoted to residential does not change. But that still would be a zone change, and it would require, if somebody filed a protest petition, a super-majority.

**Trustee Holdstein:** I agree with the minimum. My biggest concern is the strip center.

**Mayor Kinnally:** Marge, your concerns about the mixed use definition as it impacts the downtown area, I think that is where you are going with this, and specifically 10 West Main Street, because that is the catalyst for the mixed use discussion.

**Trustee Apel:** The reason it needs to be separated out is that one discussion we have is something about not having it on a parking lot. You build on 9-A and you are going to have parking lots all around the building.

**Mayor Kinnally:** I agree.

**Trustee Apel:** We have to make up our mind what we are doing.

**Mayor Kinnally:** I know, and part of it may just be identifying what parcel of land we want to deal with. But if I could jump forward to the mixed use.

## **2. Mixed Use Definition**

**Mayor Kinnally:** We have had this on our agenda any number of times, and I know Eric is looking for guidance to see what we are going to do.

I came away from the meeting with the Planning Board thinking that perhaps the best way to deal with this is to let the Planning Board come up with a site plan and what they think the best use of the site would be and, if a variance is needed, let the developer go to the Zoning Board of Appeals. I am not so sure that the Village Board can solve those problems.

**Trustee Apel:** Do I understand you correctly that we should not change the mixed use definition, that it should go the normal course between the Planning Board's suggestions and the Zoning Board's variances?

**Mayor Kinnally:** Yes. We do not deal with it.

**Trustee Holdstein:** My concern is that the Planning Board is being handed the Zoning Board's job. The Planning Board would be giving variances when it should be the Zoning Board giving variances.

**Deputy Village Attorney Stecich:** When you go into the Zoning Board, you are going for special relief. It is not like asking the Planning Board to vary a requirement if you meet

certain standards. There are instances in the code where they are given the discretion to vary a requirement, for example, the extra story provision. You could say that permission need not be given to the Planning Board in the code because they could always go to the Zoning Board and get a height variance. But height variance is difficult to get. Maybe that is how you want it to be, and you would not have this in a lot of circumstances. I was not involved in the redraft of the downtown regulations, but the reason they thought to give the Planning Board the flexibility there was they recognized there may well be situations where it makes sense. And I think that was the thinking here, too, with whether residential should be permitted on the ground floor.

**Mayor Kinnally:** And that is why they are looking for input from the Village Board. They are saying that it was never the intent.

**Trustee Jennings:** I came away with our meeting with the Planning Board with a different impression. If we have a zone, which is the responsibility of the Board of Trustees to determine, the zone states as a matter of public policy that we want certain things and we do not want other things. The Zoning Board of Appeals has the function of granting a variance from that baseline of public policy, but the requirements are stringent, and rightly so.

The question is whether we want to start from an inflexible rule and have everyone go through the variance process, or whether we want to start with a more flexible policy which says that the Planning Board may make a determination that a deviation from the usual pattern is desirable not because there can be a showing of hardship, but because it makes more sense for this site. The Zoning Board is not the body that makes those determinations.

I am not sure that we can, as a Board of Trustees, get away from the responsibility, because we have to set the public policy, and our choice is to set a rigid public policy for which variances will have to be sought, or a flexible public policy for which we allow variations, not variances. I believe it makes more sense to start with a flexible zoning rule and allow the Planning Board to decide on a case-by-case basis rather than to start with a stringent definition and then go through the process of hard-to-get variances.

**Trustee Apel:** This goes back to the Vision Plan and the Master Plan, and the fact that our zone is not matching the plan. If our Vision Plan or Master Plan were reviewed and looked at through the planning process as it should be, and I know they are discussing looking at it again, then your zoning should reflect the plan. For years we were told the zoning is your

plan, which is backwards. We need to plan, and your zoning laws will reflect that planning. This is another example of tinkering around with all the little parts and not seeing the whole.

**Mayor Kinnally:** Once you say we are going to have certain uses, there are always going to be things that you have to tinker with. A problem has come up or a circumstance has changed, so you cannot say we are not going to look at it because it is not in the grand scheme. Sometimes you have to look beyond macro and look micro. Zoning is not static; it is evolving. Your Master Plan is comprised of many elements: a Vision Plan, zoning, the large tract study, and all of the other studies.

