

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
APRIL 19, 2005

A Regular Meeting and was held by the Board of Trustees on Tuesday, April 19, 2005 at 8:05 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Wm. Lee Kinnally, Jr., Trustee Michael Holdstein, Trustee Marjorie Apel, Trustee Peter Swiderski, Deputy Village Attorney Marianne Stecich, and Acting Village Manager/Clerk Susan Maggiotto.

ABSENT: Trustee Jennings.

CITIZENS: Seventeen (17).

Mayor Kinnally: Trustee Jennings is out of town on business.

PRESENTATION – Kinnally Cove

John Imbiano, IQ Landscape Architects: Several weeks ago we presented the schematic plan for Kinnally Cove. The remaining issue was how to launch a kayak/canoe during low tide when the cove is shallow and mucky. We had proposed a stabilized walkway out to the extreme low tide. What we are presenting tonight, and how we left it that evening, was to come through the existing walkway between the park and the restaurant parking. This is the circular gravel area that exists today, and the playground area is approximately where my finger is. We do not have topographic survey data for this part, since it was not in the original scope. So we will need that to continue with more detailed drawings.

One of the concerns was, you have the park, the restaurant, people strolling, people fishing, so there are a lot of intermingling of uses in the park. I think it is a natural for this park. What we are doing to facilitate that is to continue the gravel walk. It could be eight feet so a service vehicle could get out to that point. There would be a pier or a structure from which to attach a gangway system which would allow the floating dock to adjust to the tide; a gangway, which we would try to make handicapped-accessible in terms of a maximum slope allowable on it; and then the floating dock system itself which is about 20 by 30 feet.

One of the ways to kind of separate the uses if that is desirable, and that is where we were going last time, is to continue the split rail fence that you have along the waterfront. It would deter the cross-mingling of children in the play area, other people using the park, but it would not obstruct the long view along the length of the park, at least along the waterfront. However, where you may want to provide some buffering, and I am not even going to say screening although it could be very intense, is as you enter the park area between the

playground and where you would walk out with your boat. It would be a slight earth form, a berm maybe, with some evergreens and shrubs; something that mimics what they did very nicely along the restaurant edge to buffer the parking lot from the park.

This would be Phase I, since the intent of the project is to create a launch at low tide. The components of the rest of the par have been described before. A small tidal marsh in the northeast corner of the cove. A wooden walkway that overlooks the cove area and the tidal marsh. Removing some of the adjacent paving to give more buffer space and green space. An overlook platform centered on the cove where one would enter. And then at the south end near the Tennis Club utilizing some of that open land as a passive recreational area for picnicking, maybe a little gazebo, possibly some storage for a limited number of kayaks.

Then another alternative way which I feel would be used a lot of the time would be this very nice sand beach area that you have now and where a lot of people would launch their kayak or canoe since that is an ideal way of launching, from my own personal experience.

Mr. McLaren: The cost is broken into Phase I and Phase II. The estimate for the Phase I is \$550,000 for the in-water work, construction of the ramp, breakwater, some landscaping. Phase II gets more into the upland landscape work for a total of about \$923,000. The original proposal which we suggested, with the stabilized soil, was about 40% of that.

Trustee Apel: Where is the floating dock going to go in the winter?

Speaker: We could probably store it upland, but it needs to be protected. They are putting them in now up and down the river. The season is April to November.

Trustee Apel: What is the cost of the maintenance of the wooden walkway by the parking?

Speaker: It depends on what you make it out of. Some composite materials, recycled plastic, have a much longer life span. Pressure treated lumber will need to be replaced in ten years.

Trustee Holdstein: Is this the new document, or the one we have seen?

Ted Mason: I went down to Beczak Center to look at their wetlands. The wetlands was installed at considerable expense. There is nothing left. It is all gone. The only thing that is left is the land form that was created. All the plantings were eaten by the birds, mainly the Canada geese, and all the plantings were wiped away during the winter.

I favor the launch site off the Tennis Club. I do not believe the reasons given last time by the engineers are good reasons for it not being there. One of the reasons that the citizens' advisory committee two years ago suggested that the park was a bad idea was because of kids getting on the float unsupervised.

The point here is made about access. During the summer, except in the mornings, you cannot get near the parking lot to unload a boat. Most people, except on weekends, would kayak from 5 o'clock until 9 or 10 o'clock at night. You cannot unload a boat, you cannot load a boat. Kayaks, canoes, and rowing shells range from 35 pounds to 75 pounds, or even more. They are from 16 feet long to 25 feet long. Hauling a boat from someplace out here is not very practical. Putting boat storage down here for people that would come in for the river makes no sense at all. So the boat storage, if this were the alternative, seems to me has to be moved over here.

At the last meeting with the Rec committee they talked about a breakwater. I have been a member of the Yonkers canoe club for 15 years. The club has been there since 1935. We do not have a breakwater and it works perfectly well.

Trustee Holdstein: With a floating dock.

Mr. Mason: Yes, with a floating dock, absolutely. Is it desirable? It is nice to have. Does it cost money? Probably costs a lot of money.

