

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**REGULAR MEETING**  
**SEPTEMBER 27, 2005**

A Regular Meeting was held by the Board of Trustees on Tuesday, September 27, 2005 at 8:10 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

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

**CITIZENS:** Ten (10).

**PRESENTATION** – Hillside Woods Link Trail

**Paul Gisondo, Westchester County Planner:** I am here with Robert Lopane to discuss the Hillside Woods Trail project. I am a trail planner/coordinator with the Westchester County Planning Department. Westchester County has over 100 miles of paved and unpaved trails, mostly going in a north-south alignment, such as the South County Trailway, the Old Croton Aqueduct, the Bronx River Pathway, the North County Trailway in the northern part of the former Putnam line. We are always looking for opportunities to create east-west links. The Hillside Woods link presented an excellent opportunity to connect two very important trails: the Old Croton Aqueduct and the South County Trailway.

This project goes back to the early 90s, with the acquisition of the Hillside Woods property. When the county went in with the Village on buying that piece of property, one of the reasons was that we saw the mosaic of publicly owned lands located between the Putnam right-of-way at that time and the Old Croton Aqueduct, and the opportunity for creating a public walkway to connect the two. Then we bought the Putnam right-of-way with the intent of developing a public trailway. One of the first segments was built in 1999 from Elmsford into Yonkers. It has been a very successful, popular trail.

Then we applied for a small Greenway grant to do a feasibility and a mapping of a potential route. In 2000 we met with Dobbs Ferry and Hastings officials and many people, one of whom is in the audience, Fred Hubbard, and the trail committee. We went on numerous reconnaissance missions with GPS units to identify the best route to take. We wanted the path of least resistance. We were very pleased to find that the trail alignment was pretty much there. We identified what could be done to improve it. Improvements do not mean paving or widening. But we identified a lot of areas of erosion problems. Most of the trail in the Sugar Pond area, or going up behind the tennis courts, it is like a u-shape, eroded out, with exposed roots and rocks.

So we mapped out a route with input from village trails committees from both Hastings and Dobbs, even though most of the project is in Hastings. We identified basically the route that is shown on this aerial photograph, going from Chauncey Lane at the Old Croton Aqueduct, along Reynolds Field, and through the village lands. We originally wanted to go on the Carvel property. This was in 2002. We had lengthy discussions with the owner, appraisals of the site, and we even offered to buy the property because the best alignment was on an existing old roadbed through the entire length of the Carvel property. We were unsuccessful in those negotiations. Fortunately, we discovered a wonderful alignment along the Saw Mill River Parkway. There is a picture of the concrete remains of an old park bench. This is an old bridle trail along the Saw Mill River Parkway far from the paved edge of the parkway. It is a very nice ramble. We need to make a little connection down the hill to connect with it.

This trail would be paid for by the county. It would be part of the larger county-wide system. However, it would be controlled and maintained through an IMA with the Village.

**Mayor Kinnally:** At our sole expense, or would it be a sharing of expenses on the maintenance of the trail?

**Robert Lopane, County landscape architect:** Typically, the county puts up the capital dollars to create the improvement, and the municipality does all the maintenance and operation.

**Trustee Holdstein:** Who owns the Carvel property?

**Mr. Gisondo:** Dobbs Ferry condemned a small portion, but the remainder is in the private owner's hands.

**Trustee Holdstein:** How many feet from the Saw Mill Parkway is that trail?

**Mr. Lopane:** It is at least 150 feet away from the road.

**Trustee Holdstein:** The crossover into Dobbs is at the light at Lawrence?

**Mr. Lopane:** Yes.

**Trustee Holdstein:** On a trail like this, in the woods, do you ever put emergency phones?

**Mr. Gisondo:** There are phones every half a mile on the North County Trailway because there are some very isolated parts. I realize that that is the situation here, too. But no, I do

not think we envision putting any sort of infrastructure like that along there. But it is always an option and with wireless it is not that complicated.

**Trustee Apel:** What is the obligation to make this handicapped-accessible?

**Mr. Lopane:** Our charge is to make a hiking/nature trail, and by its nature it is not handicapped-accessible. You need to have a hard surface. The trail is on slopes much greater than 1:12, which is what you need for a ramp, so it would be very difficult to make this trail handicapped-accessible. It would be considered more of a hiking/nature trail.

From Chauncey and Farragut Avenue we envision a concrete sidewalk along the western side of Reynolds Field. Then as we enter Hillside Park, it becomes more of a nature trail.

**Mayor Kinnally:** How wide would the sidewalk be, and what material?

**Mr. Lopane:** We envision using a concrete sidewalk to match the opposite side of the street, which has concrete sidewalks. It would be no greater than five foot wide. There is a chain link fence fairly close to the road, and there are some limitations with the slope that falls off to the edge of the road. It is very tight there, but we think we can fit in a sidewalk.

**Mayor Kinnally:** Is there enough room, with the sloping and everything, to accommodate the sidewalk?

**Mr. Lopane:** It would be a narrow sidewalk with a haunch. It is almost like having a curb on the slope to help support the sidewalk. We might have to look into putting a railing there as well, if it is deemed a dangerous situation.

