

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
BOARD OF TRUSTEES  
REGULAR MEETING  
OCTOBER 11, 2005**

A Regular Meeting was held by the Board of Trustees on Tuesday, October 11, 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 Manager Francis A. Fobel, Deputy Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto.

**CITIZENS:** Twenty-eight (28).

**APPROVAL OF MINUTES**

On MOTION of Trustee Holdstein, SECONDED by Trustee Apel with a voice vote of all in favor, the Minutes of the Regular Meeting of September 13, 2005 were approved as presented.

On MOTION of , SECONDED by with a voice vote of all in favor, the Minutes of the Special Meeting of September 20, 2005 were approved as presented.

**APPROVAL OF WARRANTS**

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

Multi-Fund No. 25-2005-06 \$ 309,614.53  
Multi-Fund No. 26-2005-06 \$ 300.00

**97:05 HILLSIDE WOODS LINK TRAIL**

**Trustee Holdstein:** The Board has more work to do in re-looking at this proposal, at re-involving Parks and Rec and the Conservation Commission. Further discussion needs to be had both from the Board's perspective as well as the community. I would like to make a motion to table this, but open it up for public comment.

**Trustee Apel:** Is there a difference between removing it and tabling it?

**Mayor Kinnally:** If tabled, it has to come up at the next regular Board meeting.

**Trustee Apel:** I would prefer to remove it.

**Trustee Holdstein:** I would amend my motion based on Trustee Apel's suggestion to remove it so that we are not under a time constraint that it has to be voted on at our next meeting.

**Mayor Kinnally:** But we are under some time restraint, and we will hear from the county, as far as their scheduling and funding and going out to bid.

On MOTION of Trustee Holdstein by Trustee Apel Resolution 97:05 Hillside Woods Link Trail was removed from the agenda.

**Mayor Kinnally:** I will open it up for public comment. We had a presentation at our last meeting from the county, and I would ask if the county has anything else to add.

**Robert Lopane, Greenburgh Planning Department:** I am a landscape architect with the Westchester County Department of Planning. I understand there has been a lot of concern about the proposal. This has been a long-standing project, since 1993. The Deputy County Executive and our commissioners are very excited to move along on this project. However, we understand the community's concerns. We want you to know we have been working with you every step of the way. We did a lot of site reconnaissance with the trailway committee on establishing the current alignment. We were under the impression that we had an agreeable alignment. We were at a stage where we could begin to work through the design drawings. That is what prompted our request to the Board to give us an endorsement on the drawings so we would not waste time developing a design that not everyone was happy with.

I do not have any objection to removing the motion as long as we are willing to move this along. You are saying you need a little more time. Certainly, we would like to be considerate of those requirements.

**Ken Tuccillo, 14 Edgewood Avenue:** I am totally opposed to this project. I came here about a year ago when this first came on the radar screen and I addressed the same concerns. I had gone over the liability issues, the issues about the kinds of uses that would be inevitable in this kind of a park. At that point, it seemed like nobody was in favor of it. Now there was one meeting which I could not make, and apparently it was about to be voted on.

This is a terrible project for the Village. Once the county finishes this project, it is going to walk away from it, and all the liability and responsibility of maintenance will be on us.

The inevitable uses in this park are going to be mountain bikes, which are already using the park. Whether you restrict them or not, it is not being enforced. There are minibikes going through the park with a circular track that they built there. Paintballing is going on in the park regularly.

It is going to be a huge invitation to bikers to come through this trail. The harder it is to get through, the more desirable it will be for trail bikers. It is a perfect U-shaped track from the Aqueduct, on down to our little link, and then up to South County Trailway. It will be used quite extensively. We are going to be on the hook for the next 10, 20, 30, 40 years to maintain this and be liable for it.

Greenburgh just had a debacle where they were underinsured for a tree which fell on a car and killed one person and paralyzed the other person. They were insured for \$3 million, they were sued for \$12 million, and they settled for \$8 million. And now we, along with them, are having to foot the bill for that.

The trees go into bedrock. The roots are shallow. They fall all the time. This is an accident waiting to happen. The grading of the trail is not a simple matter of putting down wood chips. They are going to grade the whole thing. This is an extremely rough trail. There are boulders sticking out everywhere, rock outcroppings, huge tree roots going across this trail, especially in the Algonquin Trail and in the part going down to Reynolds Field. They are going to grade the whole thing, put down gravel four feet wide, have a drainage swale on one side; a pressure-treated log water bar on the other side. The whole thing is going to be seven feet wide, going through a trail that right now is eroded down to 12 inches wide. This is going to have a huge impact on the environmental concerns of the area. There is wildlife, a wetlands at the bottom by the Algonquin Trail; it is going to go right by the vernal pond. There are so many things wrong with this project that I can't even begin to list them.

I think the full SEQRA review is required of this project. The Board had discretion to order that, and it should if it is going to go any further. The amount of construction that this trail is going to take through Hillside Park would violate the Village law, which says you cannot do construction in Hillside Park. It would be a basis for an Article 78 if this were to be passed without going through both those things.

**Fred Charles, Friends of the Old Croton Aqueduct:** I am speaking on behalf of The Friends of the Old Croton Aqueduct which represent the users and aficionados of the Old Croton Trailway State Historic Park, the original water tunnel right-of-way stretching from the Croton Dam through 13 Westchester County municipalities to the Bronx-Yonkers border. We encourage reasonable multi-use of the trail: walking, hiking, running, perambulating,

leashed dog walking, and biking. We have historically stood against the use of the trail for motor vehicles, and any use which tends to exclude any of the others. Balanced multiple use is our clear policy. We welcome other trail and park connections through the length of the Old Croton Trailway State Park. Specifically here in Hastings, the Rowley Bridge, Fred and Louise Hubbard Trail, the proposed Quarry Park, and now the Hillside Trail appear to make for a series of interconnected trail experiences which would use the spine of the Aqueduct. Another long-standing goal has been to see that the Aqueduct Trail remain an unpaved path. Our organization traces its beginnings to a proposal by Alfred DelBello to pave the Aqueduct, and we stand firmly against that.

We feel this is a great idea in general, but please make sure it will not cause inadvertent trail changes to the Aqueduct. Increased bicycle use would be seen as a threat to the Aqueduct in the form of excessive traffic and the interruption of harmonious enjoyment of the trail by other types of users and increased trail erosion. The other caveat is that we would assume there will be no physical effects to the Aqueduct.

Finally, should this be brought to fruition, we look forward to rectifying the inappropriate name for the intersection of Farragut, Broadway, Main, and Chauncey. It has long been known as Five Corners. With these important trails intersecting, you will have the opportunity to call it Seven Corners.

**David Shapiro, 6 Amherst Drive:** I want to thank the Board for removing this matter from the agenda tonight and giving everyone in the Village an opportunity for further consideration.

**Lin Osborn, 17 Villard:** I went on the Internet and I found some documentation that had to do with this project. I found that Hillside Woods Park has been called the Hillside Woods County Park, all caps. It is not a county park.

**Mayor Kinnally:** They are part owners of the property.

**Ms. Osborn:** So they are on the deed?

**Mayor Kinnally:** Yes.

**Ms. Osborn:** Did they not cede all control to the Village when they made that contribution?

**Mayor Kinnally:** I do not believe they ceded all control. It is a joint ownership and there is an IMA.

**Mr. Lopane:** Would you like me to help explain the acquisition? I believe it was 1993. The Village asked the county to help them acquire this piece of land that was in danger of being developed. The county has a program called the Legacy Program whereby we buy properties for open space preservation and recreation. One of the ideas when we sat down with the Village officials at the time, from what I understand, is that the county was interested in establishing an east-west link between the South County Trailway and the Old Croton Aqueduct. The Village was interested in preserving this open space that was in danger of being developed. So it was a good coupling of good ideas to try to protect land and also help meet some of the county's recreation needs pertaining to linear types of recreation, which, we are finding, is one of the most popular forms of recreation in the county: non-motorized, pedestrian, bicycle recreation.

**Mayor Kinnally:** I have the IMA here. I was mayor at that time. Reading through it: the Village is willing to accept full responsibility for the administration and management of the property. The Village and county simultaneously purchase an undivided interest in Hillside Woods. The county shall receive fee title to an undivided one-third interest. The Village assumed full responsibility for the development, operations, maintenance, security, and administration of the property. The property shall be open and available to the general public on an equal basis, and under no event shall access be limited to residents of the Village or other designated local government. The property is being acquired for the use and benefit of the public and not for revenue-producing purposes. Provide adequate parking for easy access. No fee to be charged. The Village will provide access, through Hillside Park, to and from Hillside Woods and the Croton Trailway State Park, including, no limitations, the development of trails. Unrestricted access; erect a suitable sign clearly identifying the property as a park; maintain separate accounting. The Village agrees that except for any amount of damage contributed to or proposed by the county the Village indemnifies and holds harmless the county. Provides for a defense, notice provision.

It was anticipated at that time that it would be the bridge between the Croton Aqueduct and the Village. I have the deed here. The County of Westchester, as to an undivided one-third interest, and the Village as to an undivided two-thirds interest as tenants in common.

**Ms. Osborn:** Are you saying that the county would not have necessarily been interested in helping to fund this if we said in 1993 that we do not want a seven foot wide path through the back of it?