Mayor Kinnally: \$100,000.

Mr. Mason: For the breakwater? That is a lot of money to spend on something you probably do not need. I would make the breakwater part of the dock system. There are different approaches to doing this. One float of 20 by 30, that is the absolute minimum. The recommendations made by the citizens' advisory committee was two floats of approximately that size. They could be somewhat smaller, but not much smaller as a practical matter. So if you do this location, my big problem is to carry the boat to where you have to go, from a car which is not going to be able to get in here, storage in the wrong place, probably a breakwater that is not necessary. Floats, you really should have two, not one. And there does not appear to be any lay-down area, particularly after you are carrying your boat from wherever you are carrying it. You need a lay-down area. You take the boat off the car. You take it to the head of the pier. You go back and get your oars, paddles, knapsacks, or whatever. You bring that back. Then you take the boat down to the dock. You may actually put it down on the dock, make another trip, pick up the oars and stuff, and bring it down here. Then you put the boat in the water, load in, and push off. I disagree with the gentleman that

said going off the beach is desirable. We all know it is a muddy bottom. It is not desirable at all. And boaters do not wet launch unless they have to. It is not the preferred way to launch. The comment was made by the engineers that you could not probably drive piles here to anchor mooring floats. I am not so sure about that. At high tide, you probably could get the gear in close enough to drive piles. The guys at the Tower Ridge have driven piles there. I cannot tell you the exact depth of water there versus depth of water where we are. I am not sure that is a good reason. The advantage down here is you could drive your car in on the service road.

Mayor Kinnally: I am not so sure they are allowing that, Ted.

Mr. Mason: Well, we have a right-of-way. This has come up time after time after time. Two years ago it came up and there was some discussion. Julie was the leader of the pack, because he was mayor at the time, and said we have a right-of-way. You have this hull in here, the ship's hull. It is about eight to nine feet deep inside, and it is five feet over the ground. It has got to be cut down, it has got to be filled, and the only question is do you plant trees in it. Or, if you do not want to use this service road, do you make an access way along the same roadway but on town property where there is no dispute with access? If you put a dock structure here and then go out this way, you eliminate the safety problem, you eliminate the conflict problem. You drive your car down here, you unload your boat, you put it in the lay-down area, you take your car away and park wherever you can, and then you walk out on the causeway to the floats.

Admittedly, this is more expensive. But I am amazed to see that the price has gone from \$350,000 up to in the middle \$450,000 - \$475,000. Now we are up to a million bucks. How did we get there? I would like to see a breakdown.

Mayor Kinnally: We will make that available.

Mr. Mason: At the Yonkers canoe club we drove two steel piles, we put in a 30-foot aluminum ramp: \$6,000 for the ramp. Big float like this made out of wood, simple flotation. This does not have to be highly engineered. It does not have to be radically expensive. As far as getting these things out, yes, you can pick them out with a small crane

Trustee Holdstein: Why did you feel that we need two, not one?

Mr. Mason: You could get by with one, but it is 30 feet long. It is minimal. If you go to any site where organized canoeing, rowing, or kayaking is taking place they use a little more than one float. If we had it, I would be happy. Is it the ideal? No.

Julius Chemka, 8 Ridgedell Avenue: I would like to second Ted's plan to go off the south end of Kinnally Cove. There is no way that this kayak launching or canoe launching should be taken through MacEachron Park. We worked very hard for that. Now they are talking about putting a gravel walkway right through the park or along the edge. This park is beautiful now. We do not want that. First of all, the children are all going to be down there and the kayakers and canoeists are not going to be happy with that.

You are opening up a Pandora's Box for that park, and I do not believe you should do it. You will have cars backing in that driveway, as far in as they could go while children are walking out there.

About that marshland please do not try to plant there. All you are going to do is attract the bugs to MacEachron Park while the people are eating and so on. Canada Geese are going to chew it up just like they did down in Yonkers.

A beach is very important to our youngsters here in town. In two or three hours one day a month, two men with rakes they can rake up that beach pretty easily and get it nice and level. At the first of the year bring two truckloads of sand down there and spread it along that beach, and that will last you all summer. But please, let us leave the beach there for the youngsters to play on. You do not need a breakwater, whether it floats at the north end or the south end. We have floats at the Pioneer Boat Club. They do not need any breakwaters. The Tower Ridge is the same thing. When the waves come, the canoeists or kayak people see the waves come. It starts rocking a little bit. But you do not need to put a breakwater out there to stop the waves from coming in all the way to the beach. That is what is going to happen.

Leave Kinnally Cove that way, put the kayak launching on the south end, forget the marsh, and clean up the beach and preserve the beach for our youngsters. And do not do anything to MacEachron Park, please. It is a beautiful park now. Do not spoil it for the rest of us. Thank you.

Mayor Kinnally: Do you have this in a handout form? Can you do so? Can you make that available to us so we can scan it and put it on our web site? We can use it when we go down there to take a look at your proposals and see what the topography is and how this fits. You did exactly what we asked you to do. You have suggested that we are going to have to take a look at. The costs are significant, but we have to look at it.