**Trustee Apel:** Is that not the school property?

**Mr. Lopane:** It should be within the right-of-way of the road.

At the entrance at South Drive the residential path becomes a mulch pathway that continues along an existing worn path. The trail would go behind the tennis courts, continue along an existing pathway between the school and the pond, wrap around here, and come down further south into the woods, skirting the edge of the vernal pond. We are not going to get too close to a very healthy wetland there. From there, where we get sort of close to Edgewood Avenue, we are going to continue down the hillside going horizontal to the slope as much as we can to prevent having too many steep parts of the trail, until we eventually follow alongside a stream. that we would need to cross with a footbridge. At that point you are

entering into the Saw Mill River Parkway lands. We would need to get a permit, but we have already started discussing that with the New York State DOT. We would continue north within their lands until we get within the right-of-way of Stanley Avenue. The trail character changes again from a hiking/nature trail to a residential, in this case commercial, area. We would go back to using a concrete sidewalk along Stanley Avenue up to Lawrence Street where we would cross the Parkway via an existing crosswalk to meet up with the South County Trailway.

The improvements within the woods are limited to improving drainage, solving erosion and sedimentation problems. We envision doing very minimal clearing, enough to create a four foot wide pathway to do some grading. In steep areas the water comes rushing down the hill and has cut gullies and rivulets into the hillsides. We need to rectify the drainage problem, so we need to fill in these little gullies, lay down a suitable base of stone, put some mulch on top of that, incorporate drainage swales to correct water, divert water away from the trail and also employ the use of timber water bars, which are wooden logs that you extend across the trail. When water runs down the trail it gets the water off the trail faster. All of these techniques have been used for many years by the National Park Service in their designing for hiking and nature trails.

We would also need to do some stabilization with log cribbing. Especially right when you enter the trail, you are going up a steep slope. We need to lay down some erosion control fabric adjacent to the trail and do some plantings to help stabilize the slopes. A contractor will take branches or small logs and pin them into the slope, and then use erosion control and plants while the log cribbing gives it time for the slope to stabilize. The plantings eventually take over and the erosion fabric does its job.

**Trustee Holdstein:** It doesn't look like 150 feet off the Parkway to me.

**Mr. Gisondo:** You are right. It is about 100 feet.

**Trustee Holdstein:** Did you look at taking the route on the other side of Carvel?

**Mr. Gisondo:** Yes, but topography there is very difficult.

**Trustee Holdstein:** If I am driving on the parkway, and you are walking on the trail, I would not see you?

**Mr. Gisondo:** If you were driving, no, you would not, because it is uphill.

**Fred Hubbard, Hastings Trailway System:** This proposal presents the Village with an extraordinary opportunity to become an integral part of linking significant trails within Westchester County. In addition, we have the opportunity of having a very fine sidewalk constructed north of Reynolds Field. There is no sidewalk there now.

There are two or three caveats that we need to be careful about. One is that the linkage between the proposed trail, which is an old carriageway, to the Algonquin Trail, the most beautiful trail in the Village, would go through an ecologically sensitive area. We must be very careful about that, with supervision of the construction work that would be necessary, including possible removal of some substantial-size trees.

Secondly, I think it is very important for the Village to have supervision over any work that is done. I would suggest that the Village appoint some managers, or supervisors, to oversee whatever work is done on the trail.

**Trustee Holdstein:** Are you volunteering for that job?

**Mr. Hubbard:** Yes.

**Mayor Kinnally:** I assume that you have reviewed these plans and you do not see problems with encroachment or damage?

**Mr. Hubbard:** Except for the one area that I have described, which is adjacent to a rivulet. That is a very sensitive area ecologically. But we can overcome that by careful supervision.

**Mr. Lopane:** Certainly we would welcome the Village to participate during the construction process. We intend to either hire a consultant or have the construction supervision done in-house. We have regular construction meetings and would welcome you to attend.

**Mayor Kinnally:** What is your timing for this?

**Mr. Lopane:** We need a couple more months to complete the design. The bidding cycle usually takes about three months. So let us say, conservatively, six months to go into construction and about three to four months to complete. If we were efficient, we can go to construction in the spring and be done by the middle of summer, barring any difficult processes. I do not believe we are subject to SPDES. I do not think we are disturbing more than an acre, or certainly not creating any impervious surface except for a small amount of sidewalks. I do not believe any DEC permits would be required. I need to look into that. But those are the types of things that could set the project back.

**Mayor Kinnally:** So the permit is from the DOT?

**Mr. Lopane:** The DOT, but we have already discussed this, and they said simply send up an application. It is a use and occupancy permit. That is not a difficult permit to get.

**Mr. Gisondo:** I would suggest you appoint a couple of people as a design advisory board. We have that for the South County Trail. When our plans were 60-, 90% done they provided input. Can you change that a little, or can you make that parking area a little? You guys are much more in touch with what we are up to.

**Mayor Kinnally:** We have a trail committee in place, and it would draw from that pool.

**Mr. Lopane:** We require consensus on the alignment before we proceed any further on design development. We have met with some of your officials and committee members already. This alignment was generated partly based on meetings with your trail committee.

