

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
DECEMBER 17, 1996

The Regular Meeting of the Board of Trustees was held on Tuesday, December 17, 1996 in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Wm. Lee Kinnally, Jr., Trustee James B. Keaney, Trustee Elsa C. DeVita, Trustee Michael Holdstein, Trustee Susan Winn, Deputy Village Attorney Brian Murphy, Village Manager Neil Hess, and Village Clerk Mary Callas.

Mayor Kinnally: Good evening everyone. Before we get to the agenda, I would like to thank, on behalf of my family, everyone in the Village who expressed their condolences to my family and who sent any number of cards and well-wishes to my family on the occasion of my father's death. I thank you very much for your concern. It just shows Hastings at its best. Thank you.

Let me turn the agenda upside-down for a moment. I would like to announce a Work Session of the Board for Tuesday, January 14. Over the past few months we have, or I have with Mr. Hess, had some meetings at Pace in New York City and here in Hastings with representatives of ARCO and the state and various other entities (Pace Law Clinic and the Riverkeeper) in which ARCO has described some of the work it has done in assessing the Anaconda site to see exactly what is there and where various flows are, the type of tidal action in the area, and the various elements that are subsurface on the site. They have, on a number of occasions, asked us if we wanted to have a similar presentation. They made available a similar presentation for public viewing, and I asked them recently if they would attend a meeting on the 14th, and they said that they would be happy to.

Also, Mr. Green and Mr. Kheel, who are the people who are interested in coming in and possibly developing the site, have also expressed an interest in making a presentation on what they have in mind for the site. They will also be here that evening at 8 o'clock in the Meeting Room in the Municipal Building. It will be a meeting primarily for presentation by both ARCO (the people who have been retained by ARCO to do engineering and remediation on the site) and Mr. Green and Mr. Kheel. I don't know if we will have either the time or the opportunity to have any questions at that point. This is their presentation. I think it will be quite informative.

The issue of Mr. Kheel and Mr. Green, and Sustainable Development, is still a fluid one. I spoke today with Mr. Green to inquire whether or not the December 19 deadline was going to be adhered to. He indicated that documents were still being prepared, negotiations were still ongoing between not only Sustainable Development and the present owners of the site, but also with D.E.C. Technical discussions have been ongoing. They are not in a position at the present time to sign anything. Perhaps prior to our meeting there will be more news, but as far as that front is concerned there will be no change in ownership between now and at least the beginning of January.

APPROVAL OF WARRANTS

On MOTION of Trustee Holdstein, SECONDED by Trustee DeVita, with a voice vote of all in favor, the warrants were approved.

76:96 PRISONER TRANSPORTATION AGREEMENTS

Village Manager Hess: We've received agreements from Westchester County Division of Criminal Justice Services which provides reimbursement to the Village for prisoner transportation between the Village and the County Lockup. These are continuing contracts that we've had for several years now. The Village, under the agreement, would be paid in calendar year 1997 ninety dollars per trip for each prisoner transport; in 1998 the rate goes up to ninety-five dollars per trip. Normally, most prisoners are taken to the County Jail and then brought back here on Wednesdays for court dates. So, once we transport a prisoner to the County Lockup then it's necessary for our officer to go pick them up and bring them back here for specific court dates.

Those are the agreements we have with the County, and they pay each municipality in the County for the transportation.

Trustee Holdstein: So all trips, the first one taking him up there and then each time bringing him back for that Wednesday, so it's two round-trips that we are reimbursed for.

Second, should the wording here read December 31, 1998, because the contract here says the agreement is for two years?

Mayor Kinnally: Yes, good point.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Village Manager to sign and execute the Westchester County Prisoner Transportation Agreement for the period January 1, 1997 until December 31, 1998.

ROLL CALL VOTE

AYE NAY

Trustee James B. Keaney	X	
Trustee Elsa C. DeVita	X	
Trustee Michael Holdstein	X	
Trustee Susan J. Winn	X	

Mayor Wm. Lee Kinnally, Jr.

X

77:96 CDBG APPLICATION

Mayor Kinnally: The next item on the agenda is the Community Development Block Grant Application. We do not have that yet. We're going to remove it from the agenda, and we'll deal with it in January.

78:96 1996 SMALL CLAIMS ASSESSMENT REVIEW CASES

Mayor Kinnally: Similarly, the next item on the agenda is the approval of the 1996 Small Claims Assessment Review Cases. We need additional information before we can deal with that. That has to do with various grievances that were filed, and denied, by the Board of Assessment Review. People took appeals to the Small Claims Court. We don't have sufficient information to deal with it, and we're removing that from the agenda, and we'll deal with it in January.

79:96 ADOPTION OF LOCAL LAW NO. 4 OF 1996

Mayor Kinnally: The Public Hearing was held two weeks ago on this, and I have seen part of the tape on this. I know there was a lot of discussion both ways on this.

I have one question. On the last page, Section 3A, paragraph A, where the Code of the Village of Hastings-on-Hudson says "The Building Inspector shall promptly refer to the Board any application permit for any building, sign..." etc. The Board there is ARB, or is it the Village Board?

Village Manager Hess: ARB. Mayor, I'd like to ask that you amend your agenda to do two things: First of all, we have two sets of resolutions here: one, on designation of lead agency; the second one on a declaration. You should deal with these first.

Mayor Kinnally: This resolution is a requirement for us to deal with a change such as this. What it says is that this Board is taking the responsibility, the lead agency status, in reviewing the application, and then we can move on to other things. Any discussion on this?