**Trustee Swiderski:** My understanding of the discussion was almost exactly as Bruce saw it. The Zoning Board's rules for variances are so rigid that by deciding to leave things as they are we, in the case of the West Main development and almost any other development, are likely excluding residential from the ground floor in the downtown. According to Meg Walker and number of other people who served on the rezoning effort, that was not the intention. The intention was not no housing on the first floor in the downtown, but rather retail frontage with mixed use and largely housing overhead. I am in accord completely with Bruce that unless we allow flexibility in the Zoning Code and hand that flexibility to the Planning Board we, by failing to tweak, have effectively taken a position which says nothing is going to happen. Tweaks do not bother me. It fixes something that could use a fix. I would back it with my usual *caveat* about it not cascading down to 9-A. I would vote on it with that one-line addition tonight.

**Trustee Holdstein:** This just feels like a zoning issue, not a Planning Board issue.

**Trustee Swiderski:** But zoning boards grant variances; they do not do planning. This is really not a variance so much as a planning tool.

**Deputy Village Attorney Stecich:** You could not give the Zoning Board the jurisdiction to do this anyway. The Zoning Board only has the jurisdiction that it has under the statute, and that is to hear appeals from building inspector denial.

**Trustee Jennings:** The proposal here is to rewrite it so that neither is residential limited to the second floor nor is it always permitted on the ground floor. It is up to the specifics of the site plan. It is up to the kind of thing that the Planning Board does, so we vested it in the Planning Board. It is not giving a variance. It is saying that if the Planning Board so determines, then the configuration is as-of-right under the zone.

**Trustee Holdstein:** I think you are playing with semantics. You are allowing the Planning Board to make a variance to the zone.

**Mayor Kinnally:** Let me see if I can clarify it. The Zoning Board acts to give relief from a restriction in the zoning code. My understanding is that we will allow either residential or commercial on the ground floor. The Village Board is saying that: we will allow it.

**Trustee Holdstein:** That is a change?

**Mayor Kinnally:** Yes, it is a change. We will allow it subject to the approval and review of the Planning Board. So they are not giving relief from the zoning text. We are doing two things. We are allowing the use subject to, and in a way delegating part of our ultimate decision-making, via flexibility to, the Planning Board.

**Trustee Holdstein:** You hit on something now that the light went on for me; in fact, we are going to make a zoning change. We are going to allow both.

**Mayor Kinnally:** Yes, this text is a zoning change. It is a modification to the definition of mixed use in the zoning text.

**Eric Anderson, A&F Commercial Builders:** I am really appreciating this conversation. It is very smart, the issues before you are very complicated, and the body of law that you are working on is very complex. I think you are actually repairing rather than reacting. The Planning Board is the body that considers the issue of appropriateness in development. The ZBA, in my opinion, does not. The ZBA looks at issues more as a yes or no, and the Planning Board looks at issues as, how do we make this thing work for the site? How do we apply the theory, or how do we apply the vision, to the site?

There was a conversation on 45 Main Street on the fourth floor that went on for months. It was entirely a conversation about appropriateness, which really is a Planning Board conversation and not a ZBA conversation. They made a lot of good points, and eventually we moved the thing around a little bit, and it was not a yes-or-no kind of thing. It was an outcome where the vision was preserved. And as a developer, after six or eight months of this process, I can tell you there is nothing freely given and it was a very difficult process.

If we were to do 10 West Main Street right now we could not put residential on the first floor. The appropriateness issue comes in at 10 West Main Street when you consider the

following: if you cannot do residential on the first floor and you can only do commercial or retail on the first floor, then as-of-right within this scheme you end up with 8- or 10- or 15,000 square feet of commercial space on the first floor, and probably no residential above because the residential would be so small that it could not support the parking underneath. It is absurd to think that that is the outcome. That is not the vision of the downtown rezoning.

**Mayor Kinnally:** But your conversation is more appropriate to an argument before the Planning Board because you are getting into how the building is going to look and how you can make the building work.

**Mr. Anderson:** Getting away from uses, that is correct. But the issue of use here is, in fact, the basis of the conversation. And we have had a conversation with the ARB that has gone on for a year-and-a-half with this building where they blessed our last outcome. And we have sent around a packet on the building, the latest version, to the Planning Board, and the response has been very positive.

**Mayor Kinnally:** Has the Planning Board dealt with it?

**Mr. Anderson:** Not in fact.

**Mayor Kinnally:** Then do not say that it has been positive because the Planning Board has not dealt with the proposal.