**Trustee Swiderski:** Four feet wide sounds trivial, but this is a wild trail, and it is a charming trail. I know it well. I walk the dog and go with the kids through these woods often. I have a problem envisioning it, or necessarily wanting it, that way. Part of its charm is you really feel like you are in the woods. This well-behaved, manicured, four foot wide trail, I do not know how you are going to do it there. It is quite steep in parts.

**Mr. Lopane:** Certainly it is not going to look manicured, just by nature of the materials we are using. You will need to come back and reconstitute the mulch every once in awhile, but immediately the mulch is going to start kicking off to the side.

**Trustee Swiderski:** What I believe was an old carriageway trail skirts up here and exits on the road right up here. It is at least four feet wide. It looks like it was a wheel-tracked vehicle trail. Did you take a look at that, and did you consider it?

**Mr. Gisondo:** The problem is that this is privately-owned land, and this is in Dobbs Ferry. So that would open the issue of further acquisitions and negotiations.

**Trustee Swiderski:** In terms of maintenance effort and cost, as Fred knows, we barely hold on to our own trails as it is. What are you asking of us in terms of expense and effort?

**Mr. Lopane:** What you might do is a fall cleanup of debris and a spring constitution of chips. The first couple of years you are pretty good. It is after five years that the drainage swales might start to fill up. This type of maintenance can be done on a voluntary basis; it is not like

you need a highway road crew. A lot of our pathways, with the asphalt pathways, you have crack-and-repair. The county is continuously getting sued because of imperfections in pavement. This is a hiking trail. Your liability is going to be less because you are not pretending that this is going to be accessible to everyone. There are assumed risks just going on it as a hiking and nature trail.

**Trustee Swiderski:** I assume there is going to be signage along the way so people know where they are going if they are going from one end to another.

**Mr. Lopane:** Yes, we would like to do that, and where you enter into the woods and it becomes a nature trail we have this idea of creating a stone pier with a wooden plaque or something woodsy-looking that would say Hillside Woods Trail on it. And at the other end we would like to install another one, giving the patron an indication of when they are entering and when they are leaving the trail. Certainly we could look at trail markers.

**Trustee Swiderski:** Does that put additional liability on us?

**Mr. Lopane:** You already have liability because there are a lot of people just walking there now. I think what you are asking is, if you encourage the use by adding a sign, will that increase your liability. That is a good question for your attorney.

**Mr. Gisondo:** The intent of this project is to have a more maintenance-free trail as a result of it not getting damaged by heavy rains because of water being diverted into the proper places. Right now you have exposed roots and rocks and gullies that, getting back to liability, you can trip over. But the intent of this is that it becomes more of a maintenance-free situation.

**Mayor Kinnally:** The issue of trails in the Village is not a new one, and the attendant liability is there. We absorb it right now.

**Trustee Swiderski:** I am not eager to put a lot of bikes on this path. Would this be likely to? And if not, then who is going to use it? Is it worth your effort, or our expense, to maintain something that ultimately may not be used at all?

**Mr. Lopane:** I passed no less than 12 people on that trail on the one day that I walked there. So just your own constituency, your local neighborhoods, are going to begin to use it right away. And that is enough, in my mind, to justify the operation and maintenance of the trail. Bicycles are a concern. Mountain bikers do damage to woods. No offense to the mountain biking community; it is a legitimate sport. But what the county likes to do is encourage that in certain places. But the types of bikers that ride on the South County Trailway are not always

mountain bikers. They are more long-range pavement bicyclists. I do not think they would want to go up into the woods, that type of bicyclist. I am not a bicyclist myself, so I am just assuming that. It is a concern, mountain bikers going into the woods. They like the challenges. But you know what they usually do? They get off the trail and they make their own beaten tracks. They like to create their own obstacles. When you formalize a trail, and no one ever seems to believe this, when you create an interesting park improvement and all your good patrons start using it, it is not a very desirable place for your bad patrons, the people who are up to no good. If they see a lot of good people on there, they do not want to go in and start making a mess. They probably like it better now that it is not formal.

**Trustee Swiderski:** Given how steep parts of the Algonquin Trail are, and especially the entrance at Farlane, what is the treatment you propose on the steep slope so you do not have this stuff being washed away almost instantly?

**Mr. Lopane:** I have some experience with this. In some of those areas the trail goes directly up the slope. In the beginning we are going to try to come across the slope as much as possible. So we deter, in minor ways, from the existing alignment to get away from the steepest parts and go around them. That is the fundamental first thing you can do to lessen your slopes. You are still not going to lessen all of them that way. It is just a very dramatic landscape out there. What you need to do is to install these water bars. This is the best way to slow down the water which is what damages the trail. We have identified those areas that are greater than a 3:1 slope or a 4:1 slope. Those are the areas we have chosen to install these water bars every 25, every 50 feet. That will slow and divert the water right into a gravel drainage swale, a discrete one, not a big wide one, that will accept the water and let it wash out to a level area.

**Trustee Jennings:** Although connecting the trails is a very important purpose, we should not forget about the usage that probably will not go anywhere except on this newly-proposed path. Two miles out, two miles back, is sufficient for some of us. So that is a value in and of itself. But I do not think that Lawrence Street is a safe place to cross the Parkway. If we create something that will significantly increase the pedestrian traffic, I would suggest very strongly that you work out with the state a different plan for that intersection. Make the traffic light longer.