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

WHEREAS, a committee was appointed by the Board of Trustees of the Village of Hastings-on-Hudson to study the three two-family (2R) districts in the

Village and to make recommendations to mitigate any negative impacts that might be caused by new development in those districts, and

WHEREAS, the matter has come before this Board after a Public Hearing for consideration, and

WHEREAS the Board of Trustees has consulted with the Planning Board of the Village of Hastings-on-Hudson in connection with this proposed legislation, now therefore be it

RESOLVED: that the Board of Trustees of the Village of Hastings-on-Hudson hereby declares itself lead agency for the review of the proposed Local Law of the Village of Hastings-on-Hudson to amend certain provisions of the Village Code and the Village Zoning Code relating to two-family districts.

ROLL CALL VOTE	AYE	NAY
Trustee James B. Keaney	X	
Trustee Elsa C. DeVita	X	
Trustee Michael Holdstein	X	
Trustee Susan J. Winn	X	
Mayor Wm. Lee Kinnally, Jr.	X	

Mayor Kinnally: The next Resolution. [Mayor reads Resolution].

Deputy Village Attorney Brian Murphy: This negative declaration is, in effect, a statement that enactment of modifications of the Zoning Code that have been discussed and considered by the Board in Public Hearing and in the comment period following is not an action which will affect the environment, although it could affect individuals who are homeowners, but not to affect the environment, per se, as to require SEQRA or consideration of the SEQRA provisions. It has, if you will, a minimum not requiring further SEQRA oversight, including environment assessment forms and D.E.I.S. By the Board enacting this it will enable the Board to proceed immediately to the issue of determining passage of the Local Law.

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

WHEREAS, the Board of Trustees of the Village of Hastings-on-Hudson has held Public Hearings on a Draft Local Law for the Village of Hastings-on-

Hudson to amend certain provisions of the Village Code and Village Zoning Code relating to two-family districts, and

WHEREAS, various members of the public have submitted written commentary on the Draft Local Law to the Village of Hastings-on-Hudson, and

WHEREAS this Board has determined enactment of the Local Law for the Village to amend certain provisions of the Village Code and the Village Zoning Code do not constitute a Type 1 Action as defined in 6NYCRR 617.12 of the SEQRA regulations, and therefore be it

RESOLVED: that pursuant to 6NYCRR 617 of the said SEQRA regulations, it is hereby determined that the action proposed in the aforesaid Draft Local Law for the Village of Hastings-on-Hudson will not have a significant effect upon the environment and may be processed by this Board or other applicable government agencies without further regard to said SEQRA regulations or local law.

ROLL CALL VOTE	AYE	NAY
Trustee James B. Keaney	X	
Trustee Elsa C. DeVita	X	
Trustee Michael Holdstein	X	
Trustee Susan J. Winn	X	
Mayor Wm. Lee Kinnally, Jr.	X	

Mayor Kinnally: Now, moving on to the Resolution itself and the Draft Local Law, any discussion?

Trustee Keaney: I came into this at the time of all those Public Hearings which had to do with the Prince Street houses. You couldn't go to those meetings without realizing the problems of that bulky, out-of-character construction, and the density problems and the parking problems that they had led to down there. This solution that we're looking at, I think, is the right approach, because it addresses the specific problems that were raised at those hearings: parking, bulky out-of-character construction, and the density. It addresses those specific problems without making every two-family house in that district nonconforming as to use. This does not do that. However, at the Public Hearing we had, and over the period of comment time, there has been some fear expressed on the part of the two-family owners there that this change would negatively impact on them. Specifically, people were concerned that perhaps if the house burned down

would they have to rebuild under more stringent standards. I think that's a legitimate concern that we should try to allay.

I have a proposal on that. I went through the Zoning Code that had to do with the nonconforming use section, and there's a provision that allows a single-family dwelling that's located on a lot that has an area of less than 75-hundred square feet, or a width of less than 50 feet (a single-family dwelling) that allows that dwelling, if accidentally damaged from whatever cause to whatever extent, to be rebuilt, or restored, on its original foundation; single-family dwelling. So, it seems to me that we should consider whether we want to extend the provision of that paragraph to two-family dwellings in two-family districts. Because, right now it just says single-family dwellings.

I did some research. I spoke to our attorney, Marianne. I asked her if she remembered the genesis of this provision. She said that her memory came from a prior Code, and she really couldn't think, in the record, of a reason why the distinction was made between single-family and two-family. I can't think of any, either. It may be something we want the Planning Board to consider. If we could do it tonight, I think that if we were to extend that to two-family dwellings in two-family districts it would allay some of the fears that the two-family homeowners have that if their house burned down they would be faced with more stringent requirements on account of this law. Because the purpose of this law is not to do that. It's to do something else.

Mayor Kinnally: I think it's a legitimate fear. It's one that had been raised in the course of not only the Public Hearings but just general discussion in the period that led up to this. I'm not so sure that we should amend what we have in front of us, but I think we should refer it to the Planning Board because it really goes beyond exactly what we're dealing with here. I don't want to start picking our Zoning Code apart. I'd rather have the people who reviewed the entire thing take a look at any one particular area that we're going to address.

So, I'm not trying to sweep it under the rug. I think it should go back to the Planning Board and ask them to take a look at it, give their seal of approval, and then come back to us. My understanding is that the Village Attorney has other amendments that have to be considered. This is a process that's ongoing. Any time you have a new Zoning Code there is always fine-tuning that occurs after the fact, and we're at that point now of addressing some of the things that need to be tinkered with.

