

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
BOARD OF TRUSTEES  
REGULAR MEETING  
NOVEMBER 4, 1997**

The Regular Meeting of the Board of Trustees was held on Tuesday, November 4, 1997 at 9:10 PM 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 Anthony Gagliardi, Attorney Maryanne Stecich, Village Manager Neil P. Hess, and Village Clerk Susan Maggiotto.

**CITIZENS:** Ten (10)

**APPROVAL OF WARRANTS**

On MOTION of Trustee Gagliardi, SECONDED by Trustee Keaney, with a voice vote of all in favor, the following warrants were approved:

Multi-Fund No. 64-1997-98	\$ 30,667.92
Multi-Fund No. 65-1997-98	162,441.30
Multi-Fund No. 68-1997-98	11,450.60

**82:97 DEPUTY VILLAGE TREASURER POSITION**

Village Manager Hess explained that the resolution previously approved to create the position of deputy village treasurer was modified at the request of the county personnel office.

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

**RESOLVED:** that pursuant to Section 3-301 of the Village Law, the position of Deputy Village Treasurer is hereby created and the Village Treasurer is hereby authorized to appoint one Deputy Village Treasurer who shall receive such annual compensation as may be fixed by the Board of Trustees and shall perform such official duties as may be assigned to such Deputy by the Village Treasurer, and who shall act generally for and on behalf of the Village Treasurer.

<b>ROLL CALL VOTE:</b>	<b>AYE</b>	<b>NAY</b>
Trustee James B. Keaney	X	
Trustee Elsa C. DeVita	X	
Trustee Michael Holdstein	X	
Trustee Anthony Gagliardi	X	
Mayor Wm. Lee Kinnally, Jr.	X	

**83:97 WESTCHESTER COUNTY BUS SHELTER AGREEMENT**

In response to questions from Trustee Holdstein, Village Manager Hess stated that the Village designates the sites for the bus shelters and that more frequent cleaning has been requested. The advertising portion has been changed in the new agreement.

On MOTION of Trustee DeVita, 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 the Westchester County Bus Shelter Agreement.

<b>ROLL CALL VOTE:</b>	<b>AYE</b>	<b>NAY</b>
Trustee James B. Keaney	X	
Trustee Elsa C. DeVita	X	
Trustee Michael Holdstein	X	
Trustee Anthony Gagliardi	X	
Mayor Wm. Lee Kinnally, Jr.	X	

**84:97 PUBLIC HEARING - PROTECTIVE TECHNOLOGIES, INC.**

Village Manager Hess stated that the current zoning requires a public hearing before a certificate of occupancy on the waterfront can be issued. In response to a question from Mayor Kinnally, Village Manager Hess said that the fire department would inspect prior to the hearing.

Trustee Holdstein stated that he would vote against the resolution because the owners are collecting rent and not paying taxes. The Village should not allow a public hearing to allow businesses to grow and profit at the Village's expense. Village Manager Hess stated that the application is from the renters, not the owners.

On MOTION of Trustee DeVita, SECONDED by Trustee Gagliardi, the following resolution was duly adopted by roll call vote:

**RESOLVED:** that the Mayor and Board of Trustees schedule a Public Hearing for Tuesday, November 18, 1997 to consider the application of PTI Holding, Inc. for a Certificate of Occupancy for the south portion of Building 52, 52B and 52A for the expansion of the warehousing operation from the adjacent bicycle helmet assembly operation.

<b>ROLL CALL VOTE:</b>	<b>AYE</b>	<b>NAY</b>
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Trustee James B. Keaney	X	
Trustee Elsa C. DeVita	X	
Trustee Michael Holdstein		X
Trustee Anthony Gagliardi	X	
Mayor Wm. Lee Kinnally, Jr.	X	

**85:97 SPRAIN ROAD RE-OPENING**

Mayor Kinnally stated that the Village is firmly opposed to re-opening Sprain Road because of the impact of additional traffic on Jackson Avenue and 9A and the unsafe conditions that would result. The proposed resolution opposing the re-opening of Sprain Road came out of a number of discussions with the coalition, neighboring villages, the town, and the meeting in the Harmon Community Center where the Village expressed to the Thruway Authority its strong opposition to the re-opening of Sprain Road and the folly of doing so. The Village wants to go on record with its opposition to the re-opening. Mayor Kinnally stated that the Village should continue its efforts to work with Yonkers, Greenburgh, and Ardsley.