Trustee Holdstein: Could you respond to the issue of not needing a breakwater?

Mr. McLaren: One of the reasons he does not think we need a breakwater is he goes canoeing at 5 o'clock in the morning on a very calm river. I was just down at the Yonkers boat club. As a matter of fact, I know the dock well. I designed it and built it myself. It was a launching platform for the triathlon that we did out of plastic lumber about five years ago. It was given to the Yonkers boat club. Today is a very calm day, not much wind. I was down there and saw the float. It is not yet fastened to the steel piles, but it is bouncing around quite a bit. It is a small float, so 20 by 30 would be a bit more stable. But we are talking about bringing kids out onto this dock, teaching kids to kayak and canoe. This is a safety issue. This dock needs to be heavy, it needs to be engineered, it needs to be very stable. We have got to have a deep draught and it is going to have to have some mass to it. You cannot have the dock as part of a breakwater system because the way a breakwater system works is it absorbs the energy by pitching, rolling, and heaving. The energy is transmitted to the dock. We do not want that. We get accelerations in the dock. This is what tosses kids into the water. You also would have a problem where the ramp lands on the dock. You have a pinch point where you have a transition plate that comes down off the ramp onto the dock. This is where people catch their toes if you are not careful. We have a lot of ships. The channel is very nearby. You get some of these big boats going by, especially in the summertime, and you are going to get some significant waves. So we believe that a breakwater is a very important and significant part of this.

As for the design of wetlands, John Imbiano has done several wetlands of various types. Depends on how much maintenance you want to put into them. Some of them are very maintenance-free. Some of them are natural wetlands. Sneden's Landing is a natural wetland. We could plant something like that. Again, a lot of it is a safety problem. The cost is not insignificant. That is why, from the very beginning, we were trying to encourage this type of an approach walk-in from the beach. You talk about a sandy beach. The idea was, that you just have a stiff, sandy beach that walks out to the low tide. Significantly less cost.

As for access to this dock, I agree. We need a drop-off area, and this would probably be an ideal place for people to come up and drop off their kayaks and then find a parking space. I also agree that two docks are twice as good as one dock. If we can afford it, let us put it in the budget. But accordingly, we have to have a longer breakwater to accommodate that and protect it. So these costs start to rise.

Mr. Mason: I do not know who designed the dock. If he said he designed the dock I take his word for it. But the dock is too high off the water. It is not suitable. We are putting an extension off the dock which is the proper size and proper level. I go down there all the time. I go down there during the day on weekends, I go down there in the morning, sometimes in the evening. Boats go by all the time. The waves, sure they rock it. It is really not a

problem. We have an accommodation ramp just like he has talked about, aluminum ramp. We have a plate, it is on rollers.

APPOINTMENT

Mayor Kinnally: Bennett Fradkin is reappointed to the Architectural Review Board. He served out an unexpired term, and we are reappointing for a full three-year term.

APPROVAL OF WARRANTS

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

Multi-Fund No. 82-2004-05\$ 3,398.66

Multi-Fund No. 83-2004-05\$95,145.13

45:05 LOCAL LAW NO. 5 OF 2005 MIXED USE BUILDINGS DEFINITION

Mayor Kinnally: This proposed local law is the result of a number of meetings held by the Planning Board, by the Village Board jointly with the Planning Board, public hearings, public comments. Much discussion has ensued to get us to the point where we have a workable definition that will not only provide the flexibility for the Planning Board, but also the protection for the community and not dismantling the amendments to zoning code and to the downtown zoning that we recently enacted. We have had exhaustive comment on this and the record is fairly complete.

Jim Metzger, 427 Warburton Avenue: I would like to distribute this letter to the Board. It was sent to Trustee Swiderski, based on an e-mail that he had sent out discussing this things.

Mayor Kinnally: It will be part of the record.

Lin Osborn, 17 Villard Avenue: I have a letter here from Leslie Chervokas that she asked me to read.

“Ladies and gentlemen, before acting to approve the proposed changes to the zoning code, please consider the following. The state statutes make it clear that zoning regulations are to be adopted in accordance with a comprehensive plan, in quotes. The purposes of these regulations are to accomplish a number

of specific objectives, including conserving the value of buildings, encouraging the appropriate use of land, maintaining the character of zoning districts, facilitating the provision of transportation, water systems, sewage treatment, schools, and parks, lessening travel congestion, preventing overcrowding, providing adequate light and air, and containing damage from fires, floods, and other dangers.

She gives the citation.

The most serious problem with the proposed changes to the zoning code is the process that is being used to effect the changes. To amend the code to accommodate the niceties of a particular site or project is to erode the very purpose for which a zoning code exists, and likely will impede the Village's ability to enforce the code in the future. If you proceed in this manner you will be subjecting us to the possibility that we will not be able to insist on compliance with a cohesive law with respect to future projects, such that development in Hastings will become a free-for-all, for all developers, that is.