**Mr. Gisondo:** It is a pedestrian-activated signal so the time could be increased.

**Mr. Lopane:** There is a lot you can do with these signals now with all our technology. Our transportation director in his control room has an eye on every intersection along the Bronx



River Parkway. He has, within his touch, control of the timing at that signal at any given moment. I think there is something we could work out with the state to try to make it safer.

**Trustee Holdstein:** How feasible would it be to pursue the possibility of a footbridge over the parkway?

**Mr. Gisondo:** They built one for Croton for about two million dollars over Route 9 and the railroad, with copious amounts of ramps. And you know what ends up happening? A lot of people avoid them because it is easier just to run across the street.

**Mr. Lopane:** You may encounter a lot of opposition from historical groups. The county owns the Bronx River Parkway, and we have suggested putting in an overpass there. It was deemed an impossibility from the standpoint of the historic preservation advisory committee. I think the answer to this lies somewhere in the pedestrian signaling, signage on the parkway perhaps:  
Pedestrian/Bicycle Crossing Ahead.

**Deputy Village Manager Maggiotto:** What do you need from the Village to sign off on this plan? Would you seriously entertain changing any part of that route? I ask that because Adam Hart came into Village Hall with a suggestion for moving it away from that ecologically sensitive area a little north, and he had some good reasons for it.

**Mr. Gisondo:** I had some phone discussions with him, and I asked him to show me on the map or take us there. He kept saying he needed to get back to me because there is somebody else he had to talk to.

**Deputy Village Manager Maggiotto:** Would you consider changes, or do we have to formally sign off on a final route?

**Mr. Lopane:** It would be nice to have an endorsement from the Board in writing that says we agree with the concept. It is not tying you to the final detailed drawings, but it says that we like where you have aligned the trail and we would like you to proceed to complete this project, to develop the design. Do you have the authority to make a recommendation or an endorsement of a concept?

**Mayor Kinnally:** I am sure it is something we can do. Whether we are going to do it now is something else. We would like to talk to Fred a little more and get Adam's thoughts. And if Adam truly wants to engage to considering an alternative, to encourage him to get in touch

with you. My suggestion is that we get that other information and put this on for discussion/action at our meeting on Oct. 11.

**Trustee Swiderski:** Adam's concern and mine is that ecological area with the streams and very tall lotus trees or whatever. It is a beautiful area, and he had an idea to route it around. If we can get some clarity out of him on that, that would be good.

**Mr. Lopane:** A lot of this needs to be handled during construction. The design is very low impact. It is only a four foot wide swath of trailway. But you still need to keep on top of the contractor. We are going to install silt fencing, other measures to protect trees. The good news is that the type of contractors that would bid on this project are your mom and pop contractors, smaller landscape contractors who do not have big, heavy equipment, and we will not let them use big, heavy equipment.

#### **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. 23-2005-06 \$87,117.06

Multi-Fund No. 24-2005-06 \$66,426.47

#### **94:05 DECLARATION OF LEAD AGENCY - GREENWAY COMPACT PLAN**

**Tracy Corbitt, Westchester County Planning:** I work more on the local land use and development end of the Planning Department. I am the liaison to the Hudson River Valley Greenway, the state agency involved with this program, the Compact Plan. I am also the liaison to the Historic Rivertowns of Westchester, which your community is a part of.

The Historic Rivertowns of Westchester was one of the leaders in working with Greenway and creating the Compact Plan. The Hudson River Valley Greenway's boundaries extend from Albany to New York City. It includes the entire 13 counties that front on the Hudson River, excluding those areas that are in the Catskill Park.

The Compact program was created to create a regional vision for the Hudson River Valley. Those five Greenway criteria are: natural and cultural resource protection; regional planning that encourages communities to work together and be mutually beneficial to the region, which is something you have already done through the Historic Rivertowns program; encourages economic development that is based on mainly agriculture and tourism, something that is

compatible with the preservation and enhancement of the natural environment; public access to the river; and Heritage environmental education. You already endorsed those five criteria when you became a Greenway community.

The next step is to become a Greenway Compact community, by accepting and adopting Westchester County's Greenway Compact plan. The last thing we wanted to do was create another plan for Westchester County to tell the communities what to do. We did take a look at all the municipal ordinances that were available on-line. We find our communities are already practicing with a great set of land use tools. So what we did was take the Greenway program, an opportunity to develop a set of land use tools and illustrate the county's regional plan patterns showing local ordinances and how local municipalities are making our regional vision a reality. We have created that resource, the local planning resource guide, as a part of this plan. It is 362 ordinances. Most people have already seen the CD, have gone to our Website to see that resource. It is over 700 pages long. There is no way we would have been able to publish it, by any cost. But through a PDF file, it is a great way to skim through and find ordinances. What was that historic roads ordinance that they are doing over in North Salem? You would have to call them. But we compiled almost all that municipalities are looking at when they are creating a comprehensive plan. You already have created a regional/sub-regional Compact plan; that was done with Diana Saltel, in 2001 with Historic Rivertowns.