Trustee Keaney said that the intersection of Jackson Avenue and 9A is already at a low level of service; he has not heard of any mitigation plans for the intersection.

Trustee Keaney offered a resolution to amend the language of the resolved clause of the proposed resolution to make it stronger. On MOTION of Trustee Keaney, SECONDED by Trustee Gagliardi with a voice vote of all in favor, the Board voted to amend the resolution as read.

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

**WHEREAS,** The New York State Thruway Authority owns the abandoned Old Sprain Road in the Town of Greenburgh and has before it a request from the Morris Companies supported by the City of Yonkers to re-open a road in that location as a toll-free second means of access for the new retail development being built by the Morris Companies on Austin Avenue in the City of Yonkers near its border with the Town of Greenburgh; and

**WHEREAS,** the development will be a destination “power” center attracting customers from a wide region and containing big-box stores with a potential total retail area of over 380,000 square feet, a 10 - 12 screen multiplex cinema and other improvements; and

**WHEREAS,** the City of Yonkers approved the development in 1995 with the condition that Austin Avenue not be used as a means of access to the development

in order to protect its neighboring residential area, and thereafter the Town of Greenburgh abandoned its portion of Old Sprain Road, and the New York State Thruway now provides the only means of access and has toll collection booths located just north of its Corporate Drive Interchange built in 1993 to provide access to the development; and

**WHEREAS,** Old Sprain Road connects to Jackson Avenue, an east-west transportation artery already overburdened with traffic that connects with the Saw Mill River Road (NYS Route 9A) and with Broadway (NYS Route 9), both major north-south transportation roads that pass through the incorporated villages of the Town of Greenburgh; and

**WHEREAS,** the re-opening of Old Sprain Road would further increase the volume of traffic on regional transportation arteries which pass through Hastings-on-Hudson residential neighborhoods; now therefore be it

**RESOLVED,** that the Mayor and Board of Trustees of the Village of Hastings-on-Hudson reiterate their opposition to the re-opening of Old Sprain Road and, in agreement with the Town of Greenburgh, call upon the New York State Thruway Authority, the City of Yonkers and the Morris Companies not to re-open Old Sprain Road, to remove the toll booths from the Thruway and to find an alternative means of access that will not burden the Town of Greenburgh and its incorporated villages with additional traffic that will be generated by the new development on Austin Avenue in the City of Yonkers.

<b>ROLL CALL VOTE:</b>	<b>AYE</b>	<b>NAY</b>
Trustee James B. Keaney	X	
Trustee Elsa C. DeVita	X	
Trustee Michael Holdstein	X	
Trustee Anthony Gagliardi	X	
Mayor Wm. Lee Kinnally, Jr.	X	

Mayor Kinnally directed that a copy of the resolution be sent to the Thruway Authority, Governor Pataki, Senator Spano, Assemblyman Brodsky, and the mayors of Yonkers and the adjoining villages.

### **86-97 VILLAGE ELECTIONS - OFFICES TO BE FILLED**

Mayor Kinnally stated that this motion was removed from the agenda; it is no longer a required action of the Board because of a change in election law.

## **VILLAGE MANAGER'S REPORT**

Village Manager Hess gave the following report:

1. A public forum on the renovations to Village Hall was held on October 28, 1997. I would like to thank the League of Women Voters for its sponsorship. The forum was intended to explain the renovations and it went well. I have received many comments on the substance of the information given out that night.
2. MacEachron Waterfront Park will be closed for 30 days due to site work on the restaurant property.
3. New electronic meters and housings have been installed on Maple and Southside Avenues and in the commuter lots.
4. I am sad to announce the retirement of Adele Cartwright from the Recreation Department due to health reasons.
5. The Board will appoint members to the committee for the alternate use of the gas stations on the Saw Mill Parkway at its meeting on Nov. 18. The state must see that we are serious about proposing alternate uses or they may re-open as gas stations. There are four volunteers but we could use more. Anyone interested should contact the Village Manager's Office.
6. If there are any suggestions for areas to be included in the overlay district for the siting of wireless telecommunications facilities, please contact the Village Manager's office.
7. The Village has received the auditor's report for the year ending May 31, 1997. The auditing firm Bennett Kielson will come to a future meeting to discuss the report. There was an 11 percent growth in the general fund balance from 1996 to 1997.
8. We are looking at other types of records management for the Village, such as converting files to CD ROM's. The boxes in the rear of this room would fit on 2 or 3 CD's. We are also looking into getting McKinney's Laws on CD's. The monthly subscription cost would be less than we now pay for supplements.