I urge you not to implement any of the proposed changes via amendment to the code. If such changes must be implemented, and I am not convinced that they must except to cater to special interests, they should be subjected to the procedure for obtaining a zoning variance. The variance process already affords us with an adequate legal mechanism to evaluate such changes in accordance with the code and does not threaten the code's integrity to the detriment of present and future Village residents.”

Danielle Goodman, 28 Ashley Road: I ask you to reconsider that which you are about to do, and that is to change the character of our Village. We are a village. I have heard a lot of discussion with misapplication of urban planning principles to a village. The downtown has parts that are open space right now. The downtown Village is not a city. It is not Yonkers, it is not Scarsdale, it is not Bronxville. It is a village. The amendments, as proposed, will encourage overbuilding of the downtown. We will be wall-to-wall concrete, we will be windows, we will be stainless steel. I implore you not to do this.

Trustee Swiderski: To me, this is ultimately use discussion and, secondly, a mechanism for implementation of that use. All it comes down to is, are there occasions where residential use makes sense on the ground floor of a development? I do not believe that residential use belongs as-of-right of the first floor. But I do believe there are circumstances where it might make sense. The question of mechanism then remains how do you implement something where there is a review to determine whether residents on a ground floor make sense. At

least to my understanding of how the Zoning Board is limited in their review process, and how the Planning Board is less limited, I believe the Planning Board is the place where such a review should sit. I do not think it is any more complicated than that. If you do not believe residences belong on the first floor you will disagree. And if you do, then this seems to be the best mechanism for implementing that.

Trustee Apel: I disagree. I am strongly against the shift of power from the ZBA to the Planning Board. I do not think there is anything wrong with the current system that we have. Given the past, if we had given this power to the Planning Board, then the Andrus property would probably be all built up today because they were in favor of the design. And only the ZBA were the ones that intervened and put a rein on the project.

Having residential on the ground floor was not what we envisioned. With newer properties that are coming on the market in the downtown, if this law passes, we will have altered this plan with unforeseen consequences, and for what? So that one developer can maximize the return of his money at the expense of the Village. Have you actually looked at the proposed building? It would stand out like a sore thumb. Picture yourself looking up from the train or the waterfront or from the Warburton Bridge. This project will be massive, and will not be similar to those projects around it.

Keeping the law the way it is written will force the developer to come back with a more reasonable design more in keeping with the Village and more in keeping with what the downtown committee was thinking of when they brought us the revision to the zone in the past. People far wiser than I instituted the concept of a ZBA. Why? To protect against just this: developers coming in and asking for, and getting, changes in the law that benefit them and not those who have the most at stake in the community, the citizens.

Why not keep the checks and balances that have been in place to protect us? Why not make the developer come before the ZBA to plead his case? Time would be better spent on the Planning Board planning, instead of reacting to a developer's request. We are still looking for those plans from the Planning Board, and where are they? They are nowhere, because they have been spending an inordinate amount of time looking at this request to advise the Village Board. If you want to have a mixed use, then go for the variance and bring in all the alternatives and let us see what those alternatives are. Because without coming to the ZBA we will never be able to see what possible alternatives there could be. Therefore, I cannot vote for this.

Mayor Kinnally: This has been a difficult issue for me, and I have gone back and forth on this. There is a lot of unknown in this. But I have a basis for saying that all is not lost if the

matter is going to go before the Planning Board. The Planning Board may not have the same formula to follow as the Zoning Board of Appeals. But the Planning Board, certainly in the way that they articulated the issues at our joint meeting, intend fully to vet any project to ensure that alternatives are considered and that any developer justify any deviation. As was indicated earlier, this is not an as-of-right, and any proposal will be scrutinized.

The size of a structure is a function of the envelope allowed under the zoning code, and this does not increase that envelope. None of the discussions we have had have talked about making a structure bigger. It is a question of utilization of the existing space. There is no proposal before the Board of Trustees dealing with this particular building. I have my own thoughts on size of the building, and I will, at appropriate times and to the appropriate people, make my thoughts known as a citizen. But as a mayor and part of the Board of Trustees, we are not at the present time dealing with a proposal.

But I do not minimize the concerns that have been expressed. Jerry Quinlan articulated quite well the rationale for having the matter stay within the Zoning Board of Appeals. Equally well articulated were comments made by the Planning Board as to why they thought they could look at a proposal with the same type of scrutiny and in the entirety, and come up with a better development not for the developer, but for the community. We are not jumping through hoops for any particular developer but, ultimately, whatever is erected in the CC district we are going to have to look at and live with. It has to be within scale, it has to be within character. I believe that we will be able to work with this and that we will get as good, if not a better, project, any project, out of this allowing the matter to be reviewed in its entirety in the context of the entire proposal and the entire CC district by the Planning Board. Believing that the Planning Board can and will do its job, I am inclined to vote for this.