I agree with you that it should be looked at. Let's not do it tonight. Let's send it back the normal way. But we should allay fears, and we will address it as quickly as we can.

Trustee Holdstein: I have a question about this. Does this mean that, as it's written here, Jim, if a single-family home burns down, before it burned down it was nonconforming, the owners of the home are now allowed to rebuild as it was on that original foundation without going to the Zoning Board for variances because prior to the fire it was nonconforming?

Deputy Village Attorney Murphy: No, it says if you have a single-family dwelling that's situated on a lot that has an area of less than 75-hundred square feet or a width of less than 50 feet, and is not conforming to this local law with respect to required yards, then if it's accidentally damaged it can be rebuilt on its original foundation. They don't have to go to the Zoning Board.

Mayor Kinnally: Just on side yard and front yard, but anything else they'd have to go.

Village Manager Hess: As long as it's on the original foundation they could rebuild it. Trustee Keaney is suggesting extending that to the two-family zone also, and that seemed to be the biggest question which came up in the Hearing.

Trustee Keaney: Two-family houses in two-family zones.

Village Manager Hess: Or single-family houses in two-family zones. That provision talks about single-family houses.

Trustee Winn: Would this be something we'd want to incorporate in this change now, rather than addressing this at a later date? Because it's always a later date, and then another later date. Like you just said, there's always fine-tuning being done. What I'm saying is do we want to include that part of it in this, and have another Public Hearing on this with that provision included in this, and then do that all at once?

Village Manager Hess: In other words, the Village Attorney has indicated she has a number of technical amendments that have to be done to the Zoning Code because of changes in the state law. What we're saying is that we could take that provision that Trustee Keaney has just mentioned, include that with the technical amendments that you'll review in January, and call for a Public Hearing on that. There's no reason to hold up this for that.

Trustee Winn: If we do amend this, do we have any idea (and I'm sorry that I wasn't at the last meeting) on how many parcels of land this more stringent 100 by 100 affects...that would make more of the properties in these areas nonconforming?

Village Manager Hess: It would make nonconforming properties of any single-family that wanted to convert to a two-family. Or, I couldn't even say it would make any buildable lots nonconforming. I couldn't assess that.

Trustee Winn: I don't think there are any applicants.

Mayor Kinnally: There are some buildable lots.

Village Manager Hess: I don't think there's anything even 75-hundred square feet.

Trustee Winn: Where? Do you have any idea where they are?

Mayor Kinnally: On James, in the far end near the one-family zone?

Trustee Winn: The only reason I'm asking (and again I apologize that I was ill and wasn't able to attend the Public Hearing) is that I don't like to see things made more restrictive for people who are already there. It doesn't even matter that it might be somebody else that wants to come in, you know, buy a building lot and build something there. But, more restrictive for people who are already there.

Village Manager Hess: Are you talking about the single-family homes that are there, or the two-family?

Trustee Winn: For everybody.

Village Manager Hess: No, that's not the case.

Trustee Winn: Explain it to me then. It would be more restrictive for the single-family homes?

Village Manager Hess: If they wanted to convert to a two-family they'd have to meet the 10-thousand square foot standard. New construction on a two-family would have to meet the 10-thousand square foot standard. Existing two-families are the same. There's no change.

Trustee Winn: Even if they sit on a 75 by 100 lot?

Village Manager Hess: If they're on a 75 by 100 lot they're conforming. If they want to put a deck on the back of that, and they conform, that's fine. They don't have to meet a 10-thousand square foot standard. What was raised was, there are several two-family homes on...one example was a 33-hundred square foot lot that's already nonconforming. So whether it's 75 or 10-thousand really makes no difference whatsoever.

Trustee Winn: But I think what I'm asking is, whether it be one-family or two-family, is it going to make more pieces of property up there, and more houses nonconforming, whether they be one-family or two-family? Is it going to make a significant amount more?

Village Manager Hess: Only if they want to convert to two-family, or construct new two-family, because they're under the 75-hundred square foot whether it's one- or two-family as long as they remain the same. So, current residences, there is basically no change. If they're nonconforming now they continue to be nonconforming. If they're not nonconforming then they would stay the same. But if they want to convert from a single-family to a two-family they have to meet the 10-thousand square foot standard. If they want to construct a new two-family then they have to have a 10-thousand square foot lot.

It's only new construction, or conversion from a single to a two. Let me give you an example. There was a question on Ridgedell, if you remember. Several people came up and said, we only have a single family living here but we're in a two-family zone; we had a two-family house at one point. We checked the rule the next morning: it was listed as a two-family house. So, if they met the 75-hundred, which I don't know whether they did or not because I didn't get that far into it, but they already had it listed as a two-family.

Trustee Holdstein: But now, if we enact this law and that same house burns down, they can rebuild with or without going before the Zoning Board for an identical house.

Village Manager Hess: Based on this law. They would have to go to the Zoning Board if it's over 50-percent. If the Board considers Trustee Keaney's suggestion of extending the provisions in the single-family zone to the two-family zone then no, they wouldn't.

Trustee Holdstein: What do you mean, over 50-percent? I missed that.

Village Manager Hess: Well, in the two-family zone, if it exceeds 50-percent...if the building burns more than 50-percent, then it would require review by the Zoning Board.

Trustee Holdstein: I'm saying if it burns completely to the ground, are they going to rebuild or not?