But the reason most people are interested is the funding that comes by becoming a Compact community. The grants are much higher than a Greenway community. Fishkill received a grant for over \$35,000 for updating their comprehensive plan. They are easy to write, easy to get the funding, and you could probably get half your plan paid for. Other benefits include boat access. Since you are on the Hudson River, you would have access to regulate moorings and boathouses within 1,500 feet of your shoreline. Another big benefit, which the state has never had to provide, is that if you ever have an Article 78 filed against you for any action that is endorsed by the Greenway Plan, if it is something that is compatible with the criteria, the state attorney general's office will defend you in court. We know it is going to happen in Westchester first. It is a big issue for our communities in Westchester, the liability issue of some ordinances. We are fortunate that in our communities we have some very strong ordinances and they create our communities to be communities we love to live in. But on the other hand, they can also be ones that get challenged a lot.

Currently the only other county in the Greenway that has an adopted plan is Dutchess County. They have gotten over a half million dollars in grants through this program, and no other county has been able to even start tapping into that because they do not have an adopted plan.

We have to get 25% of the communities to adopt the plan in Westchester before our communities can start to obtain the funding.

The good news is that we are close. I believe Bedford may have just adopted it last night. Pound Ridge has scheduled a public hearing already, and they may be number 12. With 12 communities we have reached our goal. So hopefully by January all communities that become a Compact community can begin to apply for grants. It is a rolling process. There is no deadline. The Greenway doles out the grants four times a year.

This does require that you amend your zoning ordinance. That is some of the hesitation because many communities might think you are going to be playing with home rule, but all it says is that you must consider the Greenprint—and the key word is consider—when doing certain subdivision and zoning actions. You can consider it, and then you can just go on your way. You do not have to abide by it if it is not right for your community. And you can always opt out of the plan. You do have to pass a local law to adopt this.

**Trustee Jennings:** If a community did withdraw from the plan, but had received these grants that only participants are eligible for, are there any consequences?

**Ms. Corbitt:** I would have to check with the Greenway. No one has ever withdrawn once they have joined the program.

**Mayor Kinnally:** As Tracy just said, this is the beginning of the process and does not commit us to anything. But it declares us lead agency.

**Trustee Jennings:** What is the rationale for the Trustees rather than the Planning Board to be the lead agency? Because it would involve an amendment of our zoning law, which is what we control? Or is there some other rationale for that?

**Mayor Kinnally:** The chair of the Planning Board just walked in. Patty, do you have any reaction to the Village Board's declaring itself lead agency rather than the Planning Board on the Greenway Compact plan?

**Planning Board Chairperson Speranza:** That is your call. You enter into the agreement on behalf of the Village. I guess it could be either way. We did discuss it at our last meeting. We did not pass a resolution. But yes, we did agree. We could see no downside to it.

**Ms. Corbitt:** Since it is a zoning law it is typical that the Village Board would be the lead agency.

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 declare themselves Lead Agency for the environmental review of a proposed Type 1 action pursuant to the State Environmental Quality Review Act (SEQRA) involving the adoption of the Westchester County Greenway Compact Plan, and be it further

**RESOLVED:** that circulation of a full Environmental Assessment Form (EAF) to interested parties is hereby authorized.

<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	

**95:05 SCHEDULE PUBLIC HEARING - GREENWAY COMPACT PLAN**

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

**RESOLVED:** that the Mayor and Board of Trustees schedule a Public Hearing for Tuesday, Nov. 1, 2005 at 8:00 p.m. to consider the advisability of adopting Proposed Local Law No. 9 of 2005 to adopt the Westchester County Greenway Compact Plan and to amend the Zoning Code accordingly.

<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	

## **96:05 METRO-NORTH PARKING PROGRAM LEASE AND AGREEMENT**

**Mayor Kinnally:** Some questions and comments that we have submitted to Metro North have not yet been answered, and at this point it is premature for us to deal with this. Let us hope that we can get everything back from Metro North by the time of our next meeting. So we will put this over until our meeting on Oct. 11?

## **VILLAGE MANAGER'S REPORT**

**Deputy Village Manager Maggiotto:** The black wrought iron fence along the new wall at the end of Boulanger is now up and complete. It looks quite beautiful. Landscaping will take place starting Monday, and all we need is a volunteer to water it twice a day.

**Mayor Kinnally:** Susan, if I can interrupt you, it was an oversight. Mr. Pennington, I apologize. We did not open it up to public comment on the trailway. Please come up and share your comments with us. I know you had a meeting with some of the trailway people.

**Mark Pennington, 160 Lincoln Avenue:** I wanted to give the perspective of someone who has been on the adopt-a-trail committee along the Algonquin Trail, about the logistics of getting wood chips into a long, steep stretch of trail. It is a wonderful idea to have the connectivity of these trails, but the reality of maintaining this over a long period of time is one that is going to require more than Boy Scouts, more than an ad hoc committee. In addition to the wood chip replacement these engineered fixes which will enhance our trailway system are going to need maintenance of their own. We need to have a commitment of funds and a commitment of purpose to maintain this trail getting forward.