Trustee Holdstein: We are simply revising an issue as it relates to first-floor residential. As you pointed out, it has no bearing on whether this project is too big, too small, and we all have different opinions. This is t a revision to the code to adjust for the potential for some first-floor residential in a mixed use building, nothing more and nothing less. It does not dictate the size or the impacts that are governed by a lot of other stipulations in the code. When we talk about the health and vibrancy of the downtown it is important that we look at it in its entirety, which I think this Board has done, and recognize that in this particular site the requirement of retail would be difficult and could potentially lead to a lot of empty storefronts that front a parking lot. We are looking at the comprehensiveness of the downtown, and making sure that every project has the right viability for our downtown. It is a small change, a minor revision. It still carries a reasonable amount of checks and balances to ensure that dramatic negatives to our downtown do not, happen.

Trustee Apel: It is not a small change. When you take the power from one board and give it to another board, that is a big change. And when you encourage residential in that particular area do not forget at this time the market is such that the developer will make more money if he puts residential in. It was not that the concept of the CC district was to have people live down there. It is just that we do not want it overpopulated. In some instances, if a developer is not allowed to have residential they have to reconfigure what they are doing, and their project will become smaller because they are obligated to put in parking. If they cannot put in as much parking as required for the larger building, the building will be made smaller. This is going to happen to other properties. Once this comes in...

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 hereby adopt Local Law No. 5 of 2005 to amend the definition of “Mixed Use Buildings”?

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

Section 1. Section 295-5, Definitions, of the Local Zoning and Planning Law of the Village of Hastings-on-Hudson, New York is hereby amended by replacing the definition of “Mixed Use Building” with the following:

A building containing both residential and nonresidential uses. Each nonresidential use within a mixed use building must be a permitted use within the district in which it is located and each use is subject to the requirements for said use as if contained individually, notwithstanding an amendment statement to the contrary. No mixed use building shall contain a motor vehicle service station, a gasoline filling station, a commercial parking lot, a commercial storage garage, a hospital, a hotel, or a public utility structure.

Section 2. Section 295-76, Central Commercial (CC) Districts, Subsection A (Principal uses), paragraph 16 is amended to read as follows:

- (16) Mixed use buildings, provided that:
 - (a) Any residential dwelling unit contained therein has a minimum gross floor area of 500 square feet.

- (b) Only nonresidential uses are permitted on the ground floor. The Planning Board, however, after a public hearing held upon the same notice as that required for a zoning variance, may, in its discretion, permit residential use on the ground floor in the CC District but only if such residential use: (i) is not located on that portion of the ground floor story that abuts a street, (ii) is compatible with neighboring properties, and (iii) is consistent with the commercial nature of the CC District.
- © Artist studios shall be permitted above the ground floor story.

Section 3. Section 295-77, Limited Industry (LI) Districts, Subsection A (Principal uses), is amended to read as follows:

- A. Principal uses. The following uses are permitted uses in an LI District: any principal uses permitted in a CC District as set forth in § 295-76A above, except: (1) mixed use buildings are permitted only if the mixed use building consists of one or more principal nonresidential use(s) located on the ground floor story, and one or more residential dwellings or nonresidential uses located above the ground floor story, and (2) mixed use buildings may contain artists studios on any floor.

Section 4. This local law shall take effect immediately.

| ROLL CALL VOTE | AYE | NAY |
|-----------------------------|------------|------------|
| Trustee Michael Holdstein | X | |
| Trustee Bruce Jennings | Absent | |
| Trustee Marjorie Apel | | X |
| Trustee Peter Swiderski | X | |
| Mayor Wm. Lee Kinnally, Jr. | X | |

46:05 APPROVAL OF AGREEMENT TRANSPORTATION PLAN AND PEDESTRIAN IMPROVEMENTS CONSULTANTS

Acting Village Manager Maggiotto: This is our transportation plan and pedestrian enhancement study, funded by a grant from the DOT. We sent out quite a few RFPs and got back seven responses that our Director of Planning reviewed in great detail. A committee

that involved myself, the police chief, Angela, Trustee Apel, Planning Board member Bill Logan, and two school board members, Iris Arno and Mary Wirth, interviewed four firms and came up with Buckhurst Fish & Jacquemart. One of the grant regulations was that we were not allowed to consider cost in hiring. So we were hiring without knowing what fees they were going to come up with. The initial fees were quite high, and I would like to thank Angie for working diligently to get them down to the level of the grant. The grant is \$40,000, with \$10,000 matching. About half of that match will be in Angie's services for her in-kind services. The other half, approximately \$5,000, will be from the general fund.

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 authorize the Village Manager to sign a contract with Buckhurst Fish & Jacquemart for a Transportation Plan and Pedestrian Improvements Study for a fee not to exceed \$50,000 to be paid from grant proceeds and general fund monies.

| ROLL CALL VOTE | AYE | NAY |
|-----------------------------|------------|------------|
| Trustee Michael Holdstein | X | |
| Trustee Bruce Jennings | Absent | |
| Trustee Marjorie Apel | X | |
| Trustee Peter Swiderski | X | |
| Mayor Wm. Lee Kinnally, Jr. | X | |

47:05 CHANGE ORDERS - BOULANGER PLAZA RETAINING WALL RENOVATION

Acting Village Manager Maggiotto: The first one change order is for waterproofing. It was the strong recommendation of our contractor that because we were going with a stucco finish, and because the wall had backfill and was adjacent to dirt, that we do everything that we can to waterproof to preserve the integrity of the stucco. It seemed to the architect and to myself that to spend an additional \$6,000 to do that was money well spent. We were trying not to be penny-wise and pound-foolish, so they are adding this layer of waterproofing.