Village Manager Hess: Let's not confuse the issue, okay, because I think that what's been suggested is another amendment to the two-family zone separate from this which will address that.

Trustee Holdstein: But a house, if we go from 75-hundred to 10-thousand and the house right now is a two-family house at 75-hundred and it conforms...it burns to the ground after this law is enacted..it's not conforming, which would have to then go to the Zoning Board.

Village Manager Hess: No. The reason they'd have to go to the Zoning Board is because it burned down over 50-percent. They're already a two-family home on a 75-hundred square foot lot, okay? The only reason they would have to go to the Zoning Board is because of that over-50-percent requirement. But, otherwise they're a conforming structure.

Trustee Holdstein: Because they're an existing two-family today.

Village Manager Hess: We're mixing two issues: the fire relation, and whatever. Let's make an assumption, and I don't like to do this. But let's assume that after a hearing the Board adopts the suggestion on the single-family over the two-family. Assume that's adopted in addition to this. Let's take the same scenario. Your question really deals with two things. If it's a 75-hundred and it burns completely down, they have a right to build it on the same foundation, two-family home, if it exceeds 50-percent. It has nothing to do with conforming or non-conforming. If it exceeds 50-percent, the Code now says in a two-family zone you have to go the Zoning Board.

Trustee Holdstein: I just want to make a couple of comments about this process because I think this process is the way government and communities, especially small communities, should work. I think the whole process from the time which the Uniontown residents several years ago raised a concern all the way through to their getting petitions, coming to meetings, and addressing the Board, eventually to Neil's suggestion of forming a committee with residents of all three two-family zones; the proposal they made to this law that we're going to vote on tonight. I think that the process has been very well served, and I think this is the way, if you had to have an example of how to do things, this was a good example on how to do it. I hope that the rest of the community can view how this is done, and hopefully as other issues come up both with the planning process and all the other issues that we like to talk about, waterfronts, etc., that people recognize that you may have a vision of having it exactly the way you want it, but the ability to sit and listen to opposing sides, to work together as neighbors, to reach compromises, and I'm very pleased at the process. It wasn't without some people getting frustrated, and that's inevitable, but I think from where it began prior to my being on the Board to where we are tonight I think is a great example of how government should be responsive. I thrilled to see the process, and I'm looking forward to casting a positive vote for this amendment.

Mayor Kinnally: I concur with what Trustee Holdstein said. This was quite a contentious issue in the beginning. People certainly had ideas that they wanted things done, and I think all sides listened to one another. When you fix one area it affects another area, so there was some

comprehensive looking at the law to address some valid concerns, especially in the area over in Uniontown where it's a unique area and the physical layout of the area really restricts what you can do. What we've seen in the last 20 or 25 years with the proliferation of automobiles has adversely affected that area. Everybody wants to have his own car and parking spot. Unfortunately, one thing we can't do here...we can pass laws and we can repeal laws, but we can't create parking where parking can no longer exist. I commend everyone who was involved in the process. Mr. Hess was involved quite a bit, and some of the Trustees. We had hearings in the area. Not only did people speak, but a rarity in these contentious times, some people also listened when other people were speaking. I think all in all we came out, probably, ahead. I hope we came out ahead. Time will tell. We'll continue to monitor and address the situation as need be. Let's move on if we can to the Resolution.

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

- WHEREAS,** a committee was appointed by the Board of Trustees to study the three two-family (2R) districts in the Village and to make recommendations to mitigate any negative impacts that might be caused by new development in those districts, and
- WHEREAS,** that committee issued a Two-Family Zone Study and presented it to the Board of Trustees in October, 1996, and
- WHEREAS,** that study found that the existing roadways in those neighborhoods are very narrow, that there are serious parking problems because many existing houses do not have off-street parking, that the front yard and side yard setbacks for existing houses are quite small, that most of the existing residences are small single-family houses, and that the bulk of the new houses being constructed is out of character with existing houses, and
- WHEREAS,** the Board of Trustees recognizes that two-family houses recently constructed are generally larger than the single family houses and are built all the way out to the required setbacks, and
- WHEREAS** the Board of Trustees recognizes that, because of the greater parking requirements for two-family houses and because of the narrowness of the streets and the inadequacy of parking in the 2R districts, it is important that the off-street parking for the new two-family houses be carefully reviewed, now therefore be it

RESOLVED: that the Mayor and Board of Trustees hereby adopt Local Law No. 4 of 1996 amending certain provisions of the Village Code and Village Zoning Law related to two-family districts as follows:

1. Section 424 should be amended to read as follows:

Minimum Lot Size and Width

1. Subject to the provisions of Sections 420-423, all lots in a 2R district shall have an area at least seven-thousand-five-hundred (7,500) square feet and a width of at least seventy-five (75) feet, except that no two-family dwelling shall be permitted on a lot having an area of less than ten-thousand (10,000) square feet and a width of at least one-hundred (100) feet.