Also, in that sensitive area of the rivulet on the Algonquin area, I am concerned about those off-roading mountain bikers. If there is some way that there can be signage, rules, barriers, ways to keep those bikes from going off the trail, we have a very valuable resource here that a lot of people have spent a lot of time trying to protect that is stressed in others ways with deer and other problems. If we can find ways to minimize the impact of this it would be very helpful. It is useful also to get a better sense of exactly what the plan is. I do not know whether there are switchbacks, or exactly how the design is going to look in that area when he talks about going perpendicular to the grade. It is now a very rustic, beautiful trail. And if we have a lot of switchbacks back and forth it might be a very different character.

**Mayor Kinnally:** When we acquired Hillside Woods with the county, people were concerned that there would be an increase of exactly what you are saying, and I do not think that has been the case. So it certainly is a concern, but I do not know if our experience has borne it out.

**Mr. Lopane:** We are not going to go 360 degrees around. There is nowhere where we adding switchbacks. There was only one area that we thought we might need to do a switchback, and that was when we were talking about going up onto the Carvel property, but that is not necessary because we cannot go into the Carvel property. Up front here, where we enter the park, we are just skirting around the edge. We are making a tight right and going around the edge of the slope, and slowly going up the slope as opposed to going straight up the slope. So it is not really a switchback. It is just curving the trail around the slope.

**Deputy Village Manager Maggiotto:** We are now in the process of registering for after-school activities. It is by lottery, and people can, beginning today, obtain a lottery number for the family by calling the Rec Department. The registration is Sept. 29 at our new Rec Center headquarters, St. Matthew's Lutheran Church parish hall.

This Saturday we have several events in the Village that we were asked to mention. There is a Village-wide tag sale to benefit the Katrina fund of Hastings and Project Share, organized by some parents, at the Zinsser lot. Saturday night is a fund-raiser for the Hastings PTSA. The Harlem Wizards are coming. The world-renowned basketball squad is taking on a Hastings team led by Superintendent Jay Russell. Also on Saturday, Friends of the Old Croton Aqueduct are sponsoring a day-long festival along the Aqueduct from 10 to 5.

## **BOARD DISCUSSION AND COMMENTS**

**Mayor Kinnally:** The Manager is in Minneapolis for the ICMA convention this week

I spoke to Neil today. He said to thank everyone for their well-wishes. If you are so inclined, drop him a card or a note, something humorous and light. He continues with treatments, and his spirits are great. I know he is watching tomorrow. I hope we are doing all right, Neil. At about 10 after 12 I will know. He will call.

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

**Fred Yaeger, ARCO Liaison:** As of today, the total number of trucks leaving the site with all types of demolition debris is at 371. The remaining sections of Buildings 15 and 19 have been taken down. That is adjacent to Building 22. There is one common wall by 15. On Building

51, windows along the roof and the ceiling are being inspected and possibly being replaced by Plexiglas. A lot of the glass is very weak, and unsafe for us working there. The drilling activities that I mentioned at the last meeting are ongoing, for predesign and sampling.

A temporary fence will be installed over the former underpass by the tennis courts. A new fence will be installed along the west side of that concrete pad of Building 52 for safety purposes.

One of the questions that was asked the last time is what we have in some of the buildings now. In Building 51, we have environmental sampling supplies, like plastic coolers that take the samples from the drilling. They are put in these coolers and they are FedEx'd out to the lab. That is done on an average of one a day. The other materials are steel augers and steel casings that are located outside of the buildings on the southeast part of the site.

Atlantic Richfield has hired a very well respected architectural engineering firm that specializes in buildings of historic interest, Hutton Associates from New York City. We have asked the firm to provide a feasibility assessment on the three key structures of Buildings 51, 52, and the water tower. We expect to have a final analysis to be given to you and the public by mid-December or no later than mid-January.

Dave Kalet wanted me to let you know that on Thursday the Atlantic Richfield people are meeting in Albany with people from the DEC. They are going over some of the technical and legal aspects with the consent decree.

**Trustee Holdstein:** The Board has received some petitions signed by a great many people in the Village. You are embarking on having an architect look at the viability of 51 and 52. It seems to me that trying to save any buildings may come at a risk of compromising the plans that have been put forward by the DEC, including the capping of the site and having a secure and firm cap. Who makes a determination in the end as to those buildings? Your consultant may say they are valid for this or valid for that. My feeling is that maintaining those buildings runs the risk of compromising our cleanup and our capping. And to a lesser degree and a less importance, do they handicap the future of that site in terms of the best design plan? I do not know at what point whether the Board goes on record, whether the DEC goes on record, or who makes a determination.

**Mayor Kinnally:** There is nothing to go on record until they come up with both a design criteria and the developer. We started down this road when a number of people asked if there a way for us to try to salvage one or more of the buildings. I do not think it commits anybody to anything. It simply is one more resource that we have in order to make a proper decision.



The DEC is going to have the final say as to what happens, but it is prudent at this point to get the information so that if we are looking at this two years down the road we do not hold up the process because we do not have the information.

**Trustee Holdstein:** I would like them to do the analysis as to whether the water tower can be safely moved to another point, because that is one structure I would love to see saved. But again, coming back to the final cleanup and development, it might be better suited in a different location, reassembled in another spot.

**Trustee Jennings:** Am I correct that as you have demolished these building you have left in place the concrete foundations, or floors, slabs of the buildings?