## **BOARD DISCUSSION AND COMMENTS**

### **1. Announcement**

**Mayor Kinnally:** First I would like to announce a milestone in the Village yesterday: Neil turned 50. I would like to wish him Happy Birthday.

## **2. Waterfront Update**

**Mayor Kinnally:** For the last reporting period 1,840 cubic yards of material went out of Building 15: 80 cubic yards of treated lumber, 1,140 cubic yards of screened material, and 620 cubic yards of c & d. The screened material has dropped down because of the rainy weather, restricting trucks on the site, and the site will soon be closed for the winter. The operator said there are about 10 thousand cubic yards of screened material left that he hopes to get out before the closing, but that may not happen. He said between 25 and 35 thousand cubic yards of c & d material has been processed. There are about two hours left of processing, and the screening will be completed by the end of the week. By the beginning of the spring all the screened material will be gone. In speaking with the operator Jerry Festa and the liaison for the owner, indications are that all the material will be removed before the Sept. 1 deadline. It is encouraging to see how much material has been taken out.

I met with three members of Scenic Hudson and brought them up to date on the LWRP and what's been happening or not happening with ARCO and the DEC. They expressed interest in assisting us technically and legally, and want to get actively involved in the LWRP process. I am extremely encouraged by their interest. I took them on a tour of the property and they were quite impressed with the potential of the site, but humbled by the amount of work and condition of the site, and the bulkheading and cleanup difficulties. They liked the waterfront park and the new restaurant, and were interested in our plans to attempt to purchase the Marinello cove and graft it onto the park for a launching area for canoes. They were enthusiastic about our re-opening our discussions with Mobil regarding the south end of the property.

I spoke again with John Cahill of the DEC regarding the Mobil property. Mobil has concerns about the contaminants, the source of which may be Uhlich, but I got the strong feeling that the state wants to see the Village acquire this site and will give us whatever assistance is necessary. I am encouraged by the DEC commitment.

I have received the results of the survey by the potential developers of the site who a number of months ago surveyed people in the community, adjacent communities, and the metropolitan area. It is available for review in the clerk's office.

## **3. Tree Preservation Legislation**

We will put the discussion of tree preservation off until later in the meeting.

## **PUBLIC COMMENTS**

**Robert Pavone, 148 James Street:** I am a 19 year resident of the Village. There has been construction on the street for over a year and a half, and heavy machinery that looks ready for the dump has been parked here for four months. I want the Village Manager and the Mayor to look into getting this machinery out of here. They are already breaking the law by leaving a piece of machinery on a residential site but there have been no summonses issued; they should have been ticketed before this.

**Mayor Kinnally:** I went on the site and saw the backhoe and the state of disrepair of the building. We have sent a letter to the people doing the construction that they have until Nov. 18 to remove the machinery. The building permit was issued in December, 1996. The building inspector and the assistant building inspector said that the construction is in compliance with the permit. I share your concerns about the site and we will continue to monitor it.

I know that there are people here who wish to speak on another subject: dog walkers were ticketed in Zinsser Park and appeared in court last week.

**Laura Rice, 18 Elm Place:** There is a group of dog owners who exercise their dogs in Zinsser Park early in the morning before the park is occupied. We are requesting a change in the leash law to allow a period of one hour in the morning from 7 AM to 8 AM when dogs under the supervision of their owners can be unleashed.

**Mayor Kinnally:** We will review the matter to the PRC for review and recommendation. The next meeting of the PRC is Dec. 1, and any change in the law will require a public hearing, so this may take some time.

**Amy Holdsmen, 765 N. Broadway:** We have been doing this for over a year, everyone cleans up after their dogs, and no one is bothered. Can we continue to use the park until this is decided?

**Village Manager Hess:** We cannot advise anyone to break the law. We have received complaints about Zinsser and Draper Parks, so we requested police enforcement.