2. Section 425 should be amended to read as follows:

1. Subject to the provisions of Sections 420-423 and 476, each single-family dwelling in a 2R district shall have:
 - a. A front yard at least twenty-five (25) feet deep;
 - b. A rear yard at least twenty-five (25) feet deep (8 feet in the case of accessory buildings and structures);
 - c. Two side yards totalling at least twenty (20) feet, each of which yards is at least eight (8) feet (also 8 feet in the case of accessory buildings and structures); and
 - d. A maximum height of thirty-five (35) feet (15 feet in the case of accessory buildings and structures with sloped roofs and 12 feet in the case of accessory buildings and structures with flat roofs) and no more than two and one-half (2-1/2) stories.
2. Subject to the provisions of Sections 420-423 and 476, every other building and structure, including each two-family dwelling, in a 2R district shall have:
 - a. A front yard at least thirty (30) feet deep;

- b. A rear yard at least thirty (30) feet deep or thirty-percent (30%) of the lot depth, whichever is less (8 feet in the case of accessory buildings and structures);
 - c. Two side yards totalling at least thirty (30) feet, each of which yards is at least twelve (12) feet (8 feet in the case of accessory buildings and structures); and
 - d. A maximum height of thirty-five (35) feet (15 feet in the case of accessory buildings and structures with sloped roofs and 12 feet in the case of accessory buildings and structures with flat roofs) and no more than two-and-one-half (2-1/2) stories.
 3. All buildings and structures on the lot shall together cover not more than twenty-five-percent (25%) of the area of the lot, except that if the principal dwelling on the lot is a single-family dwelling, all buildings and structures on the lot shall cover not more than thirty-percent (30%) of the area of the lot.
3. Section 422 should be amended to eliminate the existing paragraph 2.

A new paragraph 2 should be added that reads as follows:
 2. In a single-family dwelling not more than two non-transient boarders or roomers shall be permitted, provided all the conditions listed in the subsection 1, subparagraphs (a) through (i), of section 405 above are met.
4. Section 617, paragraph 3 should be amended to read as follows:
 3. Notwithstanding the requirements of paragraph 1 above, no site plan shall be required for the construction, reconstruction, alteration, renovation, demolition, or enlargement of a single-family dwelling, provided that the owner of the lot certifies in writing that (s)he has no intention to construct or to have constructed, at that time or in the future, either on that lot and/or any adjacent lots, more than one single-family dwelling. For purposes of this paragraph 3, "owner" includes the record owner and any contract vendee, lessee, assignee, licensee, subsidiary, parent, or affiliate of the record owner.

IN ADDITION, the Board of Trustees adopts the following amendment to the Code of the Village of Hastings-on-Hudson:

Section 3A-3, paragraph A (dealing with the Architectural Review Board) should be amended to read as follows:

- A. The Building Inspector shall promptly refer to the Board any application for a permit for any building, sign, or other structure, but not for detached single-family residential structures, except those which are developed as part of a subdivision. The application shall be accompanied by such drawings and material samples as may be required to clearly indicate the design intent.

ROLL CALL VOTE	AYE	NAY
Trustee James B. Keaney	X	
Trustee Elsa C. DeVita	X	
Trustee Michael Holdstein	X	
Trustee Susan J. Winn	X	
Mayor Wm. Lee Kinnally, Jr.	X	

Trustee Winn: Mayor, can I just make one comment? I'm hoping that we or the Planning Board will look at Jim's proposal immediately because I think it's important to keep the fears of the people at bay.

Mayor Kinnally: I'm going to be speaking to the Planning Board Chair Rhoda Barr in the next few days and I'll bring it to her attention.

Trustee Holdstein: You had mentioned that Marianne had some other little issues. Should we do that all as one simultaneous package?

Mayor Kinnally: I don't want to hold anything up. Let's get it to the Planning Board for their consideration.

Village Manager Hess: I spoke to Marianne about this. We'll do it all simultaneously.

VILLAGE MANAGER'S REPORT

Village Manager Hess: One of the reasons I asked that the Community Development Block Grant Application Resolution be removed from the agenda: I was on a field trip with the Planning Department CDBG staff yesterday and we reviewed the project proposals. They would like some fine-tuned numbers for the resolution, so they said not to rush into it tonight, but we could wait until the January meeting to submit the amended resolution.

You'll notice around the Village at least at four locations the signposts for the new entrance signs to the Village have been installed. There is another one to be installed on North Broadway, and that should be completed this week. The signs should be up within the next three to four weeks.

Regarding the Parks and Recreation fees that were the subject of the Hearing tonight: some have not been raised since 1986 and most of them have not been increased since 1991. We had a request at the end of the pool season last year to extend the pool season by another week, which is going from being open 12 weeks to being open 13 weeks. That necessitated the consideration of the fee increase, because we have to have staff to cover the additional time period and other operating expenses. So that's what necessitated our review of the Parks and Recreation fees.

On the 19th of this month, one of the topics that will be on the Planning Board agenda is a discussion on the Planning Study. As you know, the Planning Board had their main community meeting, and a number of neighborhood meetings, in November, and has met in work session to discuss where it's going to be going in terms of the public participation in the planning study. They are developing five study committees that will meet intensively after the first of the year. They will invite the public to attend a meeting in early January. People can volunteer to serve on one of the five committees, each of which will have leaders from the Planning Board. The committees include Housing and Population led by Dave Hutson and Patty Speranza; the World Around Us led by Ed Weinstein; Economic Development Committee led by Bob Lee; Community Amenities led by Abba or; and Visual Image Planning Team led by Bill Logan. The same night, there will be a preliminary review of the Waterfront restaurant.

The Planning Board had a work session last Thursday with the consultants on the preliminary DEIS on Shoprite. The public will be apprised of our consultant's initial review of the preliminary DEIS and those comments, once finalized by the Planning Board, which will be in January finalized and sent to the developers or the developers' consultants so they can consider revisions and be able to submit a formal DEIS for public comment and Public Hearings.