**Mr. Lopane:** No, I am not saying that.

**Stuart Cadenhead, 5 Valley Place:** I am in favor of this trail. I am familiar with that part of the woods. It is, indeed, a special place. I am a fan of secret places that only I know about. But more important than that, it is important for the future that we establish links between ourselves and other communities, ways that we can get to other communities without using a car. There is no doubt that somebody is going to wander off the trail or litter on the trail. The only way to prevent that is to put a fence around it, and it is already happening. If somebody from another town wanders up this trail into Hillside Woods, and decides that they like it and they want to come back and they want to tell their friends about it, in the long run that is a good thing and I am in favor of it.

**Mayor Kinnally:** A question was raised about what could be done in Hillside Park. Section 209-13 of the Village Code says that: no building, structure, paving, or other improvement or facility of any kind other than replacement and maintenance, alteration, or repair of an existing building, structure, pavement, improvement, or facility shall hereafter be erected or installed in any naturally vegetated area of Hillside Park. Section 209-14 says: this section shall not be deemed to prohibit measures required by good principles of park management, such as protection against fire and soil erosion, and creation and maintenance of nature trails. I think that is what you are referring to, Ken.

**Mr. Tuccillo:** But the other improvement language of that is where this would fall under.

**Mayor Kinnally:** But this is a separate section. The heading is: park maintenance shall not be hindered. Under that it says: this section shall not be deemed to prohibit measures required by good principles of park management, such as protection against fire and soil erosion, and creation and management of nature trails.

**Mr. Tuccillo:** I read a lot of statutes, so I think the other improvement language could be viewed as referring to this kind of improvement, especially since it is going to have gravel on the bottom, be graded, have a section of bark chips, have the drainage swale, have pressure-treated log water bars. This is not just maintaining the trail. This is a construction project and could be viewed that way, as under that Village law.

**Mayor Kinnally:** It is a good point. On the existing trail that goes through Hillside Woods and Hillside Park, how much is going to be constructed using the gravel?

**Mr. Lopane:** That is the typical profile for the whole trail. These are not practices that are inconsistent with what the National Park Service does with their trails. Water bars are standard, rustic-looking. It does not have to be pressure-treated wood. It could be just regular logs. It's a standard, naturally-looking practice for diverting storm water off a trail

that is continuously being eroded. We have made these recommendations because you have an erosion problem. The trail is eroding and sedimentating not just into Sugar Pond or the vernal pond, but in various areas along the trailway. If you just lay down wood chips they will get washed away again. Maintenance is an issue. Providing a stable gravel base underneath the mulch will go a long way towards helping you with the maintenance. It may mean you only have to reconstitute with chips, that the whole thing does not get washed out when the chips get washed out.

We do not have to put in a gravel subbase, but I recommend it. It is going to help your trail be there a lot longer, and cut down on your future maintenance costs. As far as the gravel swales, the gravel swales are not for the entire length. They are only for certain areas where the slopes are at the point where the water conjoins and undermines the trail at certain sections along the way.

**Mr. Tuccillo:** In terms of Village law regarding the development, the other improvement clause of that law contradicts, in a way, the maintenance aspect of it. You would have to decide whether this is maintenance or if it is an other improvement as prohibited by that law.

**Carolyn Summers, 63 Ferndale Drive:** I would like to know if any alternate routes were discussed other than using Algonquin Woods.

**Mr. Lopane:** Paul Gisondo is also with the county, and he was involved with a lot of the preplanning stages which, despite what everyone thinks, did not just occur a year ago. It has been going on for several years.

**Paul Gisondo Westchester County Planner:** We did not dream this up overnight. It is not a half-baked scheme. We have been involved with this going back to our acquisition of the Hillside Woods Trail. Perhaps the county would not have gotten involved if we did not see the potential for creating a regional linkage. I do not know for sure, but in reading back, the justification for buying it is that it provided a connection between the Old Croton Aqueduct that at that time was the Putnam Right of Way, which we were about to buy and develop as a bike path. We did explore alternate routes and we met very early on with the Village, going back to 1999, and following up on the Hastings Vision Plan, the Trail Vision Plan, which stated a need for a connection into the northeast corner of the Village. We walked at numerous times with trails committees, Dave Walrath, Fred Hubbard and many others, to establish what the preferred route would be. We did not come up with this looking at aerial photographs in our office. We have been out there for many years.

We originally wanted to go through the Carvel property and even made an offer in 2002 to acquire that property. We were unsuccessful, and the owner still remains optimistic that they can develop a senior living facility or multi-family housing on the cliffs there.

We walked away from that and, fortunately, found a route along Saw Mill River Parkway lands, an old trail that used to run for many miles within the parkway. All we need to do is create a connection from the Algonquin Trail, down a hill, and cross a stream and we hook right in with an existing trail. There are even remnants of old park benches there, with just the concrete without the wooden slats. It was also recommended that we consider a route that goes up around the back side of the Carvel property. However, Children's Village owns entirely all the way to the Carvel property. So even though there is a walkway in there, it is privately owned and that is not something that we would want to consider or even enter into. What makes this route so attractive is that it is through publicly owned lands entirely; county, village, state, to provide a connection between two north and south trails.

**Mavis Cain, President, Friends of the Old Croton Aqueduct:** I attended all those Save Hillside Woods meetings because I brought my kids up in that woods and they know every rock. But what worries me is that you are going to refine it, and we love the wilderness of it. As someone else said, she loves the little secret places. We have rocks that we have named. My little grandson has his named rocks. I cannot bear the thought of a seven foot wide path.

**Mr. Lopane:** The vast majority of it will be four foot wide.

**Ms. Cain:** That is at least a little comforting. But one of the stipulations was that it keep its wilderness feel, that it not have benches and that it not have facilities and railway ties and things like that. How much wilderness do we have left? I am in favor of the linkage, and I think that is wonderful. But do not overdo it. Do not refine something that is wonderfully wild and has little secret nooks and rocks that children can name. So keep it wild is my plea.

**Mr. Lopane:** I sense that some of the objection is to the level of construction that we are looking to do, and not so much that we are looking to make a connector.

**Ms. Cain:** It is that word construction. When you talk about the area around Sugar Pond, and refining that wonderful rocky road up there, I hate to see you digging that up.

**Mr. Lopane:** But it has become a rocky gully that has been severely eroded.

**Ms. Cain:** I know. I walk it very often, probably more than anyone in this room. But I just think that you are overdoing something that could be kept quite beautiful. I went on those exploratory walks with you and Fred and Charlotte.

**Mr. Lopane:** And we got an endorsement from the Friends of the Old Croton Aqueduct on our project. I have endorsements going back to 2000 when we got our Greenway grant, when we also applied for an ISTE A grant, and endorsements from Neil Hess and the Village.

**Ms. Cain:** It is the refining of it that some of us are worried about, and I think that is a sentiment shared by a number of people here. So keep it small.

**Mark Leaf, 73 Euclid Avenue:** Does the Board have figures on the maintenance costs of the trail going forward? How often do the chips have to be replaced and how much will it cost? One of the biggest objections is the likelihood that the trail will be used for bicycle use despite the efforts to prevent that. The possibility of someone wanting to pave over the Old Croton Aqueduct is such a scary thought that anything that might tend to make that more likely is something that people have to be very concerned about. Even if they do not oppose it, they have to ask themselves, is this likely to result in that outcome?

**Mayor Kinnally:** Not if we have anything to do with it. It is a state park and the state has fought that battle once before. Although these trails are being linked, I do not see putting wood chips down on a trail in a village or county park as a prelude to paving the Aqueduct.

**Mr. Leaf:** There has to be a rationale for connecting the paved old Put, which is a bike path, with the Aqueduct, where bicycle use is certainly present but is not prevalent. It is difficult to enjoy a walking path in which the number of bicycles exceeds a certain level. Dozens of aficionados traveling at high speeds with mountain bikes would make it difficult to walk with young children, to walk with dogs, to walk with softball equipment hanging over your shoulder. The Hillside woods are a very special place. I hope that it is possible to preserve the trails, to prevent the further erosion, to open up Hillside Park and Hillside Woods to people who are going to love those places like I and so many of us do. What you have described may not be a problem, but I would hate to see it overdeveloped.

Has the Board looked at the cost?

**Mayor Kinnally:** We do not have a number. It is difficult to determine because we do not know the level of maintenance that is going to be needed.

**Mr. Leaf:** Is that something that cannot be predicted with your best practices?

**Mr. Lopane:** I could check with our parks department and see what it costs to maintain a mulch pathway. It is not a difficult form of maintenance. It can be done with either volunteer or in-house services.

**Mr. Leaf:** The Village of Croton developed a 3/4-mile length trail along the Croton Gorge which was a severely eroded trail. With a grant of about \$100,000, they made similar improvements. They put some drainage through it and they covered it with wood chips. I do not think they have done anything in eight years except maybe bring some new wood chips in as trees come down and they shred them up. You are almost creating more of a maintenance-free situation rather than one that is subject to further erosion; it could be a cost savings.

**Jerry Quinlan, 39 Hillside Avenue:** I am all for keeping Hillside as natural as possible. I love hiking there. Eileen and I are in there almost every day, and we like the way the paths are as they currently exist. On the other hand, I am an avid biker. I am mixed on whether I would like to see more biking in the linkage through the woods. Who has the power to limit what kind of traffic?

**Mayor Kinnally:** Bicycling will be prohibited.

**Mr. Lopane:** The Village sets the terms on the use within there. We do not intend to build something friendly or usable for bikers.

**Mr. Quinlan:** You can bike on wood chips. It is not hard at all. The trail you are linking up to, at least half of the traffic is either biking or rollerblading. Will there be a place for people to park and walk into the woods?