**Mayor Kinnally:** We cannot suspend a law on the books.

**Arlene Piturro, 3 Wagner Place:** I live directly in front of the park; people walk their dogs late at night and do not pick up after them. The park is very noisy from April to October. A large garbage receptacle was thrown over my back fence. I try to clean up after people who do not clean up after themselves, but you cannot stop this type of behavior.

**Trustee Holdstein:** I play softball, and though I play the infield and do not encounter a problem, my fellow players have not complained. However, how do you ensure that you can police all the dogs when they are running together?

**Members of the Audience:** We all carry bags and watch our dogs.

**Trustee DeVita:** Is it safe to have dogs off the leash?

**Ms. Holdsmann:** It's an enclosed park and in the early morning hardly anyone uses it. There hasn't been a problem; the dogs are well-behaved.

### **BOARD DISCUSSION AND COMMENTS (contd.)**

#### **3. Tree Preservation Legislation (contd.)**

**Mayor Kinnally:** We have received additional comments on the proposed local law on tree preservation. Ellen Theg of 645 North Broadway gave us a number of comments and I have asked that these be circulated to the Board; I suggest they go to the Conservation Commission and the Village Attorney.

**Attorney Stecich:** I have reviewed it and they are good changes that do not change the law much. One good suggestion is that the tree preservation map should include trees within 25 feet of the borders of the property; I would recommend including this. Although Ms. Theg thought the law should apply to lots of less than one acre, I understand that the Board has made a policy decision to apply the law to larger tracts of land only. Requiring a written explanation for the tree removal and a statement from a certified arborist that the removal is consistent with good management are both good suggestions that should be included. Regarding requiring that the circumstances of an immediate threat be detailed, this could not be required. Increasing the fine is a policy decision the Board would have to make. I do not think these are significant changes that would require another public hearing.

**Village Manager Hess:** I recommend increasing the fine as recommended to \$5,000.

**Mayor Kinnally:** As a courtesy we should send these suggestions to the Conservation Commission because they have been so intimately involved.

**Ms. Summers:** Mr. Hess has already given them to us.

**Howard Van Hyning:** This is slightly off the subject but the practice has been for plowed snow to be deposited in the Zinsser Park parking lot. When the snow melts it courses through the trees to Broadway and a good number of the trees are dying because of the salt deposits. We should change the policy to deposit the snow elsewhere, like in the Hudson River. Also, large trees are threatened by wind; in Dan Rile Park a couple of trees have blown over. A tree expert should be hired to look at our trees to see if we can preserve them.



**Village Manager Hess:** Several members of the Conservation Commission are very knowledgeable about trees. They have looked at our Village trees and have indicated that some trees are simply mature trees reaching the end of their life span.

**Mayor Kinnally:** We are not allowed to dump snow into the Hudson River.

**Village Manager Hess:** Zinsser Park is not a primary location but we had to use it with all the bad storms two years ago.

**Trustee Holdstein:** Jacques Padawer took the Conservation Commission through Zinsser and discussed all the trees. A great many are Norway maples that are not indigenous. The Conservation Commission has a plan that will be presented at next month's PRC meeting to remove many of the trees and replant with different species. The potential harm of snow meltdown is not great for strong, healthy trees.

**Mayor Kinnally:** Mr. Hess, what is the next step?

**Village Manager Hess:** The one significant change would be the increase in the fines; this may require another public hearing. We could have the public hearing on Nov. 18 and pass the law at the first meeting in December.

**Ms. Summers:** The Conservation Commission is eager to get this passed.

**Trustee Keaney:** Would the attorney please clarify the one acre threshold in section 3?

**Attorney Stecich:** The concept of undeveloped comes out; the intention is any lot of one acre or more developed or undeveloped, so it is a more stringent provision than previously.

**Mayor Kinnally:** Let's have a resolution for a public hearing.

On MOTION of Trustee Keaney, SECONDED by Trustee Holdstein and with a voice vote of all in favor, the Board of Trustees called for a Public Hearing on November 18, 1997 to consider the advisability of adopting a Tree Preservation Law.

**Mayor Kinnally:** The law will be rewritten to include the suggested changes and the new version will be circulated prior to the meeting.

Village Manager Hess confirmed with the Board that the members were in favor of including the increase in fine to \$5,000.