We received a draft of the Westchester County Park and Ride Master Plan. I have a copy down in my office if anybody's interested in reviewing it. There are suggested areas along 9-A to develop Park and Ride. I think one is very close to the CIBA site; it's probably an alternate to the Shoprite.

I'd like to thank Santa Claus for coming to the Village over the weekend. He was here all weekend, with the cooperation of the PBA, the Parks and Recreation Department, the Chamber of Commerce, and the Temple through a Senior Social. The weekend went very well.

The Chamber of Commerce also is participating in what's called "Help A Child" program. When you shop in Hastings and deposit your receipts at Astoria Federal a percentage of those receipts go to the "Help A Child" program, which is locally-based, to help children in Hastings.

We are coming into the schedule for the '97-'98 budget. The budget work papers will be going out to departments in early January, and the budget is normally submitted to the Board at the end of February to start the process. If the Board has any suggestions or ideas for consideration as part of the budget process, please let me know in January and we'll be sure and take a look at it.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: We are going to have a work session on January 14, at which time there will be a presentation by ARCO (its technical people) and Messrs. Kneel and Greene, on the proposal on the waterfront. Some things have happened recently on the Waterfront I want to bring to everyone's attention. The order directing the removal of the debris from Building 15 was signed at the end of October. That order directs that over a three-month period not less than nine-thousand cubic yards of debris be taken out every three months. To date nine weeks into the program, we have approximately 15-thousand cubic yards of debris that has gone out of the site; there is an appreciable increase in open space in Building 15. The debris is going out in a number of forms. Some of it has been screened and the remaining C&D has gone out and the screened material has gone out. Some of it has gone out in the form that it's has been stored down there for these past few years. We had some bumpy periods in the beginning trying to get the screener working, but it has been working very, very well over the last few weeks. At the present time they are operating all day with the screener and they're trying to stockpile some screened material. The owner and the operator are continuing their efforts to try to barge some of this material out. I spoke to Mr. Festa today and discussed this with him. He did not have any further information for me, but if they are successful in their efforts to try to barge some of this material out it would be the processed material, the screened material, and each barge would accommodate five-thousand cubic yards. If that is possible, that saves truck traffic going through the Village. In that regard, they are looking at the possibility of getting another screener to operate inside Building 15. Certainly now, with the material that's come out of there, there's additional space which allows stockpiling of the screened material and also the introduction of another screener and more area for the various equipment to move. The more you get out the easier it is to process what's in there now.

They have found a significant number of tires; I believe they're going to start removing tires from inside Building 15. Interestingly, in the course of our lawsuit, to try to get the material out of Building 15 various statements were made that there were significant deposits of bundled newspaper in Building 15, for which the Village, allegedly, was responsible. I will tell from my review of the area that there is very little in the way of newspaper down there, but a tremendous amount of C&D debris which we are not, and never were, responsible for. If the minimum was nine-thousand cubic yards for every three months, we are way, way ahead of that schedule. If this process continues at this pace we're going to be in very good shape.

One of the problems they're encountering on the site is that water is coming in from clogged drains in the building on the roof. They're trying to get that cleared up because there's quite an accumulation of rainwater inside the building which nobody knew about because the debris was soaking it up.

There is a meeting tomorrow at the offices of Sive, Paget and Riesel in New York with a group that has been put together to monitor what has been going on on the site. The technical aspects will be discussed by representatives of the various parties to the lawsuit and to the interested parties on the site, including D.E.C., the owners, the Village, the Riverkeeper, etc. Negotiations continue and discussions continue in Albany with the various people at D.E.C. (ARCO, potential developers of the site, and the present owners of the site) on the cleanup of the site. We are being kept apprised of those negotiations and of those discussions. Today I spoke with the general counsel to D.E.C. who has told me that those meetings will continue throughout the month, and certainly on into January. If there are any developments I will be sure to bring them to your attention.

Mr. Hess reminds me that we have encountered over the last few months problems with the water that has been supplying the buildings that are now occupied, mostly on the north end of the site: PTI, and where Farberware is storing some of their inventory. We have constant concerns over the health and safety of the people who are working in there. There have been repeated breaks in the water main. A new main now is being installed by the owners on the site. They're using an auxiliary, above-ground line right now to supplement what they have and to ensure that we have the protection. I also think the owners have a fire watch, which means personnel are on-site at all times in case there should be a fire, so they can turn in an alarm.

Trustee Holdstein: I'm looking at the logs that are available to the public downstairs. I'm somewhat bullish on our efforts on the waterfront. We've been averaging over 22-hundred yards a week, with a high of 35-hundred. I've talked to several merchants in town who are obviously in town all day. They're really clearing a lot of it out. All of this without the luxury of Clarkstown, which we thought was going to be the White Knight, and yet it's getting done. I

think it's moving forward, and I think the community should be very optimistic. It's a long way down, but maybe we're moving toward it in the right direction on the Waterfront.

Mayor Kinnally: Let me address Clarkstown because I spoke to people about that today. It remains a mystery why Clarkstown is not a site at the present time. We have not been privy to the negotiations and the discussions that have been ongoing with Clarkstown but it has not affected us adversely because the material is going out in both processed and unprocessed form. This material had been going to Connecticut. It's going to Delaware now and Pennsylvania and Long Island. If we should get alternate forms of transportation, i.e. a barge, it will lessen the impact on the downtown area and on the Village in general. Here we are nine weeks into it and no material has come on-site at all.

2. Community Center Office

Mr. Gomes: This is a proposal to create additional office space at the Community Center for several reasons. One, to provide security for the equipment at the Community Center: computers, telephones, copiers. Right anyone using the Community Center has access to this equipment.