**Mr. Lopane:** The Village of Dobbs Ferry will have a parking area for their public works facility and parking spaces will be made available on weekends to users of the trail. There will either be a gate or signage and the look of the trail is going to change dramatically once you enter into the woods. It is not going to be inviting to people on road bikes. People coming up and down the South County Trailway, we are not going to make it attractive for them to divert off there. There is already a connection with a pedestrian crossing across the parkway. We are trying to enable a connection, but not broadcasting for bikers to go off the South County Trailway. They are going to have to discover that themselves, and make a decision if they want to go against the policy that bikes are prohibited. In the case of the North County Trailway, it used to be taken over by motorbikers. Now more legitimate users are using it. The illegal users go away. It becomes more self-policing.

**Mr. Quinlan:** Are you going to be allowed to walk your dogs there on leash only?

**Mr. Lopane:** That would be up to the Village. Most places say dogs must be on a 10-foot leash. But I know when you get into the woods you let your dog off the leash.

**Trustee Apel:** Who is going to cross over the Saw Mill at Lawrence? Who is going to want to do that? Unless there is some wonderful new path and bridge to encourage it, most people are going to be scared to death to cross over the Saw Mill.

**Trustee Holdstein:** It is my understanding that regardless of what we do with the path, people go in the woods from many entry points and they go in with mountain bikes. This Village is not going to have a cop in the woods to throw bikers out or to give them tickets. I have talked to a couple of people who have indicated that you are going to find mountain bikers in there all the time. This is something we have to figure out. How it is that we are taking this large park, with a minimal amount of enforcement, and suddenly saying it is strictly for pedestrian use? I do not know how we are suddenly going to put huge signs and flashing lights, No Bikes Allowed in all of Hillside Woods. That is a real challenge and a real responsibility for all of us when we do see a bike, if that is going to be the new law.

**Mr. Lopane:** We will have signage which you do not currently have that says bikers are prohibited. It would be my contention that this project would discourage mountain bikers more than you currently do now.

**Trustee Holdstein:** Are your county maps going to designate the link for hiking only?

**Mr. Lopane:** That is a great idea to designate this as a connection prohibited to bicyclists. There are other creative ways to make it clear it is a nature trail. Maybe with signage: Woods Nature Trail, Bikers Prohibited. Or maybe the whole set of rules at that point, including bikers prohibited.

Now, why do it? Because we find, and I have been developing trails for 12 years now, that people like to have extra excursions, they like to have loops. We talk about coming to this trail from the Putnam right of way. What about going from the Hillside Woods Trail and then making an excursion to the South County Trailway? I bet a lot of joggers would like to take a walk out and go up or down on the South County Trailway, or vice versa going in the direction of the Old Croton Aqueduct. It is a two-way street. We are creating more opportunities for people who use the Hillside Woods trails to make links to the outside.

**Mr. Quinlan:** One of the things that scares me about the project is that we are going to have more rules there. It is a really nice place to go and just enjoy. No one has a problem with it the way it is. It is a great place. As Ken said, it is a sacred place and I am afraid we may ruin it by developing it.

**Trustee Holdstein:** Hillside Woods is governed by the same rules that all of our parks are. We need to make sure the community understands. If we know that there is regular, for example, paintballing, we need to send our law officers in there. Whatever uses beyond normal hiking and walking passively require the same permits that any of our other parks do. And I would like you to look at that with Ray to find out what rules should be applied there.

**Tom Brown, Overlook Road:** It is nice to hear assurances that this is not a half-baked idea. But a half-baked idea is something that there are more questions than there are answers for. I cannot say whether you should or should not go forward with it, but the one thing I can say is I do not think this project should be voted on tonight.

**Mayor Kinnally:** It is off the table.

**Mr. Brown:** That is good because there needs to be more time to think over some of the ramifications.

**Walter Stugis, 44 Hamilton Avenue:** I applaud your decision to postpone this. You got a firestorm of comment after last week's e-mail to the citizens. Mine was included. I have had a chance to think about it. I go up into the woods at least twice a day, so I talk to my fellow woods-walkers about the subject, as well. We need to articulate some objectives for this project for Hastings. The county parks group had objectives established four or more years ago to create this link. With all good intentions, you have created this plan that you think is going to serve everybody's needs and accomplish that objective.

It is time for Hastings to decide our objectives for Hillside Woods. We view the Hillside Woods as woods, not a park. A park is a people-centered place for recreation activities. A woods is nature-centered place. Do we want to increase traffic in Hillside Woods, pedestrian, bike, or otherwise? Is that a good thing, or not? How much traffic is in there now? Can those woods sustain that much human traffic, or not? Are there safety issues? Are the trails eroded such that people are getting hurt and the Village is getting sued?

The trails are not in great shape. We are fine with that. When a huge tree falls in the middle of the trail, like one did Saturday, we start carving a trail around it. We do not call the Village to get that tree out of there. Three or four of my friends have broken bones falling on

eroded trails in the last year and a half but they know when you hike in a woods you fall and get hurt. If you are in a park that is supposed to be maintained by the Village, the Village is going to start assuming more responsibility for a real park with real trails. I encourage you to set clear objectives.

**Jim Metzger, 427 Warburton Avenue:** Where is the next connection between these two trails, and would anybody realistically ever walk a loop from one trail to the other? Do you have to go six miles, 10 miles, 12 miles to get back to where you may have parked your car? If it is not going to be a loop, I do not understand the need for this trail. No one is going to come through here; let us leave it woods. Take your money and use it somewhere where it would be more beneficial.

**Mayor Kinnally:** The trails are there now. We are not creating anything new in the park.

**Mr. Metzger:** Then why do we need to go through this?

I have an issue with the graphic of the gentleman standing on this nice four foot wide path. As an architect this is a trick we used to pull in school and get our knuckles slapped for it. The gentleman in that drawing is seven feet tall. That four foot path looks like a nice little wooded meandering path. If that person was actually drawn at 5-foot-10, that path would have the appearance of being significantly wider. Whoever prepared that graphic should be ashamed of themselves to present that in public and try and pull the wool over our eyes.

**Diggitt McLaughlin, 19 William Street:** When I first moved to Hastings I lived in the Hopke mansion at the end of Hopke Avenue. There were all kinds of people hanging out in the Burke Estate with cars, with motorcycles. There were paths and they got used, especially by motorcyclists. We moved to the end of Burnside Drive and lived next to Pulvers Woods. Pulvers Woods has interrupted footpaths in it. However, from the Rose Street end it was used by motorcyclists. They would go in there, and go around and around and around. They built little mazes, humps that their motorcycles could go over, they drove over the roots of trees, and caused a lot of damage at the Rose Street end of the park. It was not parkland, it was private land. But it got damaged by those motorcycles. They went in because it was available. It was on the same level as the road. I find it difficult to believe, given that access to the parkway, that motorcycles will not use the roadway that parallels the parkway.

I come from Youngstown, Ohio, which happens to have one of the most wonderful natural parks in the country. It is many miles long and it runs through a glacial gorge. Mill Creek Park has been there since 1890. It has wonderful paths over the rocks, through the woods. They have survived 115 years without wood chips. I really do not see the need for wood

chips on this hillside. It seems to me that you are guys from a department that has a budget and you look for projects to do, and here is a place that does not have a county project and let us put one there. Trustee Swiderski has said in an e-mail that all kinds of people are asking for sidewalks. I have a list as long as my arm of places where Hastings needs sidewalks, but nobody has ever complained to me that they could not walk through the woods. But they want sidewalks in a lot of other places. If you have the money and the energy to put in sidewalks, or to tend to public pathways somewhere, they are needed more urgently elsewhere than they are there.

**Danielle Goodman, 28 Ashley Road:** I want to set forth grounds for a full SEQRA review for this construction project. It is a construction project. I heard a lot of discussion about links. But I searched the Vision Plan and in the parks and recreation section there was no mention of biodiversity. Our links to our environment are as important as a link between two trails. Erosion near the vernal pool could be bad. But wood chips and a construction path could be bad. Has the county or anyone here looked into best development practices with respect to vernal pools? There is a gentleman named Michael Clemens who set out guidelines and he has done work for the county.

If you do not ask for a full SEQRA review, I ask that you do. If you do not, and you accept this project, then you should condition it upon asking for these gentlemen to adhere to best practices for every single ecosystem you have in the woods. People have catalogued the woods. They inform us that in the vernal pond there are spring creepers and salamanders. They are our link to biodiversity. You run the risk of destroying a delicate balance.

I have been to two classes recently where naturalists are rethinking wood chips in the forest. I heard a lecture on invasive species. Part of the discussion was wood chips. Depending on where you get the wood chips from, they are filled with seeds of invasives. Wood chips could harbor these seeds. I hope that you will talk to your naturalist in the county and figure out why he is telling the public not to use wood chips on our forest paths when you are advocating for wood chips. I wish I had taken his name

**Mr. Lopane:** Steven Garber?

**Ms. Goodman:** I believe that is his name.

**Roger Scheiber, 104 Overlook Road:** I was involved when the Village originally purchased that property. I recall distinctly that the idea of purchasing the property was to leave it exactly the way it was and never to change it. It is still used by Hillside School as a nature environmental study center. It is important that we leave it in the natural state for that use.

**Ms. Summers:** I do wood chips. Properly used, they can benefit the woods by protecting the trees. When I first heard about this project from Fred it sounded like a good project and I did not concern myself about it. I wish I had because I think it is going to be overbuilt. What most concerns me is widening the path. If the entire thing has to be four feet, which I do not see why it does, then you are going to have to widen certain sections, and that will cause a lot of destruction.