The second one is the rock requirements. When they excavated, as happens everywhere in Hastings, there was rock. The rock was on an incline. So our architect brought in the engineer, who worked closely with the contractor and devised a way of leveling off the rock and designing a way to pin the foundation to the rock. That work entailed a change order of \$6,593. This work has already been done. I know it is not advisable to bring you change

orders after the fact. However, the contractor went ahead and did it after consultation with the engineer. I am not criticizing him for it, because if he had not, we would be nowhere on the project right now. He had to do it to proceed.

Trustee Apel: Is this within our contingency amount?

Acting Village Manager Maggiotto: Yes. The amount originally allocated towards this was \$230,000. So even with these change orders we are up to \$185,000. If you recall, we had a very good price on the bid from our contractors. We have the engineering costs and the architect's costs, but we are still within the budget. I would like to say that so far we are very satisfied with the contractors. We feel they have been very straightforward with us.

Increasing the fence height. The fence had been specified at 3.5 feet. We have had, as you know, many meetings with a lot of interested parties in this, including the VFW, whose parking lot this fence abuts. However, the VFW had never brought us into discussions with their major tenants. We found out, in meeting with them prior to starting the project, that that building is very heavily used by youngsters for classes. The people who run the program and the VFW fellows, when they realized the fence was 3.5 feet, felt very strongly that it was not sufficiently high to prevent children from catapulting over it. So Christina redesigned it and made it five feet tall with open spikes at the top in a traditional design. We felt that by making it higher and leaving the spiked top that it would accomplish the goal that we wanted, which was to deter anyone from trying to climb the fence. That was \$5,982, which we felt was reasonable for the extra expanse of fence that we were getting.

Trustee Holdstein: I saw people working feverishly on a Saturday. Who is supervising this? Who is officially in charge to make sure that they are following the plans and specs?

Acting Village Manager Maggiotto: It is the architect.

Trustee Holdstein: So it is Christina. And is she, based on our contract with her, filing any updated reports? How often is she on the site? What is the involvement of the gentleman she brought in who helped bring our costs down, to redesign this thing?

Acting Village Manager Maggiotto: Mr. Sarubbi has had a very active involvement. There was discussion between him and the contractor about how the concrete was going to be handled, and how long it would be cured before anything was done to it. He is extremely conservative.

Trustee Holdstein: But are we getting any reports from them as to the progress of things?

Acting Village Manager Maggiotto: We have verbal reports. But it is not that involved a project. It goes from A to B to C. We are in contact with them. They are very accessible by telephone. I have talked to them a number of times myself.

Trustee Holdstein: Having that linkage and the chain of command and somebody reporting back progress is important. The rock change I fully accept: you start digging and you do not know what you are going to find under there. But I am bothered by the waterproofing: why something like that, by an experienced contractor, by Mr. Sarubbi, would not have been thought out before and built into the plan. This should not have come up after the fact. On the fence, did anybody price that with a fence company to see whether that is a fair price?

Acting Village Manager Maggiotto: Yes, Christina did. She had put some work into it. As far as the waterproofing, I am trying to recall when in the process we decided to have stucco. Because this definitely has to do with the fact that we are putting a stucco finish on it.

Mayor Kinnally: It was after it went out to bid. My recollection is that we did not decide on what we wanted for the facing. In fact, there were alternatives in the bid process.

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 approve the following change orders from Marquise Construction Corporation for the Boulanger Plaza Phase I Wall Reconstruction project as follows:

| | | |
|--|-------------|----------------|
| Change Order 01B - Waterproofing | +\$6,056.00 | (\$18,631.00) |
| Change Order 002 - Rock requirements | +\$6,593.00 | (\$167,000.00) |
| Change Order 004 - Increase fence height | +\$5,982 | (\$185,631.00) |

| ROLL CALL VOTE | AYE | NAY |
|-----------------------------|------------|------------|
| Trustee Michael Holdstein | X | |
| Trustee Bruce Jennings | Absent | |
| Trustee Marjorie Apel | X | |
| Trustee Peter Swiderski | X | |
| Mayor Wm. Lee Kinnally, Jr. | X | |

48:05 SPECIAL MEETING BUDGET ADOPTION

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 schedule a Special Meeting for April 26, 2005 at 8:00 p.m. for the adoption of the budget and tax rate for Fiscal Year 2005 - 2006.

| ROLL CALL VOTE | AYE | NAY |
|-----------------------------|------------|------------|
| Trustee Michael Holdstein | X | |
| Trustee Bruce Jennings | Absent | |
| Trustee Marjorie Apel | X | |
| Trustee Peter Swiderski | X | |
| Mayor Wm. Lee Kinnally, Jr. | X | |

Trustee Swiderski: For the record, it is school vacation next week. I am off, so I will not be here for the budget meeting.