Secondly, we wanted to provide an area for staffing. Some of our staff is in cramped quarters with no ventilation. We also wanted to create a secure area where we can vend permits for pool and tennis. We will do about one thousand applications between pool, tennis, and camps; if we create this additional office space we'll be able to put everything away at night, thus providing access to the building for various activities. And also, it would work better for us having everything consolidated into one area, especially during the summer months when a lot of people sign up for programs..

Last, but not least, we really don't have storage. We've grown by 40 to 50 programs over the last seven or eight years, and they require supplies, but we haven't really increased our storage. So this office will also create areas of storage for us. We are going to use an area where there is an antique pool table which may be worth some money. The kids really don't use it because it's a large table. They're used to the small one we have at the Community Center. That's basically the area where the offices would be.

Village Manager Hess: Trustee DeVita and I, and the Youth Advisory Committee, met with Ray over at the Community Center to review the plan. Some of their comments were really geared towards the rest of the Community Center and not the office space itself. One thing that came out of the meeting was the suggestion that the plan that has been drawn up by the Recreation Department be taken to the ARB and possibly they could make some additional suggestions to review it before anything is finalized. But Ray and the staff developed a good

plan. We've met with the Youth Advisory Committee and, hopefully, we'll be able to get this underway. We've already taken three quotes on it, and the lowest one was about 14-thousand for the work. We need some final review and suggestions from the Architectural Review Board. After we receive those we'll come back to the Board to seek authorization for it.

Again, it's in the capital section of the budget. There's no set-aside. It's a project that takes specific Board authorization to move forward. We have to talk about the funding sources at that point. One of the reasons I put the next item on the agenda was that they tie together because they're both capital items. We would like the Board's consideration on those items, certainly, at the same time.

The second is the playground improvements at Reynold's Field. We have sent around a copy of some new standards put out by the National Safety Board on playground equipment. It was brought to our attention that the large play equipment over at Reynold's Field may not meet those standards now, so we're looking at the possibility of replacing that next spring. Ray has moved forward to get three proposals. A fund-raising group has provided 51-hundred dollars towards the equipment. You have a copy of Ray's report in your packet, with the proposals, but the one from Gametime, which was the lowest, has a layout of the proposal.

Trustee DeVita: Because it's school property is the School Board to contribute to Reynold's Field equipment in any way?

Village Manager Hess: We lease the playground area for 37-hundred dollars a year.

Trustee DeVita: So that would be our responsibility to restore?

Village Manager Hess: Yes.

Mr. Gomes: A unique situation developed whereby I was having meetings with George Foster because they're putting in a new playground in back of Hillside School. We worked together on getting the vendors together and used each others' specs because we were both looking to put in similar equipment. They went with Ray Michaels.

Trustee Holdstein: Do you have any past experience with any one of these three companies?

Mr. Gomes: All three of them. We have some Miracle equipment. Ray Michaels, for instance, has a piece over at Zinsser. Gametime has a piece at Uniontown Park. Waterfront was a Canadian-based company that Fran had brought to our attention. She wanted a wooden structure and they were the best providing wooden structures.

Trustee Holdstein: When the bids went out to these three companies did you just give them the square footage of the space, and these are these three designs to offer different types of equipment, or did you specify certain things: that we wanted "x" number of slides, or "x" number of whatever, or was it their creativity for "x" space?

Mr. Gomes: The initial Rec Commission meeting some of the people who did the fund-raising for the 51-hundred were leaning towards providing equipment for ages 5 through 12. So this piece of equipment is basically for an age 5 through 12. The feeling was that the rest of the equipment in the area is geared for younger children, and Uniontown Park's equipment is geared for pre-K and K.

Trustee Holdstein: So, in other words, the three proposals, the three sketches, are each their own independent visions of what they would put in?

Mr. Gomes: Yes, we gave them a budget figure and an area to work with, and this is what they came up with.

Trustee Holdstein: Your cover letter said that the Gametime proposal is 22-thousand dollars, but when I go to the second page of Peggy Payne's letter it says 26-thousand dollars.

Mr. Gomes: Right, we're going to keep the existing sand that we have there as opposed to putting in the wood fiber matting. There's several ways you could go for a ground surface. It has to be absorbent and not hard. We traditionally go with the sand. We replace it every year.

Trustee Holdstein: Is there any drainage problem down there?

Mayor Kinnally: There's no problem. It just doesn't exist. Drainage has always been a problem.

Trustee Holdstein: So there's nothing in any one of these three proposals that's going to address it to try to correct in any way, shape, or form because it just seems pretty tough to correct?

Village Manager Hess: It's very expensive to try and deal with the drainage system under playground equipment.

Mayor Kinnally: That whole area was re-piped and re-drained when they did the courts and reconfigured the whole field. After any significant rain there's always standing water there. There just seems to be no way that they can move that water out of there.

Mr. Gomes: When we put in a new system we have to stockpile the sand that's in there. We could take a look at what is actually there in the subsurface. My feeling is that it's probably rock.

Trustee Holdstein: How did the Rec Commission come to choose Gametime out of the three bids in question?

Mr. Gomes: They liked the configuration, and it seemed to offer more amenities like slides and whirly climbs. Besides the large piece, this is also for a fire truck we had to remove because it broke. So we're going to put something in that area. Also, something for the younger age group: play panels that you can turn seem to be very popular. We were able to put it under this proposal.