**Mr. Anderson:** They have.

**Mayor Kinnally:** Well, it is news to me. I do not think they have.

**Mr. Anderson:** We have been before the Planning Board numerous times with this project.

**Deputy Village Attorney Stecich:** I do not think they have seen the latest proposal.

**Trustee Jennings:** But your point is that this interaction is really a conversation about appropriateness and it is not the type of quasi-judicial thing that the ZBA specializes in. I think that point is well-taken.

**James Surdoval, A&F consultant:** The reason that this is more of a planning issue is that the Planning Board can look this and evaluate it from the standpoint of what is better for the

Village. The Zoning Board, in this case, cannot look at it from the standpoint of what is better for the Village. They have to look at it with a specific test, and for a use variance it is even a higher test. Eric could build something that is consistent with the zoning, but he has a better vision, and the Planning Board could concur with that vision and say, Yes, we think this is the best product for the Village. This has the least impact on the parking lot. It achieves best the goal of the Vision Plan of having more residential downtown. This works.

**Trustee Apel:** Why is it coming here? Why are you not going to the Planning Board and letting them decide whether this is a great idea or not a good idea, and go pursue it, or go get a variance, or talk to the Board.

**Deputy Village Attorney Stecich:** The proposal had residential on the ground floor and that is why this came up; they went to Zoning Board for an interpretation on whether it was permitted, and they said you could not have it. That issue has to be resolved before the Planning Board reviews it. Let us say they spent a lot of time reviewing this project that had some residential on the ground floor and they think it is a good idea, and then they recommend that the Board of Trustees amend the code and the Board does not amend the code, then they just wasted their time. Find out whether you can have residential on the ground floor, and then come back with your project. It does not make sense for the Planning Board to review it until they know whether the use will fly.

**Mayor Kinnally:** We will discuss this after our budget work session on March 22. We have the variance sign on this agenda, and I would like to put that over for another time.

**Susan Newman, Ginsburg Development:** I wondered when you were going to come back to the LI discussion. By way of update, we had a concept discussion with the Planning Board about conforming our design to the LI. We are finishing the environmental review as the LI as written. I do not think any of the changes here are that disruptive to how we are conforming it. On the other hand, I do not want to conform it to something that does not exist and we have to go back and re-conform it. It has been five years, just to put it in perspective. We started this process in December of 2000, so it is not like we are newcomers trying to get a project here.

**Mayor Kinnally:** I agree. And I think you will also agree that we are trying to come up with something that is beneficial for everybody. I would suggest that we have a further discussion on this on Mar. 15.

### **3. Greenburgh Letter**

**Mayor Kinnally:** I am in receipt of a letter from the Town supervisor.

“This letter is being written to ask for a meeting with a six mayors to discuss a concept that I would like explored. As you know, I plan to establish a committee to review the A&B budgets, to address inequities, and to try developing a fair system.

“I know that the villages have contracted with Pace to review the issue of seceding from Greenburgh. I would like to discuss the possibility of asking Pace to also review the A&B funds and to work with the committee on establishing recommendations that would address fairness issues. Inasmuch as the villages have already contracted with Pace, I want to make sure that you sign off, since Pace may be conflicted if the villages do not support this initiative.”

Do we support an initiative for them to take a look at the costs? Paul does not need our support. That is what the Town Supervisor should be doing. But I do not want it to be piggybacked on what Pace is doing for us.

**Trustee Holdstein:** I would agree 110%. All this guy wants to do is form committees. What he does not do is do the right thing and take any action. And when he does take action, it is the wrong action. I am fed up with this guy doing nothing except form committees and break his word to the same six mayors that he wants to meet with. He cannot be trusted and he does not keep his word. He is ineffective, and it is a bunch of garbage to just keep forming committees that do nothing and accomplish nothing.

**Mayor Kinnally:** I am leaning against it.

**Trustee Swiderski:** I will join with leaning against it.

**Trustee Jennings:** Muddies the waters.

**Trustee Apel:** It is like having the same attorney for both sides.

**Mayor Kinnally:** I will tell him that we have looked at it preliminarily and we will make a decision on Mar. 15.



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**ADJOURNMENT**

On MOTION of Trustee Jennings, SECONDED by Trustee Holdstein with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 11:35 p.m.