**Mr. Yaeger:** That is correct, yes.

**Trustee Jennings:** My understanding of the cleanup plan is that certain amounts of contaminated soil will be removed, and then an impermeable cap will be placed over the top, and then top soil above that. Does the fact that the foundations of these buildings are remaining in place suggest that any contaminated soil underneath those existing foundations will be left alone, or will it all be subject to the same kind of approach, in which case, at some point in the future it seems to me you are going to have to tear up those foundations.

**Mr. Yaeger:** I am not sure. I am not an engineer. But I would think that we are doing the drilling now to see the different samplings, but at the same time, when we put this five foot cap on the entire site, that is going to protect anybody who goes on the site. It is going to be where nothing else is going to be able to come up to the top. So it will be a very safe and secure area.

**Trustee Jennings:** I realize that you are not the person to be pressing this on, and this is not the time. But I would, for the record, remind all of us that we spent a great deal of time wrestling with the question of whether putting a cap over the top and leaving the stuff in place was sufficient. The conclusion that we came to was that it was not, that the stuff had to be taken out, and then a cap put over. So with all due respect, the cap, yes, but not just the cap.

**Mayor Kinnally:** But not everything is going to be removed. It depends upon the levels of concentrations and where the hot spots are.

**Trustee Jennings:** I understand that. Everything was supposed to be removed over ten parts per million except in certain hot spot areas where more than that would be allowed to be left, but certain depths would be taken down. We had a very complicated pattern here. And it

makes perfect sense to me, if there are not a bunch of concrete foundations dotting the landscape. But since there are, I do not know how to envision how our agreed upon cleanup will proceed unless those things are, perhaps, removed. I guess it depends on what is underneath them.

**Mr. Yaeger:** I will be happy, at the next meeting on October 11 to get the appropriate answer.

**Trustee Swiderski:** You have had the pleasure of being in front of a board that is almost always in accord on 90% of what is front of us. When it comes to the preservation, or not preservation, of Building 51 or 52, you have encountered one of the spots where there is not a unanimity of opinion here. I am delighted that you have taken on an architectural firm that is looking at that, and like the fact that we may have the opportunity to save something. I do not share Mike's concern.

**Mr. Yaeger:** We feel it is money well worth it. It is a very prestigious firm with a good track record, and we want to travel every road to satisfy the community and satisfy our own obligation to everybody.

## **2. Legislation concerning suspension of sales tax on residential energy products**

**Mayor Kinnally:** We are in receipt of correspondence from the county executive asking that, in light of the fact that home heating oil and other heating products are going through the roof, the county and the municipalities consider a suspension of sales tax dealing with those items, starting in December, to give homeowners some relief. If there is a suspension of the sales tax, let us say, for the county or for the cities starting in December it has a one-month impact because their budget runs through the end of the year. Ours, on the other hand, will have a full six months to run. We are trying to get some idea of what adverse impact it is going to have on our Village.

**Deputy Village Manager Maggiotto:** They are proposing it for the quarter of December, January, and February only. According to the printout, for Hastings it represents a loss of under \$9,000. That is their conservative estimate.

**Mayor Kinnally:** Let us consider this for Oct. 11.

**Trustee Apel:** Instead of losing the tax entirely, if people were taxed based upon what they spent last year or whatever the prices were last year, and not taxed anything above that, then the community would still be able to realize the money that they had in the past. It would still

give people relief. At least we would realize the amount of money that we were expecting to get, and that may be a good compromise. If we have any choice.

**Mayor Kinnally:** One of the difficulties of that is figuring out what you paid last year.

**Trustee Apel:** It does not even have to be last year. You could take a look at what you are using this year, but get a reading of what it would be at last year's rate.

**Mayor Kinnally:** But it is the rate that I am having problems with. Different suppliers have different rates.

**Trustee Holdstein:** It would be awfully hard to distill it with everybody using different sources.

**Trustee Apel:** It is not distilled. Everyone used different sources last year and you paid tax based on that.

**Trustee Holdstein:** But you are breaking it down on an individual basis. I do not know how you would do that.

**Mayor Kinnally:** Can I make a suggestion? Why do you not call the county executive's office and suggest that to them. Because it has to start with the county executive's office. We are piggybacking on what the county would be doing.

**Trustee Apel:** I understand about trying to give people relief, so there has to be some sort of compromise where we are able to give them relief without losing the money that we were expecting. Otherwise, everyone is going to lose money, and then somehow we are going to raise taxes or try to charge for something else, and it is the same thing all over again. People are not getting relief then.

**Trustee Swiderski:** The sales tax portion of this increased fuel cost, if it has gone up 31% and sales tax is 6%, that means relatively the sales tax is 1% of the overall increase in prices on oil; 1.08, or whatever it is. I do not know if that relief is significant, and I do not know if it is anything other than a political gesture. I would not support such a resolution.

**Trustee Holdstein:** That is what I was wondering, whether it is really that meaningful. You are pretending to take it from one to the other.

**Trustee Swiderski:** Basically, the municipalities are taking the hit in the expense, and the oil companies are not.

**Mayor Kinnally:** Let us get some more information in. I am going to see some of the other mayors tomorrow night at a Historic Rivertowns of Westchester meeting.