Mayor Kinnally: Ray, is there anything that can be done to recycle the wooden structure that's there now. A lot of money was put into it. The kids seem to use it all the time now. It just seems to be a waste to take that out and not use it anymore.

Mr. Gomes: It's starting to splinter. The code requirements, for example, with head entrapments and things of that nature: we can't really do anything with it to bring it up to code. I'll give you another example. They have a tire swing that's between two posts. Now there's a distance requirement between the tire swing. Well now it kind of hits the beams. So a lot of it is out-of-code. We've tried to put pieces on to fix it, but I don't really feel comfortable with it. A lot of people have complained about the splintering. We try sanding it as much as we can, but we're still getting splinters.

Village Manager Hess: The worst aspect is the safety aspect. When we're made aware of this and you see all the new structures, they're all plastic now, they're all interchangeable, they can add to them, which has its advantages. They don't look quite as nice as the wood, but it's really the safety issue that comes first.

Trustee Winn: Do you have equipment to measure head entrapment and so forth?

Mr. Gomes: I usually borrow that from another Village, and I try to do that twice a year because it's a permanent structure that you're measuring. If you go by once and it fits you should be all right.

Trustee Winn: I just want to say "thank you" to the Rec Commission. I've been the liaison to the Parks and Recreation Commission for the last couple of years, and they do a terrific job. . Between the pool and Community Center and renovations, it's amazing the different things that

come before it. People say, "oh, Parks and Rec, well it's playgrounds." Well, it's a lot more than playgrounds. I do want to thank you and all the Commission members.

Trustee Holdstein: Is the pool currently, by the fees, self-funded?

Mr. Gomes: Yes.

Trustee Holdstein: Wasn't there a big issue about some construction work that was done, and spreading that cost throughout?

Mayor Kinnally: That was the reconstruction of the pool, where it went from the diving pool into the other configuration.

Trustee Holdstein: And then there was the theory that everybody currently shouldn't bear the cost.

Mayor Kinnally: That was a question of whether or not the General Fund would underwrite some of the cost, and I think it went over a five-year period. We funded the pool partly from the General Fund.

Trustee Holdstein: Currently it's funded strictly by the fees that are paid by the residents.

Village Manager Hess: I should also point out that the pool fund has repaid the General Fund for the advances during that reconstruction period. The point is that a self-sustaining fund should be self-sustaining; it should not be supported by the general taxpaying populace if it's not used by everybody.

Trustee Holdstein: So all the money that came out of the General Fund has now been paid back?

Village Manager Hess: Yes, it has.

Trustee Holdstein: Now, when was the last time we had a pool increase?

Mr. Gomes: '92.

Trustee Holdstein: Between '92 and '96, what are the key impacts that require you to request the increase in terms of being able to stay self-funded?

Mr. Gomes: Well, besides the extended season, this year we pay off the note for when we did the improvements. We pay off the note in the year 2000. The last three years the principal and

the interest increased. The principal and the interest payment for '97 is about six-thousand dollars more than last year. Also, as we're moving into budget we have to address the sanitary sewer piping problem that we're experiencing in the filter room, and also there's staff increases. We have to retain good people, and there are different Health Department regulations that come up.

Village Manager Hess: Plus, it's important to keep up with our capital requirements up there. Those are also funded totally by the pool.

Trustee Holdstein: It's a sharp increase but it hasn't been increased in four years and this is to maintain its self-funding. I think it's a worthwhile and necessary increase. Are the other programs, the camps and so forth, also funded by these fees?

Mr. Gomes: They're from General Fund. We try to make them cost-effective for the most part. For instance, the sports camp: the reason for that increase was that we were able to put that camp under the Hillside Camp in respect to the Health Department with certain regulations. But the Hillside Camp moved to Hillside School, and we had the Sports Camp over at the high school. Hence, the Health Department has certain regulations for each camp, and we couldn't piggyback certain requirements. Also, we went from four to six weeks last year. We underestimated expenses, so we're putting it in this year.

Trustee Holdstein: But these programs aren't in the same way as the pool is funded?

Mr. Gomes: No, they're General Fund.

Trustee DeVita: Are painting and furnishings and things like that in the Community Center capitalized in terms of the budget?

Village Manager Hess: That could be part of the capital consideration. I think we have 50-thousand in the suggested capital for the Community Center, and we see that this portion is about 14-thousand dollars. So, there are some areas that could be considered: carpeting, painting, etc.

Trustee DeVita: There was a good response on the Youth Advisory Council's attempt to have a coffeehouse; a number of students showed up and were interested in seeing this developed. But one comment was that nothing has changed at the Community Center. There were no decorations or anything that would make it different than it usually is. Most students wanted to sit around and be with their friends. There's very little place to sit now. That was one of the concerns; that maybe we could have some more furniture like beanbag chairs and some small tables to sit around. If the program does take off and we do turn the Community Center into a Saturday night coffeehouse it would be nice to keep that in consideration while making plans.

Mr. Gomes: I think they had 20 to 30 more kids than they usually have, from what I saw with the attendance records.

Trustee DeVita: Nancy reported that it was a very good turnout. There were several groups of students. It wasn't just one crowd, so that was nice, that it was reaching out to a lot of students. It was interesting that there were a lot of older high school students there, not just the freshmen.

Trustee Winn: Regarding the Community Center renovations, would Rosemary Richards be included in that office, or would you make a little office just for her?

Mr. Gomes: I think Rosemary feels comfortable where she is in my initial talks with her

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