**PUBLIC COMMENTS (contd.)**

**Fred Wertz, 423 Farragut:** I have a letter signed by myself and Ken Tuccillo regarding the proposed Warburton Avenue affordable housing site. We believe this is an unwise use Village-owned green space and Hudson River bluff land. The recent Planning Review of Farrandino & Associates notes that this property could potentially link four other dedicated park parcels, that an easement should be considered along this site, and that the Village should retain the property. We consider this property with its glorious views a valuable asset to be protected and preserved, and it would be short-sighted to build on the parcel before the LWRP steering committee has developed a plan for the area.

Affordable housing for volunteer firemen and Village employees is an important issue, but there are better sites: Warburton Avenue at Division Street, which Hastings could have acquired through tax foreclosure, was lost. Greenburgh has foreclosed and Town Supervisor Feiner is encouraging Hastings to take advantage of the affordable housing site, which could accommodate 20 units, before a private developer goes ahead with his proposal already submitted to the Planning Board. Mr. Feiner stands ready to help.

Another alternative is the abandoned garage on Broadway opposite the Food Emporium. It could provide six units and is near schools, public transportation, and the Village Center. It is level and would require less site preparation than the steeply sloped property on Warburton and thus would be more economical.

In the absence of a comprehensive plan, we urge the Board to assume the role of overseer and to act quickly to preserve green space and the full array of options for waterfront revitalization, while at the same time providing affordable housing.

**Trustee Keaney:** Thank you for agreeing that we should provide attractive, reasonably priced housing for volunteer firemen and Village employees and that it is an important issue; it is one we have been working on for a long time. Eight years ago the affordable housing committee looked at all possible sites. I agree that planning is necessary, but eventually we have to take action. The site on Broadway has environmental problems. Division Street has been looked at but the private developer at that time who wanted to build affordable housing could work out the numbers with the Town of Greenburgh.. I am happy to hear that Mr. Feiner is ready to help and perhaps now he can make the numbers work so we can have affordable housing; I am happy that Mr. Wertz and Mr. Tuccillo are on board about affordable housing.

**Mayor Kinnally:** The Division Street site was not lost; it's there and still available, but the Town of Greenburgh is not about to give the site to the Village. We were talking about hundreds of thousands of dollars of taxes in tax liens on this property. Bill Hall had a number of meetings with us and Paul Feiner to see if the numbers could be massaged to make the site affordable. If Paul wants to forgive those taxes, we'd be very happy to take the site off his hands. But right now, it is not affordable.

**Mr. Wertz:** My understanding is that the town will give the site to the Village free and clear for affordable housing.

**Mayor Kinnally:** If that's the offer I will pick up the phone tomorrow morning, because that's a sea change for the Town of Greenburgh.

**Mr. Wertz:** I spoke with Paul Feiner yesterday morning and he said that if he were to get a letter from the Board stating that we wanted to build affordable housing on that site, he would make it immediately possible for Hastings.

**Mayor Kinnally:** Fine. I will call tomorrow. Of course, it's the day after election, and things may change, but I promise you, if that's the deal, we will have that property. The history with the town is that it was not been looking to give this property to Hastings, but was looking for Hastings to buy the property. The philosophy of the town has been to maximize its tax revenues also. When there is a default in the taxes due, the Town of Greenburgh has to pay the school taxes, and they are always looking to recover that. I'm not saying they're wrong.

**Village Manager Hess:** Regarding your point that Hastings missed an opportunity to foreclose, we have an intermunicipal agreement with the Town of Greenburgh that the town will take the lead on all tax foreclosures for the villages, so no opportunities were missed anyplace. In fact, we have attended their meetings with regard to that property; if anything has changed, that's great.

**Mayor Kinnally:** I am receipt of a copy of a letter from Steve Dalton, Ardsley Trustee, to the Governor regarding the Austin Avenue development in Yonkers.

### **EXECUTIVE SESSION**

On MOTION of Trustee Holdstein, SECONDED by Trustee Keaney with a voice vote of all in favor, the Board scheduled an Executive Session immediately following the Regular Meeting for litigation update, personnel, and acquisition and disposition of real property.

**Mayor Kinnally:** We are in receipt of a summons and complaint in an action brought by McCarthy Taxi contesting the constitutionality and enforceability of our recently enacted local law regulating taxicabs in the Village. We will discuss this with our attorney.

### **ADJOURNMENT**

On MOTION of Trustee Holdstein, SECONDED by Trustee Keaney with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 10:30 PM.