VILLAGE MANAGER'S REPORT

Acting Village Manager Maggiotto: I thank and congratulate this community that participated in cleanup day to a degree I have never seen. We had 27 groups, hundreds of people, hundreds of bags of trash, and the Village looked great. It would be nice if people adopted their spot and did not wait until next year to clean it again. But it was a wonderful effort. Thirty kids entered the poster contest, and we had awards for them at the Community Center on Saturday, and pizza. Trustee Swiderski did his part. It was a perfect day.

The Westchester County planning department has given us \$10,000, the money that we had been granted to complete the Rowley's Bridge trail extension. Dr. Hubbard is going to use it to install MTA-donated railroad ties, level the foot paths, have nylon ropes, build another bridge over Rowley's Brook. He is delighted, and so are we. Once again I thank Dr. Hubbard for the amazing work and the vision he has for how to make our Village a better place.

Spring Thing apparently is not going to happen this year. Spring Thing had always been in the purview of the Chamber of Commerce. When the Chamber became inactive several years ago the Neil with his Downtown Partnership took it over, and for the past three years it has been a Village project. But the Chamber was trying to reconstitute itself. A number of merchants had written suggestions last year for how they wanted to change Spring Thing, so they decided to take it over. Unfortunately, it has not gotten off the ground. Checks are being returned to the

vendors who wanted to participate. They may finally get together and come up with a different kind of event, so we might just think of this as a hiatus.

However, we do have some exciting things coming up in the Village. The Fire Department carnival is May 18-21 at Zinsser Park. On Saturday night there is going to be a county-wide fire parade. The following weekend will be the Memorial Day parade. The following weekend is the first weekend in June and we will have the opening of the Farmers' Market, and the library book sale. And then we have a Hastings weekend at the end of July.

Sue Smith, 26 Lefurgy Avenue: Stars over Hastings is the night the market opens.

Acting Village Manager Maggiotto: Right. Thank you for mentioning that.

BOARD DISCUSSION AND COMMENTS

1. Farmers' Market

Ms. Smith: I am here to request once again permission to use the library lot for the Farmers' Market. This is the eighth year, and all the vendors want to come back to Hastings. They love it here. We had had a discussion about whether we should try to expand, get more people to come. We decided that it is just about right the way it is. We should not labor too hard to spread the word too much farther. It is working just fine the way it is, and let us just work to keep it up. So we hope you will give it your blessing one more season.

Mayor Kinnally: I see no reason to tinker with success. What does everybody feel? Permission granted? Thank you, Sue. Any new vendors this year?

Ms. Smith: There are a couple of small ones that will rotate times because the lot is pretty full. But we have planned a new cheese person who will be here a couple of times. There is something called Rick's Picks, which are pickles that have been written up in the *New York Times*. The maple sugar people will be back a couple of times. The Scouts are planning to do drinks. Hot drinks in the cold weather, cold drinks in the warm weather. So they make a little bit of money and the girls get a chance to learn to sell things. We will do crafts again. We are hoping to have music maybe three times, and cooking demonstrations a few times.

2. Museum in the Streets

Ms. Smith: We have been working very diligently, selecting the pictures, and having the captions written. All of that is now to the designer, who is in Maine. I should be getting back proofs in a few weeks. We are hoping to have an opening either in late September or early

October. It starts at Boulanger Plaza, goes up Main Street by the school, down Olinda, and then down Washington. On Broadway briefly and then down Washington, then across Warburton, down to the library and Municipal Building, up Maple to Riverview, out to Wagner Park on Broadway, and then back down Warburton. There are 34 spots. Twenty-nine of them are actually on the walking tour, and five signs are in other locations which you could drive to. The Burke Estate, the Ravine, MacEachron Park: places that have an interesting history. sequence.

We have written private owners requesting permission from them, with a license agreement. We will give them an additional insurance form. A number of them, as we said before, are in the Village right-of-way. I drove around with Susan last week to talk about the various locations of ones that are not on private property. We will be very mindful that we stay out of the visibility for turning and for traffic.

Trustee Apel: There is nothing in braille or anything for the handicapped, is there? If we put it on Village property, we might have to have that.

3. Recreation Fee in Lieu of Parkland

Deputy Village Attorney Stecich: This was an idea I had for the Board of Trustees. Under the state village law, in the course of site plan review, the Planning Board can require any applicant for residential developments only, to include in the site plan either a park or other area suitable for recreational purposes, or it can require a fee instead. Most municipalities seem to require the fee rather than the parkland development because it is better they have real parks than little parks scattered all over.

This Board would not have to pass any law in order to establish it. That fee is already provided for in the state village law. But you would have to come up with a fee schedule. Under your law you can already do it under subdivisions. But if somebody comes in to build a multi-family building and it is going to have 12 units, you could charge whatever rec fee you decide per unit. There has to be a study done of what the village park needs are. There is at least one planner I know who does this. It does not have to be a big deal to do these studies. They are pretty commonly done. Then once the fees are collected, they do have to be set aside in an escrow to be used only for park purposes.