The county has already achieved its goal. The paths are there. To change those paths will change the character of the woods, and we have all heard how much the character of the woods means to people. The county could downsize this project significantly, put some signage in, and use the existing trails to give us what we already have, a connection between Putnam Trailway and Croton Aqueduct, that would not be an open invitation to bikers and ATV users.

**Mr. Tuccillo:** I went to a work session here with Fred, some of the county people, and Adam Hart. We found a route through the streets to the Aqueduct from the southern part of the South County Trailway where it borders with Yonkers. There would not be any invasion in any parkland, and that should be considered.

**Fred Hubbard, Village Naturalist:** The proposal would make use of the carriageway that parallels Saw Mill Parkway. The only significant addition would be 300 feet from the Saw Mill carriageway entrance to the Algonquin Trail. That is a 30-degree slope and 300 feet long. The other connection would be from the Algonquin Trail to the Hillside Woods Trail, which is a 20-degree slope, about 100 feet long. It is very rocky. It is an intermittent stream. All of the other trails already exist, and they are in terrible condition. I would like to give you copies of photographs showing the condition of trails in Hillside Park.

**Trustee Jennings:** I would like to thank those who spoke this evening and e-mailed and wrote. I found this very informative. It is in keeping with the way we ought to proceed to postpone it and give more people a chance to look at this and make suggestions and weigh in on it, before we decide.

Does the county think that a lower-impact approach could mitigate the erosion problem? We need to strike perhaps a different kind of balance between dealing with the natural erosion and preserving the natural character of the area. Maybe your proposal does not quite strike that balance, or strikes it in a way that is not the only way that it could be struck. I am hoping that we can find a lower-impact way to deal with the erosion. Doing nothing is not necessarily protecting the natural environment. It might be actually harming the natural environment. But maybe the balance you are offering us is not the right one for us.

I also hope that you alter your drawing to make the individual less an NBA player.

**Mr. Lopane:** That happened in the translation of going from the drawing to the Internet. Sometimes you can rotate right, and sometimes you rotate up. Sometimes that happens. We are always working with graphics on the Internet now. But honestly, we would never, ever try to deceive. It is nothing I have ever done in my career. I would never try to deceive any community or community person. I understand that issue. I know that has been done. Absolutely not.

**Mr. Gisondo:** That is the closest I have felt to a snake oil salesman ever. You summed it up perfectly, that there needs to be a balance. We probably are in agreement with the route and that there is, as Fred said, a 300-foot section that needs to be bridged between Algonquin and Saw Mill Parkway to complete this. The final question is, how built does it get. Can we scale it back and still provide that improvement to the trail but not make it too built? That is something that we need to discuss. But I like that we are at least in agreement on the routing because I do not know that there is any other. Going through Yonkers on streets defeats the purpose of the use of this beautiful open space. You are diverting people away from it. So I do not agree with that. But perhaps there is a less-built solution that we need to look into.

**Trustee Holdstein:** The issue of erosion is important. Is the county willing to put in things that will help the erosion and then leave the trail the way it is? The existing trail, maybe it does not need any chips on it. But get the county to help us with the erosion.

The park philosophy in Yellowstone is not to do a thing ever on anything. If a tree falls in a roadway they will pull it to the side of the roadway, and it will sit there until it rots away.

There are certain appeals to having, for someone who does not go in often, an ability to walk through with my children on a relatively safe path. On the other hand, I like the idea of accepting it as a woods and not necessarily as an active park.

Is it possible within the IMA or the deeds that govern this property to add a deed restriction that prohibits the use of any concrete, pavement, asphalt in any inch of that woods to protect the woods 50 years, 100 years from now?

Then there is the liability issue. We need to let the public know what is our insurance, what is our liability whether we do something to Hillside Woods or nothing. We have an obligation to look at that and know those answers regardless of where we go in the project.

**Village Attorney Stecich:** Under the general obligations of law there is a provision that shields property owners from ordinary negligence for injuries if they open their property to somebody using it for hiking. Clearly, if the Village did any supervision of the hiking or anything, it could make you more liable. Just doing maintenance, it is a little unclear. It is probably not going to increase your liability. But in the worst case, your liability would be the same as it is for Hillside Woods or for the swimming pool or for any other recreational space you maintain, and that is what you have insurance for. Village liability would probably not be affected by this.

**Mayor Kinnally:** And we have it now. Not only do we have coverage, we have the liability right now because we are part owners of the woods. Thank you, gentlemen. We will let you know when you can come back and enjoy yourselves for another evening.

**Trustee Holdstein:** The Parks and Rec and the Conservation Commission ought to take a look at this and report back to this board with their thoughts and opinions, as well. And certainly Fred, and I throw Jacques in there just for his expertise.

#### **98:05 MIXED USE PLANNED DEVELOPMENT DISTRICT (MUPDD) CONCEPT PLAN**

**Mayor Kinnally:** We are in receipt of a binder from Ginsburg Development outlining the concept. It comes with a transmittal letter dated September 29, 2005 to our Building Inspector, Deven Sharma. We are also in receipt of a memo dated October 6, 2005 addressed to the Mayor and Board of Trustees from Mr. Sharma stating that he finds it substantially in compliance with the provisions of the MUPDD and he is forwarding a copy of the plan application for our review and action, according to the law.

**Susan Newman, Ginsburg Development:** I am at your beck and call on this issue. I have boards, and I can quickly walk you through, or we can save it for the public hearing. It is exactly what is in the binder.

**Mayor Kinnally:** I would ask if the Board needs any further information. Then we will have to come to a decision as to having a public hearing and referring it to Planning Board for its review and recommendations.

**Trustee Holdstein:** What guarantees are there that a person moving into this space is required to use the workspace? That could become a large den, a large living room, or something else. How do you stipulate that that is going to be a workspace?

**Ms. Newman:** The use of it as a workspace is voluntary. It is designed as a workspace, and most people who are spending the extra money to have that space would be inclined to use it that way. You would not necessarily be interested in this type of unit if that was not of some use or appeal to you. The Zoning Board of Appeals asked us to come up with a definition of live-work. I have included a draft of what we are discussing with the Zoning Board. It is a household who may use that area as an office or a workspace. They are not necessarily required to use it as an office.

**Mayor Kinnally:** So there will be a C of O as a residential space.

**Ms. Newman:** It is a C of O as a residential space permitting the occupant of the unit only, plus one outside employee, to use that space as a work area, should they choose to use it that way.

**Trustee Holdstein:** I am intrigued by the overall concept. With a community of many artists and others, it has a great deal of appeal. But my concern is that the space could be utilized for something other than a workspace, which defeats the whole concept and could change the number of residents. You could make that a kids's room.

**Ms. Newman:** We can put in a deed restriction on another bedroom. That is very common when you have a concern about the number of bedrooms in a community. Whether they choose to use it as an extra family room, or an office for home use rather than an office for business use, that you cannot legislate. But you can legislate against its use as an additional bedroom.

**Trustee Holdstein:** That is something we ought to consider. If this project goes through, I would like to see it used in the concept you have designed.

**Ms. Newman:** My sense is that will occur as a result of the marketing. If somebody wants to live in a condominium apartment, they would not necessarily choose to do it here, where people are going to have their workspace. It is not necessarily an environment where you would want that kind of exclusive residential thing. There are other alternatives in Westchester if that is your intention.

**Trustee Holdstein:** I did not see anything in the document that indicates where you intend to price these units. If I am a local struggling artist, am I going to be able to afford it?

**Ms. Newman:** These will be priced at the time when we know our construction costs and where the market is. I do not want to mislead this board into thinking this is a

low-budget project. We have been working on it for five and a half years. We have significant land and approval costs. We purchased the land thinking we had a 157-unit project. We now have to amortize that land cost over just 60 units. I do not want to mislead this board and say these are going to be \$200,000 gritty, live-work type lofts that you would find in an industrial park. It is not going to be that level of affordability.

**Trustee Holdstein:** Whose responsibility and whose right is it to inspect and know what businesses are going on? Does the Village have a right, or is that an intrusion of privacy, to inspect that the use of the workspace is not one of the precluded things?

**Village Attorney Stecich:** I want to make sure people understand that this workspace, as you have proposed, is not necessarily just for artist work. It could be any of the uses that are permitted as accessory uses in residential: home occupations, home offices.

**Ms. Newman:** We have chosen to exclude doctors and dentists.

**Trustee Holdstein:** From the standpoint of enforcement of what is going on in those loft spaces, does the Village, through the Building Inspector, have that authority?

**Village Attorney Stecich:** You would ordinarily do it by complaint. The Village does not have a policy of knocking on doors to make sure people are doing things. But, for instance, if one of the conditions were that you cannot have any doctors's offices, and somebody saw an ad in *The Enterprise* for a doctor who lives at Route 9-A, then the Building Inspector would have a basis to go in. Or if the neighbors say there has been a lot of traffic in and out of this one apartment, people are coming out holding their mouth, they think it is a dentist's office. That is how, in general, enforcement goes in the Village.

**Mayor Kinnally:** I think on-site management is going to deal with it also.

**Ms. Newman:** It will be a homeowner's association, so it is self-managed. But we will have deed restrictions for each unit saying these are the permitted uses, these are the specifically precluded uses, and you have to conform with the laws or you will violate your certificate of occupancy.

**Village Attorney Stecich:** My suggestion is that the Village make the deed restrictions a condition of the approval, because if it is only a deed restriction then it is only up to the homeowner's association to enforce it, whereas if it becomes a condition of your approval, then the Village has a basis for enforcing it.

**Trustee Jennings:** I want to clarify that what is before us tonight is an acceptance of the submission which begins the process; public hearing, Planning Board review, and so forth. What we are doing tonight is not accepting the concept plan, so that is an important distinction. Therefore, there will be time for very detailed questions and answers. But I stumbled a bit on projections of traffic, by the reference to number one and number two. In addition to that comparison, it would be helpful to think about various scenarios that are allowed for within our zone and the differential traffic depending on the marketplace and the purchasers' personal choices and decisions. We do not need to compare a scenario that is not going to happen with the least impact kind of scenario. That is not really very helpful. More helpful would be to see the range of possible traffic situations that we would get ourselves into, given the range of possible uses.

**Ms. Newman:** Let me explain why number one and number two are so substantially different. This is, in part, what led us to push Purdue Pharma to withdraw its protest petition so that we could operate under the MUPDD and promote Saw Mill Lofts alternative number two. Under Saw Mill Lofts alternative number one, which was designed to conform to the existing LI zone, we were not permitted to put any residential on the ground floor. That forced us to have the ground floor of three entire buildings dedicated entirely to commercial and/or retail. You had a very heavy retail, and in this case specialty retail, orientation in that submission only because we had to put something there. You could not leave it empty just to put the residential upstairs. And of that statistic, what drove the traffic under Saw Mill Lofts alternative number one under the LI was a worst case scenario that the entire frontage of those three building would be entirely retail. When you take that out and you look at the alternative under the MUPDD, Saw Mill alternative number two, which is the only proposal before the Board as a concept plan, the residential component is stacked on all three floors. There is a modest amount of commercial on the ground floor and, in all likelihood, that commercial would be used no differently than the commercial affiliated with the upstairs.

I will speak with our traffic consultant regarding the variety of potential home office or work occupations that might be affiliated with this. The traffic generation statistics come from looking at the residential component and attributing a certain factor for the fact that there will be less traffic from the residential because people will not commute away from their home. The question I need to ask him is, does that also equally account for any traffic that might be coming into the site for that use. I understand the question, but I do not know if there is a means to analyze it.

**Village Attorney Stecich:** I had called Susan about the traffic portion and said there is a lot it does not explain because of the comparison of one and two. This stuff was taken from

their Supplemental Final Environmental Impact Statement, right? I think it is right out of there.

**Ms. Newman:** Yes.

**Village Attorney Stecich:** At the last Planning Board meeting, the Village hired a traffic engineer to take a look at that traffic study. He had a lot of comment and a lot more information he wanted. The Planning Board is in the process of getting that information. As that comes into the Planning Board, it will be made part of this report. But the Village's traffic engineer did a very careful critique of the traffic information that has already been submitted. So, hopefully, it would answer those questions.

**Mayor Kinnally:** The transcript from our discussion here should also go to the Planning Board, and they are probably better equipped to go through all of this. But to the extent that any information is made available to us, it should be made available at the same time to the Planning Board.

**Ms. Newman:** My understanding is that the answers will come back to this Board when the Planning Board is making its recommendation. It will state that we understand that you raised these questions, you asked us for our recommendation, here are these answers and here is our recommendation in light of those answers.

We are all in agreement that number one is no longer relevant. But it is, in part, what motivated us since we knew that traffic was a big issue for the community to find a use that came in at the lowest end of the traffic scale. I have included the comparison of alternatives which does the whole gamut of what the uses could be on the site. The live-work use, and particularly a live-work use without a heavy concentration of retail on the ground floor, is among the lowest uses possible in terms of traffic generation. Within that, I will ask our traffic consultant whether he can give us a high and a low. Traffic generation statistics for residential are extremely reliable. That is one of the few statistics within traffic that rarely vary much from their projection, because residential patterns are fairly established. With a retail use you can have a much greater variety or range within your expectations because it depends how popular the retail store is.

**Trustee Jennings:** If people use the workspace as their home office, they are not going to be commuting to work, so there will be fewer trips. But if they use it as a living room, they are going to work someplace else; there will be more trips. So the possibility of choice will affect the traffic. Maybe not a lot, but that is what we have to look at now.

**Ms. Newman:** I can give you that answer. If you assume that nobody uses their space as a work area, and everybody was exclusively residential, you would have an increase of 5% against these statistics.

**Trustee Swiderski:** I notice it is 60 units versus 59 originally proposed. Is that accurate?

**Ms. Newman:** We started this process with 157 units. In the course of the discussion with the Planning Board there was an interim solution which we called Artists' Walk that had 63 units. We are now down to 60 units, of which 54 are live-work and six are affordable.

**Trustee Swiderski:** Any idea of a van or a service that brings people to the train station?

**Ms. Newman:** We do not believe it would be something that would be used here, given that we want to market it as an entirely different concept. It would be counterproductive to the kind of marketing and clientele that we want to attract. We want to attract somebody who wants to have a live-work environment, and not somebody who is saying great, I have an easy way to get to the train.

**Trustee Swiderski:** The visual vernacular of the space seems to have changed quite a bit. Will you be going over that in the public hearings?

**Ms. Newman:** I can walk us through it now. This typical unit has two bedrooms side by side. You have a living room/dining/kitchen area all on this side of the unit, and a workspace over here that can be accessed either from the living room or directly from the corridor. If one were to have outside clients coming to visit and you did not want them parading through your messy kitchen, they could come directly through door 1-B and be in the work area of your unit. This can be organized to any individual's specifications. The three stories now stack; every unit, give or take minor differences, will be identical to this. There was once a scenario which conformed under the LI where we organized this space vertically with interior steps because you could not have any living on the ground floor. None of these units have interior stairs, which is a marketing advantage because it allows us to interest an older group of people who might want to be able to continue their hobbies or their home businesses and leave a home where they do have steps. This is a real advantage to us because it is an elevator building and it allows somebody to live entirely on one level and not have to go downstairs for their work area, and have to transverse, even if it is an internal staircase, a staircase to come up to their living area.

**Trustee Apel:** Does the affordable unit have a work space?

**Ms. Newman:** No, the affordable unit is an apartment. It does not include a workspace.

**Trustee Apel:** That is a concern I have. This is a personal feeling about affordable units. It is insulting to make them smaller. They are much smaller. People are entitled to their dignity. Because it is an affordable unit it should not be made smaller, and they should not be out of the loop and not have the same amenities that other people are getting.

**Ms. Newman:** The affordable units here are 1,100 square feet which is a very deluxe two-bedroom unit in Westchester. I will provide you with research showing that an 1,100 square foot two-bedroom is an absolutely delightful physical space for anyone to live in, let alone an affordable person. We have in no way compromised the feeling of that space. The fact that it is not a 2,500 square foot unit, well, we need to be able to afford to include those affordable units, and we cannot do it if we are asked to make them identical. But we have not in any way made them an inferior living condition to what would be expected anywhere else in Westchester County.

**Trustee Apel:** I am just expressing my feelings for people that are getting affordable units. I do not know why they cannot have a workspace. Maybe they want to work out of their house, too.

**Mayor Kinnally:** If they are working out of their house, then they probably would not qualify under our definition of people who are on the list for affordable units.

**Trustee Swiderski:** Why would you say that?

**Mayor Kinnally:** Well, for instance, we have firemen, we have teachers, municipal workers.

**Trustee Holdstein:** But they are volunteer.

**Trustee Swiderski:** But the restriction is by income.

**Trustee Holdstein:** You could be a writer and be a volunteer fireman.

**Trustee Swiderski:** Of course.

**Mayor Kinnally:** Yes, but if it is a successful writer they will not meet the income criteria. If they cannot use that additional space for workspace, they cannot use it for a bedroom, either. I understand you want them to be the same size, but they are of a size because of the use that they are being put to.

**Ms. Newman:** Our obligation to provide an affordable living space in no way says that one is obligated to provide an affordable live-work space. We have chosen to market this project as a live-work community, but our obligation runs to providing living spaces, and we have more than met that obligation in this project.

**Trustee Swiderski:** My question was actually not about the floor plan, but about the visual vernacular of what you are setting up here. Is that glass?

**Ms. Newman:** We have designed a building that captures both an historic industrial feeling with the brick, and a contemporary glazed feeling that would be more typical of a workspace or a more contemporary type space. The glass area always relates to the living room/workspace, whereas the brick area also relates to the more residential component of the unit, i.e. the bedrooms. That is the reason for the mix in the facade. We did not want it to read either as solely residential or solely commercial. We have given it that mixed look by incorporating both styles of architecture on the facade.

We have created a skylight element so that when you walk into the lobby space you have a triple-high skylight, lighting the front the way you might have in an old-style industrial building with a light well. It will be glass with some kind of metal framing, but will appear to be much more glazed than a typical brick-style building.

**Trustee Jennings:** The buildings across the street have a certain look to them. I do not particularly care for it, but they have a look. But you do not want your project to look like that, and it is not going to.

**Ms. Newman:** I happen to like those buildings; they were designed by Skidmore Owings & Merrill and are well-known. I know there is a mix of feelings of who likes them and who does not like them. I do not think they are necessarily appropriate for a live-work community, although we have captured a bit of the look in the areas that would be the work and living room type area, but mixed in with something else. We have a particularly rigorous ARB in this community, and it would not surprise me if the look of this building gets altered along the way with their input.

**Trustee Apel:** Since the children living here will be going to the Ardsley schools, I do not think they can walk there. I would like the worst case scenario if every child had to be driven.

**Ms. Newman:** I have met with the school superintendent on this issue. They are required to bus them.

**Trustee Apel:** Until when?

**Ms. Newman:** Forever, as I understand it. Throughout.

**Village Attorney Stecich:** Through high school. Ardsley provides busing to almost everybody. I live there. My kids had buses all the way through, and this is a lot further than my house.

**Mr. Metzger:** There is a flaw in the thinking on the part of the developer that because they are providing a live-work space that no one is going to be using the train. In most families these days, both adults in the household work. Typically, when you have a home office, one person uses the office, the other person works. How is that person going to get to work? The vast majority of people that live in this village commute to Manhattan because of its proximity. It is one of the things that draws us here: it is an easy commute. By not providing some form of transportation directly from this facility to the train station, and being that the train station appears to be beyond capacity at this point, the only place to park for people coming from this facility to the Hastings train station, once again, is on Warburton Avenue. We already have a project going in that is going to stress that. The train station is going to become overburdened and my neighborhood is going to bear the brunt of that. I do not think that is fair.

**Ms. Goodman:** Is the public entitled to a copy of the concept book? I do not think we can respond to the hearing if we do not have the documents.

**Ms. Newman:** We will make it available electronically tomorrow and it can be posted on the Website. If you would like extra hard copies, we are also happy to provide those.

**Ms. Goodman:** Prior to the public hearing, will the Village's traffic consultant have their preliminary report ready for distribution?

**Mayor Kinnally:** I will defer to the Planning Board. I do not know their timetable.

**Planning Board Chairperson Speranza:** We had requested that the developer put together the responses to the comments by the traffic consultant and the people studying the drainage and the storm water. I was going to speak to you about whether or not we would be discussing this at our meeting on October 20.

**Ms. Newman:** Once we have the public hearing and all of this Board's comments collected and it is referred back to the Planning Board, we would respond to all of that in the context of

our Supplemental Final Environmental Impact Statement. We are working on revising that document right now. My sense of timing is that we will not have it in time for the October meeting in terms of response, but certainly by the November 17 meeting of the Planning Board we will have given them back all the responses asked for to date. We may even be able to collect these additional questions and respond to those, as well.

**Village Attorney Stecich:** Is there any way to do the traffic sooner? I do not think that at the public hearing people need to see the storm water drainage and some of the other very technical things. Eventually they would, but the traffic is a really important issue. It would be helpful to have at the public hearing.

**Ms. Newman:** I will check if we can get a hard copy report of the traffic update.

**Trustee Jennings:** This raises an interesting question, because this is the first time we have done this process, and we have to decide as we go along. Where do we draw the line between the concept plan and the site plan review? Where do we draw a line between what the Board of Trustees needs to do its job and what the Planning Board needs to do its job. That line is not drawn in the MUPDD law. I believe that some response to these questions, and information about traffic in particular, is pertinent to the job that the law asks the Board of Trustees to do. But that is only one person's opinion. We have not decided that as a Board. But I am putting out the notion that the more information along these lines you can give us before it goes to the site plan process and the Planning Board the better, so that we can do our job properly, which is whether or not we approve the concept plan.

Secondarily, in general it is a more meaningful public hearing if we can share more information with the public before the public hearing. People are going to be able to ask more thoughtful and more well-informed questions and comments, and the public hearing is more helpful to the legislative process. Waiting until after the public hearing to address some of these things is not a good idea.

**Mayor Kinnally:** I agree, especially on the traffic. Not that I want to turn our public hearing into another SEQRA hearing. We are looking at the concept. But more than half of the time, the concerns that have been raised have to do with traffic.

**Ms. Newman:** A significant amount of traffic information has already been presented which is part of the environmental review that we have done. By the time this comes before the Board of Trustees for final approval of the concept plan we are assuming that the entire environmental review will have been completed because it is an alternative.

**Mayor Kinnally:** Questions have been raised in connection with the review of Ridge Hill as to being able to justify some of the numbers in the traffic studies that have been done for your site and Ridge Hill, and especially at the intersection of 9-A and Jackson Avenue. There seems to be some reconciliation needed of those numbers. It may be that the data was completely different or the methodology was different, but people are looking at raw data and saying one does not square with the other. I went across that intersection later in the afternoon and it was unbelievable how far traffic was backed up, because there are no turning lanes. I hope you have started a dialogue with the DOT to see what they are going to do to mitigate that area.

**Ms. Newman:** We have not started such a dialogue with the DOT because our impacts on that intersection are less than 1%.

**Mayor Kinnally:** That is part of the reconciliation that I am talking about.

**Ms. Newman:** We will look to reconcile those numbers, but in terms of that dialogue we know what the solutions are. I do not think this project can force the DOT's hand, however, because it is not this project that is creating that situation.

**Mayor Kinnally:** I am not saying you are causing the problem. You may add to it, but it is something that maybe you can sit down with the City of Yonkers and with Ridge Hill and say we have to put pressure to bear on the DOT.

**Planning Board Chairperson Speranza:** It is important to understand how this Board proceeds and what our role is in terms of the recommendation on the concept plan. If you refer it to the Planning Board, we would make our recommendation based on the environmental review that is under way. We have discussed having a public hearing on the environmental review. At that point, our findings then go to the Board of Trustees as the recommendation. Or do I have to separate these processes?

**Village Attorney Stecich:** I separate them. I think they are going to happen at the same time. I do not believe that this Board can approve the concept plan until SEQRA is done because that is an action that sets other actions going. So from a SEQRA perspective, not a MUPDD perspective, SEQRA has to be finished before this Board finally approves the concept plan.

**Mayor Kinnally:** But it does not have to be finished at the time we have our public hearing.

**Village Attorney Stecich:** Right. I imagine that the public hearing will be open for awhile. Under the MUPDD you have to make a recommendation on the concept plan. The two may end up being the same, your SEQRA findings and your recommendation on the MUPDD. That just happens, in this case, because you have been working on SEQRA all along, although generally that is probably how it would work. Under the MUPDD you have to make your recommendation before the public hearing is closed. So the public hearing will stay open long enough to get the recommendation of the Planning Board and to get its SEQRA findings.

**Trustee Jennings:** I would think that the recommendation that the Planning Board makes concerning the concept plan would not prejudice, or bind, the Planning Board in terms of any determination they will later make on the site plan.

**Village Attorney Stecich:** You are correct.

**Trustee Jennings:** During the consideration of the MUPDD there was a discussion of putting in the concept plan approval phase in part as a way of heading off ill-conceived projects before the developer had to undertake costly studies for SEQRA. You are now saying that SEQRA has to be completed before the Board of Trustees can make a determination on the concept. That does not jibe with what I remember as a part of the rationale for this new process, so I am a little confused.

**Village Attorney Stecich:** Because of past history, everybody hoped we could avoid going through SEQRA before we make some sort of decision. But you cannot make a significant decision without complying with SEQRA. We ended up adding this step, which is tonight kind of a smell test; if a plan comes in that is so ridiculous you do not call for a public hearing. This is the step we added. Under the law, you cannot make any decision that is going to set other decisions in motion without complying with SEQRA.

**Trustee Jennings:** So what I said is wrong, that all we were doing was certifying that the procedural requirements had been met, the submission met what was required, and that later we would substantively decide yea or nay on the concept plan. But you are now saying tonight is more substantive than that. Tonight is the chance to knock out a bad proposal on substantive grounds before we go into the expensive process.

**Mayor Kinnally:** I do not know if we have done anything substantive tonight. If something like a ShopRite comes before us, we do not want to entertain it. We are saying to the developer, do not waste your money going through the SEQRA process; that is all.

**Trustee Jennings:** That is what I mean by substantive. We are saying more than that you have all the pages in this notebook that you need.

**Village Attorney Stecich:** That is what the Building Inspector said. The Building Inspector reviewed it with me. Is everything in here to satisfy it? Are all your requirements for a concept plan here? It came to you at the point that we determined that it was complete. Now you decide: is it worth not only the developer's time, but is it worth your time and the Planning Board's time looking at a project that you know is not going to fly.

[Discussion of date of Public Hearing]

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

**WHEREAS,** Ginsburg Development, LLC has submitted a Concept Plan under the Village of Hastings-on-Hudson's newly enacted Mixed Use Planned Development District (MUPDD), for a mixed use residential building with 60 residential units, 54 of which are live-work units, to be located on a 7.45 acre site on Route 9A immediately north of the County-owned open space; and

**WHEREAS,** the Building Inspector has determined that the Concept Plan submission is substantially complete; and

**WHEREAS,** Ginsburg Development, LLC has made a presentation of its proposed mixed use residential building before the Board of Trustees; and

**WHEREAS,** the Board of Trustees has conducted a preliminary review of the Concept Plan; now therefore be it

**RESOLVED:** that the Board of Trustees schedule a Public Hearing on the Ginsburg Development Concept Plan for the 7.45 acre site on Route 9A on November 15, 2005 at 8 p.m.; and be it further

**RESOLVED:** that the Board of Trustees refer the Concept Plan to the Planning Board for its review and recommendation.

**ROLL CALL VOTE:**

**AYE**

**NAY**

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

**Trustee Swiderski:** I am a bit adrift on what we have gotten ourselves into with this MUPDD process. What we just voted on effectively was what I thought was going to be our involvement in the MUPDD process, and yet there are many meetings more before we give another go/no-go signal. I am a little adrift on what this process actually gained, certainly for our time efficiency. It was one of my concerns heading into this.

**Mayor Kinnally:** It is a filter. If we did not want to have a public hearing on it we could squelch it right now.

**Trustee Swiderski:** If this vote accomplished that, what will all the subsequent meetings accomplish?

**Mayor Kinnally:** We have to approve the plan. This is not an approval.

**Village Attorney Stecich:** You may very well reject it after all the studies are in. But how could you make a determination on whether this project can go ahead until you know what the traffic impacts are, what the impacts are going to be on the river? That is why you cannot make any kind of approval until you have accomplished this.

**Trustee Swiderski:** What we have just done is a double approval process for this project.

**Village Attorney Stecich:** This was no kind of approval.

**Trustee Swiderski:** Not this vote, but our final vote has to await the gathering of the material in the quantity of which is required effectively for final approval out of the Planning Board.

**Mayor Kinnally:** I am not saying that. That is why I say I do not want our public hearing to be a SEQRA hearing.

**Trustee Jennings:** I do not think you and Marianne are saying the same thing. I think there is a conflict. I do not understand how it could not be a SEQRA hearing, given the logic of what Marianne is saying, that we have to have all the SEQRA information to evaluate before

we can make our determination. It sounds, on that version of it, that we are really redundant with the Planning Board.

**Village Attorney Stecich:** You are going to get the report of the Planning Board. They are looking at specific issues in SEQRA like storm water impacts that you probably are not interested in. It just happens that traffic is an important SEQRA issue and also an important issue for this Board. I tried to make it clear that this was a cumbersome process, it was not a streamlined process. The point of this process was, and this is what you have to think of, in approving the concept plan you are essentially creating zoning for this site. And the point of this was, rather than developing abstract zoning that may or may not work for this site, you would develop site-specific zoning. That is what you are going to do when you finally approve the concept plan, and that requires a lot of study.

**Mayor Kinnally:** Also, the idea of the MUPDD is a unitary plan and site design, not that you are going to look at the southern end of the site and someone else is going to come and take the middle part and someone else is going to take the northern part. One developer is going to develop the entire site.

**Trustee Swiderski:** It was a given anyway, was it not, on this particular site?

**Village Attorney Stecich:** Not until you enacted the MUPDD, though. Under the LI zoning, it could be a bunch of different parcels. What you might be thinking about, I had given you a more streamlined proposal but nobody like it; it went from you to the Planning Board to do everything else. But this Board decided it wanted it to come back to this Board for the final concept plan review. I did not think it was great either, but since everybody was concerned about streamlining I developed something streamlined, and it did not fly.

**Trustee Jennings:** What we lack and what we need to talk about more about is trying to develop objectives and criteria. What should we be thinking about when we decide whether or not to approve a concept plan? Concept plan is not site plan, it is not SEQRA. If Lee is correct in saying this is not supposed to be a SEQRA hearing, there must be some distinctive criteria and objectives that we are seeking to implement when we make our decision. Otherwise, we are taking over the function of the Planning Board. We do not have, as yet, a clear understanding of exactly what we should be looking for when we approve or disapprove a concept plan. I understand what we did tonight, and that is simple because it is just to weed out the egregious cases. But the next time is not so simple. I feel we are still somewhat groping in the dark.

**Mayor Kinnally:** I do not think anybody disagrees with you, Bruce. This is the first time we have done something like this.

**Trustee Jennings:** So how can we fix that?

**Mayor Kinnally:** One of the things that we can do is work through it ourselves. Other communities have planned unit developments; how have they looked at it. I do not want it to turn into a SEQRA process; issues of storm water management and all that stuff, we do not have the expertise and I am not so sure we need that for the concept.

**Trustee Apel:** One of the problems with this particular process is that we have so much information to begin with. I thought that the idea of this was the simple yes or no: we are not saying we are going to take every last little thing, but we like the idea. We think it fits into our community and our Vision Plan, and now you have to work it out with the other boards and come back to us. Because you have to prove to us now that the traffic and the water and the other stuff is okay. You came to us with an idea we think we can live with, but you have got to now dot your "i"s and cross your "t"s and go to all the other boards. We do not have to get as deep into the SEQRA process. I do not think we have to do that at all. It is whether you like what they came to you with, you like the idea.

It seems that we are trying to give the developer a signal: either we don't like it at all, or we kind of like this idea, and go with it. But if you come back after going to all the boards and it cannot fit, and you cannot address all the particular problems, as much as we may like it we are going to have to turn you down.

**Mayor Kinnally:** But we have done step one. We have said it is good enough to go beyond. Our next step is just to have a public hearing.

**Trustee Jennings:** The difference between what you are saying, Marge, and what I understand is that it sounds like, in your scenario, after the Planning Board has given the site plan approval and done all of its work, then it finally comes back to us for the final yes and the final no. That was not my understanding. I thought we finished our work before the Planning Board gave its approval to the site plan and the project, and that *that* would be the last stage of the process, not us.

**Village Attorney Stecich:** Site plan is much more specific. They are going to talk about traffic patterns, where the turning lanes are going to be. A lot of what they would ordinarily do in site plan will have already been accomplished.

Two other things. One is, your MUPDD law says exactly what you are supposed to consider. If you go through it, it has the factors. The Mayor was touching on some of them. The proposed mix of land uses, and their design, and compatibility with neighboring streets, and land uses. That is what you are supposed to look at. It is on page 13.

The other thing is, I may have confused people. When I said you have to do SEQRA, I do not mean that this Board also has to do it. You could have done it, but you have already delegated your SEQRA to the Planning Board. The Planning Board will do it and come back to you.

**Mayor Kinnally:** We are not trying to usurp what the Planning Board is doing. We are saying be a partner in this with us. But the public hearing is not for us to act now. It is simply to give us information. It will be supplemented by what the Planning Board gives us, and then we will say up or down on the concept. The initial filter is what we did tonight. If it was something that was outlandish, we would say do not waste our time or your time. So it was substantive to a certain extent, but we did not do a comprehensive analysis on this that we would normally do. But it passed the smell test. It was not an Ardsley strip mall. It was not a ShopRite. It was not a cinema.

#### **99:05 SALE OF VILLAGE-OWNED PROPERTY**

**Acting Village Manager Maggiotto:** The Ryans cannot be here tonight and have asked to have this postponed.

On MOTION of Trustee Apel, SECONDED by Trustee Holdstein Resolution 99:05 was removed from the agenda.

#### **100:05 METRO-NORTH PARKING PROGRAM LEASE AND AGREEMENT**

**Village Attorney Stecich:** Brian reviewed the lease with Metro-North, and they pretty much agreed to everything that the Village asked for. There was one item that Trustee Holdstein asked, that the Village be reimbursed for interest that it may have to pay in buying the meters, and they will not agree to that. So that is not in there. There was a provision added that if Metro-North reclaims property they will have to pay the Village for parking meters.

**Trustee Holdstein:** And improvements.

**Deputy Village Manager Maggiotto:** They had agreed in an exchange of e-mails that they would not include an overnight meter parking rate. We do not do that at our Zinsser lot, and

we are not going to get into enforcing overnight parking. But in 15.2, in the box, it shows a meter fee 24 hours. Then in part C it says: the daily parking fee for the first year of operation will be \$4 per day and the 24-hour parking fee will be \$5.50. We do not have any intention of collecting a 24-hour fee. I am going to ask them in the final copy to take that out.

**Mayor Kinnally:** If you take a look at the next page, they deleted the other four applicants for 24-hour permit. So this is inconsistent. I think the sense is that the 24-hour permits are not going to be part of it, so we should just confirm with them on that. Was that your discussion with them?

**Deputy Village Manager Maggiotto:** I thought that was our understanding.

**Mayor Kinnally:** We can proceed with the understanding that we work out the overnight.

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

**RESOLVED:** that the Mayor and Board of Trustees authorize the Village Manager to sign the lease and agreement between Metro-North Commuter Railroad Company and the Village of Hastings-on-Hudson for approximately 110 commuter parking spaces, as attached.

<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	

**101:05 CHANGE ORDER #1 - HARMON COMMUNITY CENTER ASBESTOS REMOVAL**

**Village Manager Frobel:** This was some additional asbestos found on a window glazing that needed to be taken care of as part of the original contract awarded for the removal of the asbestos in the amount of \$2,600.

**Mayor Kinnally:** And you think it is reasonable? And certainly warranted.

**Village Manager Frobel:** Yes.

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

**RESOLVED:** that the Mayor and Board of Trustees approve Change Order #1 from Jupiter Environmental Services in the amount of \$2,600.00 for additional asbestos removal at the James V. Harmon Community Center.

<b>ROLL CALL VOTE:</b>	<b>AYE</b>	<b>NAY</b>
Trustee Michael Holdstein	X	
Trustee Bruce Jennings	X	
Trustee Marjorie Apel	X	
Trustee Peter Swiderski	X	
Mayor Wm. Lee Kinnally, Jr.	X	

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

**Village Manager Frobel:** The Marsite has been repaired in all three pools where necessary. We still have some caulking and re-grouting to be accomplished, along with some stain removal. We want to accomplish some additional landscaping work as well. That is under way and we are pleased with the progress. We think it will be completed late next week .

There was some discussion at your last meeting about the effort to forego a portion of the sales tax on energy-related products. I contacted the county and there has been no decision made. They are hoping to take that up at their meeting at the end of the month.

The Community Center is well under way. The demolition is just about complete. We had a job meeting with the architect and our staff last week as well as with the other contractors. The urgency is to get the foundation poured before the onset of cold weather. They are committed to that, and I am pleased to report they are moving in a very good direction.

We are holding off doing our paving until Con Ed has completed their work. They have informed me they are complete on Calumet and South Calumet and there is still work to be done on Buena Vista and Villard. They hope to be completed within several days. This was a note I had as of last week, perhaps as early as the end of this week. Could be up to a week

to 10 days besides that. They are uncertain. Michael assures me we should be complete first or second week in November, and we will make certain to coordinate our work with the schools and the bus traffic.

**Mayor Kinnally:** I have had serious concerns about the lack of maintenance of the parkway. The impact barrier at Farragut is horrible. Senator Spano told me that he has asked that that be replaced. He has also asked that there be work done as far as cleaning the parkway itself and the shoulders. Also, on the bridge at Farragut, where the wood was replaced by metal, it looks terrible as a gateway to our community, and he has brought that to the DOT's attention.

He also has concerns that the street lights on Farragut Parkway and on Saw Mill south of our intersection are out. He is enquiring why that whole project has not been completed. I thank him for what he has done, and I will have a follow-up when I get information.

An inquiry came last week about where the Village Board stands on the alternative access to Stew Leonard's. There were discussions at the time of the settlement of the Town of Greenburgh's lawsuit concerning the opening of Sprain Road about alternatives, paralleling Austin Avenue or bringing an access road off of 9-A to the site or coming through Hastings near Holly Place. We were on record at that point saying no way it was going to happen. So, what is the sense of the Board of connecting to Stew Leonard's through Hastings?

**Trustee Holdstein:** Absolutely not.

**Trustee Jennings:** I remain totally opposed to that route. It would be a disaster for the people of that neighborhood.

**Trustee Apel:** I agree. I think it would be awful. David Walrath and I looked at another place where they could come up through Yonkers.

**Mayor Kinnally:** John Spencer was quite clear: you can have any road, but do not have it coming through the City of Yonkers. I do not think that Yonkers has changed its tune, but I have not asked Mayor Amicone. The answer to the question is no, we will not support any alternative road if it comes through Hastings and impinges upon our residential neighborhoods. Is that fair to say?

**Trustee Swiderski:** Yes, fair to say.

**Mayor Kinnally:** I attended a meeting with other mayors and administrators dealing with Historic Rivertowns of Westchester. The organization is at a crossroads. There is a funding

crunch, that they have not gotten what they should be getting from the County of Westchester. There was a request that the municipalities increase their support this year, and I urge the Board to allocate an additional \$1,000 to HRTW. The other request was that the mayors take a more active role in the monthly meetings and work together in a marketing plan to show everyone what we offer and how we work together to support tourism and businesses in the lower Hudson Valley.

One of the backstops of this was trying to get the Chambers of Commerce in the municipalities to support it. But we are not unlike a lot of the other municipalities, where the Chambers of Commerce have fallen into disuse. And if they are restarting, this is not high on their agenda so it falls to us. So what say you?

**Trustee Swiderski:** Sounds good.

**Trustee Apel:** Yes, it is a good investment.

**Trustee Jennings:** Absolutely.

## **BOARD DISCUSSION AND COMMENTS**

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

**Mayor Kinnally:** Most of the debris is gone. They have had 490 truckloads so far. There is still a little more steel to be taken off-site, and the sampling and drilling is continuing. I would like to have Dave Kalet come before us because there were questions last time about the sampling and what will happen when the buildings come down.

**Trustee Jennings:** Last week there was a meeting of the Public Health Board and they had an interesting discussion of that. At their meeting a month ago they had met with representatives of ARCO and the company working on the site. They have some additional questions in terms of what the plan for the sampling is, what are they going to be looking for other than PCBs when they do the sampling, if anything, and so forth

### **2. Storm water Management Annual Report**

**Mayor Kinnally:** We have received from Angie a report on our storm water management plan dated September 30.

**Village Manager Frobel:** This is our annual submittal to the state. It indicates our level of effort over the past year to design a program intended to mitigate adverse impacts on fresh waters. Despite the fact that we have not begun to gear up in our cooperative effort with 17 other communities to address our obligation under this law, we did do very well: our aggressive street sweeping program, catch basin cleaning, distribution of information to the public about the hazards of dumping into the storm drains and where it ends up and how it could adversely affect our environment. I was informed of our efforts also in our GIS mapping and noting some of our outfalls.

We need to open this up to the community this evening if any citizens are here to comment on our efforts. It will also be placed on our website, and there will be adequate time for citizens to comment on our work. We can forward that directly to the state. Those comments can serve as a basis for our plan for next year; we will have a lot more to report next year as we begin our effort with neighboring communities.

**Mayor Kinnally:** We had to catch a lot of water this weekend. Michael, in your community how was the flooding?

**Trustee Holdstein:** With whatever improvements we made at minimal cost on upper Ravensdale and the swales coming down and keeping the catch basins clean, zero. I watched it all day, and the improvement on Ravensdale with the curbing and so forth has certainly made a major difference.

### 3. Other

**Trustee Apel:** The Saw Mill River Coalition is seeking volunteers to help remove invasive vines along the Saw Mill River Parkway on November 5 and 12.

**Trustee Jennings:** A couple of years ago the school board or the Village Board did a joint study looking at the question of the quality of life of our children and how good a place is Hastings to grow up. I hope that we can follow that effort in the next year or two with a parallel effort concerning our senior citizens, asking the question, how good a place is Hastings to grow old? As a kickoff for that inquiry, on October 17 a nationally known person from Northwestern University, John Kretzman, will give a public lecture at Andrus on Hudson auditorium on the topic *Vitality In The Village: Tapping Our Assets To Make Hastings-on-Hudson An Enriching Community For All*. He is an expert at a process called community asset assessment, which means being aware of the skills, the talents, the expertise, the resources that every community has, and trying to mobilize those resources to

solve local problems. He is interested in the problems of senior citizens in communities and in inter-generational relationships between young and old.

**Trustee Swiderski:** The mayors from most, if not all, of the Rivertowns as well as other elected officials are gathering into a committee with the intention of better representing the Rivertowns before the Town Board of Greenburgh. That board faces a budgeting process with a vocal and strong constituency from the unincorporated part of Greenburgh that will be seeing changes that will be adverse to the interests of the villages. The committee's genesis comes out of a recent report by a special budget committee set up by Paul Feiner earlier in the year. The committee, headed up by Herb Rosenberg, produced a document that apolitically identified some important issues. This group of concerned citizens will seek to act on some of those recommendations in a concerted way in front of the Town Board so that, again, our voices are heard.

We, I think, are interested in participating in that committee. I have, because I was approached, participated in a meeting and a teleconference. Moving forward, I am happy to continue doing so, but do not want to assume anything. I am raising before the Board whether there is interest in another member, or perhaps Fran, serving on the committee.

**Mayor Kinnally:** I would like to participate as much as I can, but I would be very happy to have someone else also participate. Peter has taken the reins, and I would suggest that he continue unless anybody else has a burning ambition to get involved in this. It is a prelude to what the Michaelian Institute is going to be doing. I see this group as a catalyst for clarifying what we can and cannot do with the Town, and also in getting recommended changes to state law.

**Trustee Jennings:** I am glad to have you representing us and I know you will keep us informed about this evolving and important issue. The villages collectively may make up 54% of the population of the town, but the villages do not always act in concert or have identical interests. We in Hastings represent less than 10% of the population of the Town. Therefore, because the members of the Town Board are elected at large, I am concerned that we are under represented in the current system and we need to be able to protect our own interests. That is our responsibility.

**Trustee Holdstein:** Regarding boards and commissions, I would like to see us promote more that people who are interested in serving on boards let Susan and Fran know of their interest, whether it be a résumé or a letter. We need to be clear that we welcome people interested in boards, and then we try to put people on boards to make sure they are dynamic and diverse and working well together and moving forward, based on their charter. The boards and

commission document should show when peoples' terms are expired and when these people started on the boards. We need to make sure the process is very open and fill the open appointments or expired terms.

**John Ciberowski, 443 Warburton:** I was here a number of months ago and I spoke to the Board regarding a garbage problem in Hastings south of the Warburton Avenue bridge. People are putting it out early in plastic bags. We have a real problem. I have to walk in the middle of Warburton Avenue because there are seven or eight bags. Skunks, racoons, they are all rooting through the plastic bags. We need an ordinance that says people cannot put their garbage out until noon the day before the pickup. It has gotten to a point of ridiculousness in Hastings. It stinks, there are vermin. I have senior citizens living in my house that enjoy going for a walk after dinner. They cannot go out anymore because they are afraid to walk by.

I walked here because that is another problem. There is no place for me to park. I will be darned if I am going to be kept a prisoner in my own house because I cannot get a parking space. Now I cannot walk because there is nothing but skunks and racoons. Last night, one of them really did not look too good, so I am getting a little worried. There are reports of rabid racoons all over.

We have to take a look at these quality of life issues, especially on South Warburton. There are many absentee landlords and they do not care. The tenants are moving in, they are moving out in six months. They do not care. Something has to be done. Enforcement has to be taken care of. We have to keep Hastings a neat place to live. I have been here my whole life. My family has been here for over 90 years in Hastings. We love it here, but it has gotten so sloppy that we have to take care of it, and the Board has to look into it. It is great to look into all these new projects, but we have to take care of what we have now.

**Trustee Holdstein:** Is it not a requirement that trash has to be put out in a receptacle? And perhaps you can let the Village Manager know the addresses of the buildings so that we can put some heat on the owners to provide the proper trash receptacles and provide something in the lobbies of these buildings specifying when the garbage is to be put out and when it is not.

### **EXECUTIVE SESSION**

On MOTION of Trustee Swiderski, SECONDED Trustee Holdstein by 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 Apel, SECONDED by Trustee Swiderski with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 11:45 p.m.