**Trustee Jennings:** I saw a newscast recently which very misleadingly gave viewers the impression that it was, in fact, government taxes that were responsible for the increase in gasoline and other fuel costs, which is certainly not true in the overall perspective. I wish the media, and others, would help us to better understand the reasons for these price increases so sudden and so large and where the money is going. That is the first point.

The second point is, Marge and Peter, I think, are quite right. If we give people relief on the sales tax side, we may find ourselves having to increase our property taxes in order to maintain our services. So that is a somewhat illusory kind of relief.

Finally, Village fuel costs will increase just as private consumers' costs are going to be increasing. There is nothing we can do about that except pay the additional expenditures. Hence our revenues will have to go up, too. So we can forego this idea of a windfall of sales tax revenue. The governments are realizing a misleading way to frame the nature of the question involved. So for all those reasons, we do a disservice to our constituents if we do not give them a fuller perspective on exactly who is gaining and who is losing here.

**Mayor Kinnally:** I have a couple of things. I am in receipt of a letter from Ed Weinstein on behalf of Mike Foley; Ed presented a concept plan for cluster development at 270 Farragut Parkway. He would like to know if, and when, he can discuss his proposal with the Board of Trustees. The concept was presented to the Planning Board in the summer, and there was some feedback. He would like to pursue it, so I think he is free to do that. Is the Board in accord that he can come and present his proposal briefly at a subsequent meeting?

**Trustee Swiderski:** If he is seeking Board review for something that will ultimately require action, I do not think that is unreasonable. Maybe his strong sense of the Board one way or another will either encourage or discourage him.

**Mayor Kinnally:** I think it is fair to give him a hearing on it before the Board reacts.

I am in receipt of two letters from Purdue Pharma and Millsaw Realty. The letters are identical. This is regarding a 7.45 acre parcel located on Route 9-A in Hastings, the applicant

Saw Mill Lofts, LLC, formerly Ginsburg Development, LLC; the project is the Saw Mill Lofts. The letter says:

Dear Mayor and Members of the Board of Trustees,

This will confirm that the protest petition that was filed in October, 2004 in opposition to the proposed rezoning of the above-referenced property is unconditionally withdrawn.

That is from Millsaw Realty. The same letter, referencing protest petitions filed in November, 2004 and October, 2004, are also unconditionally withdrawn. It is signed by Howard R. Udell, vice-president of Millsaw Realty and executive vice-president of Purdue Pharma, LP. The net effect is that the local law voted on by the Board adopting the MUPDD is adopted by a 3-2 vote, and I would request, subject to any objection by the Board, that the Village Clerk forward the legislation to the Secretary of State for the requisite filing.

**Trustee Apel:** I would also ask that a bulletin be sent out on the e-mail letting people know that this has been reversed.

**Trustee Jennings:** For the record, did we not reject the Millsaw petition?

**Mayor Kinnally:** Yes, we did.

**Trustee Jennings:** So, in effect, there is nothing to withdraw because nothing was accepted.

**Mayor Kinnally:** On the Millsaw, but on the Purdue Pharma there was.

So the MUPDD is adopted. To the extent that the applicant wants to proceed, the applicant has to follow the procedures set forth in the local law. If a presentation is going to be made of any concept, it should be vetted first by the Building Department, and everything should be in order before it comes to us.

**Trustee Apel:** I alluded to my concerns of the trail in terms of the handicapped. We seem to always brush over that, and I am a strong advocate of everyone in the community having access to as much as possible. Although some of these trails are not accessible, I think it might be helpful, on the trailways map that we gave out, to indicate that some areas are accessible for the handicapped. I would hope that we do have handicapped-accessible areas and that we are not making these trails not to be used by everybody.

**Deputy Village Manager Maggiotto:** We have distributed about 4,500 of the 5,000 trailway maps that we printed, and Adam is now revising it. We have some money left over from a grant that we can use to purchase more maps, so I will discuss this with him.

**Trustee Swiderski:** I was going ask the chair of the Planning Board for any updates on the large tract survey.

**Planning Board Chairperson Speranza:** There have been several meetings and a draft report has been distributed. There are some issues in verifying the size and physical features of the properties; ;some of the property owners had questions. I have wanted to bring to the Planning Board and this Board those things where there are no disputes, such as property along the Saw Mill River that we have zoned for residential and we should change it to parkland. I wanted to bring the report in smaller phases rather than the full report.

It was a big undertaking, and I am thankful for all the work that people did, and it is not the intent that it be lost in any way, shape, or form. We had a lot on our plate as the Planning Board, and it takes time to go through this and put it together. So it is something we have not forgotten about. We are planning to have two meetings in October to catch up on some of the issues. We were also reviewing the Vision Plan to provide this Board with the things that have been done, and where we think we need to go in terms of fulfilling more of the goals, and are there new things that have come up.

**Trustee Apel:** I understand your reasoning for wanting to bring things to the Board so that we can act on them, but I would like the full report even as you are checking on things, because the whole idea is to get the concept of the whole Village. If you say we should just review this part, then we are doing the same thing we have done in the past, doing things piecemeal.

**Planning Board Chairperson Speranza:** I will make that a focus.

### **ADJOURNMENT**

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