

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
PUBLIC HEARING
AUGUST 21, 2007

A Public Hearing was held by the Board of Trustees on Tuesday, August 21, 2007 at 8:10 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Wm. Lee Kinnally, Jr., Trustee Jeremiah Quinlan, Trustee Diggitt McLaughlin, Trustee Danielle Goodman, Village Manager Francis A. Frobel, Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto.

ABSENT: Trustee Peter Swiderski.

CITIZENS: Ten (10).

Mayor Kinnally declared the Board in session for the purpose of conducting a Public Hearing in accordance with the legal notice that appeared in the August 3, 2007 issue of *The Rivertowns Enterprise* to consider the advisability of enacting Proposed Local Law No. 4 of 2007 amending the Code of the Village of Hastings-on-Hudson, Westchester County, New York, Chapter 250 Stormwater Management, and Related Sections in Chapter 295, Zoning, to impose regulations governing construction and post-construction stormwater runoff in order to retain or absorb stormwater on developed sites wherever possible, and to deal with illegal connections to the Village's storm sewer system.

Village Manager Frobel: Currently, the Village Code makes reference to a stormwater management obligation. It refers to the New York State stormwater management design and Westchester County best management practice. Under state law, municipalities are not obligated to place in their local law book this model ordinance. This is an ordinance that has been provided to us by the county, and it places in the code certain standards that have to be adhered to during construction of a certain size. So we recommend that this would apply to any kind of activity on property greater than 10,000 square feet.

Hastings, along with 16 other municipalities, have joined together to bring about compliance with what is called stormwater phase 2 legislation. This ordinance is broken into two sections. The first one talks about construction practices to prevent water runoff and erosion, and the second one talks about illegal connections to stormwater systems. It is already the practice. What we are doing now is making it part of our local code and having it enforced on a local level.

Mayor Kinnally: Before we open it up to public comment, the Village Attorney has a couple of items to discuss.

Village Attorney Stecich: They are corrections to it; they are essentially typos. On page 27 of the draft, in paragraph four at the top, the word “non” there is just floating, it is not modifying anything. Just take it out. “It shall not apply to any discharge permitted under a SPDES permit.”

On page 29, at the bottom, B-1, “SMO” stands for stormwater management officer. It should also say “or his or her designee” because this is talking about doing inspections that we think may be done by a designee. It should be corrected in paragraph one, two, five, and six. Page 29, at the bottom, where it says “access to facilities” in paragraph one after “SMO”: and “or his/her designee.” Same correction in next page, paragraph two. After “SMO” add just “or designee.” Then down to paragraph five. It’s twice in that paragraph, the first line and the fourth line; and then the first line in six.

On page 37, these are the other sections of the zoning code that have to be amended to fit squarely with this law. So this subdivision section and the site plan sections have to be modified to require the submission of a stormwater pollution prevention plan. But both section two and section three refer to section 295-20. It should be 295-120 in both of them, which is the section that deals with subdivisions.

Mayor Kinnally: So with those changes, this is a public hearing. Anyone wishing to speak in favor of or in opposition to the proposed local law please come forward, give your name and address for the record.

Trustee Goodman: I have a little different understanding about what this law is supposed to do. It is not only supposed to deal with the construction phase, but also post-construction. Vis-à-vis that, it is so very important, and I have many questions and issues about this, I hope that we are going to set aside substantial time. I also hope that if we have real issues that we will amend the model that has simply been put before us.

There is a very big learning curve. We have not had, as a Board, an opportunity to learn about this. There are issues about the amount of land we are going to be regulating, both during construction and post-construction, and I have questions about best management practices. I called and spoke to the outreach person at the DEC who is urging, or advocating for, best management practices, which has got to do with regulating land disturbance that begins at 5,000 feet. I know that we are proposing 10,000 feet. I want to be able to learn about what the difference is, what will best serve the environment while balancing the burden on the Village staff to administer this and also the property owners and developers that will be subject to this. WE should spend a good amount of time on this, which we have not to date.

Mayor Kinnally: We can set aside a work session to deal with this.

Hearing no further comments, Mayor Kinnally asked for a motion to close the Public Hearing.

CLOSE OF PUBLIC HEARING

On MOTION of Trustee Quinlan, SECONDED by Trustee McLaughlin with a voice vote of all in favor, Mayor Kinnally closed the Public Hearing at 8:15 p.m.