To get an idea of the range of their fees, the mid-range seems to be about \$7,500 per dwelling unit. Some are over \$10,000. Scarsdale has a scale that can exceed \$60,000 per unit, but the mid-range seems to be about \$7,500.

Mayor Kinnally: Do we need to send this to the Planning Board for their comments?

Deputy Village Attorney Stecich: You do not need to because it is not a law you are going to pass. But you are going to enact the fees. The law requires that you a study to show the need for it. It would probably be paid for by your first rec fee.

Trustee Holdstein: If you do a study for parkland space in this community, we have one of the highest in all of Westchester. So how are you going to show the need to justify the fee

Deputy Village Attorney Stecich: It is not just for parkland. It is recreation fees. Ball fields, swimming pools, skateboard parks.

Trustee Holdstein: Does it have to filed with the state?

Deputy Village Attorney Stecich: No, you just have to have it so that, eventually, if somebody challenges you for charging those rec fees you have justification.

Mayor Kinnally: I say let us proceed.

4. Parking Regulations on Edgewood Avenue & Sunset Street

Mayor Kinnally: We are in receipt of a memo from the Police Chief, saying that a number of residents of Sunset requested the Safety Council to recommend parking restrictions for Sunset that are in effect, or were in effect, on Edgewood. Those parking restrictions expired, but the signs remained and we have been enforcing not the letter but the spirit of the law. The request is that we revisit it and reenact it. I know there are some people from Sunset here this evening. I believe it is a good approach, and I would recommend that the Village Attorney draft legislation, and next meeting we will set a public hearing for this. r next regular Board meeting

Trustee Apel: One of my concerns is that it is getting nice out, and one of the reasons for passing this law was to prevent all the problems that they have up in that area. So the sooner, the better.

Claudia Heitler, 2 Sunset Street: I probably do not need to reiterate to anybody how big a problem it is and how much it is seemingly increasing in terms of the noise as well as the litter both on school property and private property all throughout Sunset Street, Lefurgy, Edgewood Avenue, the nature preserve specifically. Anything from beer cans, liquor bottles, broken liquor bottles, and empty kegs. This probably will not solve the entire problem but it would be a good start.

Acting Village Manager Maggiotto: When this initially came up you sent a letter to the Village Manager, and all your neighbors on Sunset agreed with this.

Ms. Heitler: Yes, they all signed a letter. Here is a copy of it.

Mayor Kinnally: We will have the public hearing on May 17 and maybe act on it that night. We do not usually do that, but maybe in this instance we will do it.

5. Proposed 2005 - 2006 Budget

Mayor Kinnally: The budget has been the subject of a number of hearings and discussions over the last few months, and it has been running on Channel 75. I am in receipt of a lengthy e-mail from Betty Ryberg outlining her comments to our budget, and requesting that no increase be built into the budget. I thank her for her submission. She was unable to be here tonight because of a business commitment.

Trustee Holdstein: It is a pretty lean budget. I was hoping that we could squeeze out \$130,000 to drop the percent increase two points, and I was hard-pressed to find it. There were three areas that I wanted to re-look at and understand. One was the library increase of \$35,908. There was a \$10,000 increase in technology and a \$20,000 increase in special item contingency. Collectively there is the potential for one point of the total percent increase. Again, my goal was to see if there was anything that, in a year where we are going to get hit with some taxation on Greenburgh's end and ever-increasing school budgets, if we had any room to sit tight and hold firm on a few items.

Mayor Kinnally: If you identify it, then Susan can go back and take a look at it

Mayor Kinnally: Anybody else? Anyone from the public? If not, the comment period continues. If anybody has any suggestions or questions you can send your comments to any of us and we will endeavor, given the time restrictions, to get back to you.

6. Update on the Waterfront

Mayor Kinnally: I was promised a copy of the consent decree that the DEC and ARCO have signed. I have not gotten it yet. We do not have an update on the engineering design for the demolition, but they are still saying demolition by the end of July.

PUBLIC COMMENTS

John Ciberowski, 443 Warburton: I have a little problem regarding quality of life in Hastings. We get one garbage collection per week. Warburton Avenue, Washington Avenue, Southside Avenue there is a big problem. Just two weeks ago there was a fire on Warburton

Avenue because of garbage that has been collecting there, and it is still out there now. People are putting the garbage out at all times. We should not have to look at it. Summer is approaching. They are coming out in uncovered receptacle or no receptacles at all. We have vermin, racoons, skunks digging into the garbage every evening. A lot of this comes from the problem of absentee landlordism. Most of the residents are great. They put their garbage out Sunday evening. If it is a holiday on Monday, they will put it out Monday evening. But the buildings, and there are more and more of them, are becoming income producers for their landlords. They have no interest in it. The garbage is out, and we really do not have a program of enforcement for it. Something has to be done.

Mayor Kinnally: Susan, we can look into that on an enforcement situation and on a health situation. Thank you for calling that to our attention. I will get back to you.

EXECUTIVE SESSION

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

ADJOURNMENT

On MOTION of Trustee Holdstein, SECONDED by Trustee Swiderski with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting.