

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**REGULAR MEETING**  
**JUNE 7, 2016**

A Regular Meeting was held by the Board of Trustees on Tuesday, June 7, 2016 at 7:35 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Mayor Peter Swiderski, Trustee Meg Walker, Trustee Daniel Lemons, Trustee Walter Stugis, Village Manager Francis A. Frobel, Village Attorney Linda Whitehead, and Village Clerk Susan Maggiotto

**ABSENT:** Trustee Nicola Armacost

**CITIZENS:** Twenty-five (25).

**PRESENTATIONS**

**1. 7:30 to 8 p.m. – Transportation Working Group**  
*Presentation of progress to date*

**Mayor Swiderski:** We are starting off with the Transportation Working Group, a group of Hastings residents that were designated by the Board to work on traffic safety, pedestrian usage of the roadways, and related issues. They have asked for some time to surface some ideas.

**Dr. Jeanette Sawyer-Cohen, Chair, Transportation Working Group:** This is a brief summary to give you a feel for what we are doing. Then one of our members will speak in more detail about our first proposal which we will be making tonight.

"The Transportation Working Group, consisting of selected resident volunteers, began meeting just over three months ago after being created by the Mayor and Board of Trustees. Our charge is to make recommendations and consult to the BOT on issues related to traffic calming. We have begun our process by educating ourselves on the history of these complex issues and engaging key stakeholders. In this vein, we have had guest presenters in our meetings such as our own Chief of Police, representation from Slow Down Irvington, and Greenburgh, our superintendent and school leadership, and next month we will be hearing from our PTSA and the Irvington Walking School Bus Initiative.

"Simultaneously, we have been building internal capacity. For example, we recently began creating subcommittees and are now focusing on creating a database and developing a community-wide survey. In the fall, we will be organizing a public event. We will be working collaboratively with our Police

Department to support the Slow Down Rivertowns Initiative. When we make recommendations to you, the Board, we will be beginning with low-cost, simple ideas, and we will be making our way toward more complex ideas as we learn more about the community's concerns and priorities."

**Richard Bass, 25 South Drive:** In the daytime, I am a licensed professional planner for close to 40 years. In my evening time I am an adjunct professor and serve on many boards. For our first action we identified low-hanging fruit. We surveyed the Village and identified existing crosswalks. We believe the crosswalks across the board, and I know this is going to sound harsh, are deficient to the example we have given you. We are urging the Village to repaint all existing crosswalks with reflective white paint; have appropriate signage both coming and going across the crosswalks; have stanchions installed either on the sides or in the middle of the road; and have lighting directed to illuminate the crosswalks. My best example of the lighting not doing its job is on Villard. If you are going east, the crosswalk was recently painted but was not completely painted and is not reflective. The light, instead of being on the crosswalk here, is actually here. A driver does not see the crosswalk because the lighting is insufficient. We believe this can be easily accomplished by changing out the paint; by installing the stanchions; by installing the proper signage.

**Mayor Swiderski:** What is a stanchion?

**Mr. Bass:** Those are those little yellow things in the middle of the road.

We compared Hastings with other watertown villages, Irvington and Tarrytown for example. There is a physical element of what we are suggesting that also changes the culture of our drivers. In Hastings, there are only three or four places where those stanchions exist. If you go to Tarrytown, they are at every crosswalk; on Broadway, on a busy street, and people obey them because they are visible and there is the culture. The underlying theme of our working group is to impact the physical condition in the Village in terms of traffic calming, but also to change the culture of the Village. This is our first handoff to you. We would like you to direct the Village Manager and the Department of Public Works to implement these easy, low-hanging fruit ideas making the existing crosswalks more visible and safer.

In the fall, as Jeanette described, we are going to be holding a public forum. We have already started identifying where additional crosswalks could be installed or other traffic calming implementation. After our public hearing, when we synthesize that information and learn more from the meetings we are having over the next couple months, we will have a second round of recommendations to you. As part of that recommendation, we are going to also urge that the Village retain a traffic engineer to review those recommendations to see if they are sound and safe, because even though we have a lot of professional expertise on the

working group, for lots of reasons I will not go into we urge that the Village hire a traffic engineer to vet the fall's second round of recommendations.

**Mayor Swiderski:** Do you have any idea what a stanchion costs?

**Mr. Bass:** I do not know what the costs are, but it is very light. Again, we are looking for the low-hanging fruit. Stanchions, paint, the proper signage; right now you have crosswalks that are unsafe, that put the Village at risk. These improvements, which are low-cost and easy to implement, would be wise at this point.

**Mayor Swiderski:** So it is no rude surprise like \$400 a stanchion of something like that, ok.

**Trustee Lemons:** They are free-standing, right?

**Mr. Bass:** They can be free-standing or they can be nailed. It depends. In some locations they will be on the side of the road, in other locations they should be on the yellow stripe in the middle of the road.

**Trustee Lemons:** The center positioning looks like the most effective. You cannot miss it.

**Mr. Bass:** Exactly. But that is something we cannot generalize. We identify 24, in some places it may not be the best location. But that is something we can work with the DPW or the DPW with the police can decide where is the best location.

**Trustee Stugis:** Those tend to get run over so you need to replace them.

**Village Manager Frobel:** They do, you are constantly replacing them.

**Mr. Bass:** Right, but that also becomes the culture. I cannot speak to Tarrytown or Irvington, maybe we should, to see what their replacement costs are. But I do not see them beat up when I drive through those streets. But it is a good question.

**Trustee Walker:** I am wondering if you are recommending that stanchions be used at signalized intersections, as well.

**Mr. Bass:** No.

**Trustee Walker:** But the paint would be useful everywhere.

**Mr. Bass:** Right.

**Trustee Walker:** I did little research with you, Richard, after the meeting that I attended to find out how you apply this paint. Maybe you heard otherwise, but when I researched it in my office and online it seems like you have to have a special machine.

**Dr. Sawyer-Cohen:** I think we can borrow one.

**Trustee Walker:** You put these glass beads into the paint, and I do not know if it is during or after, that causes the reflective quality.

**Mr. Bass:** Right.

**Trustee Walker:** Do you think they are available?

**Dr. Sawyer-Cohen:** I had an informal conversation with several employees of our DPW, who had the impression we could borrow one from Greenburgh or a neighborhood village. But they were aware there was a separate machine so we would obviously look into that.

**Mayor Swiderski:** Who paints our crosswalks?

**Village Manager Frobel:** We do.

**Mayor Swiderski:** Is that ours or is that Greenburgh's?

**Village Manager Frobel:** We own the machine, and our men do it.

**Mayor Swiderski:** OK, and we own a machine that is capable of doing this?

**Village Manager Frobel:** No, nor do I know of one you can borrow. I will look into whether or not they can be rented. Our thought, when Meg spoke to me over that weekend, was this would certainly lend itself to an item that could be shared among the various Rivertowns. But I am not aware of any.

I had a question, Richard. The reflective paint, how effective is it when you are coming upon level ground. Is it that helpful for the motorist that is coming straight on? I understand they need a bit of an elevation to truly see the reflective quality of the paint.

**Mr. Bass:** Again, I am not an expert on this. I believe it is better than what we have now. But I also asked Sam Schwartz, who is a former New York City department of transportation

commissioner, and he highly recommended it. Sam is my consultant when I do transportation projects.

**Village Manager Frobel:** I realize experts have different opinions. That is why I asked. The experts we have relied on said that it is limited in its effectiveness when coming upon level ground, and it is more effective towards an elevated area looking down upon it.

**Dr. Sawyer-Cohen:** There is no reason not to do the reflective paint because it is a low-cost item everywhere. To your point, there may be certain areas where we need additional signage which will be part of our round two batch of recommendations. We are not suggesting that reflective paint is a solution in and of itself for every intersection.

**Mayor Swiderski:** The listing of existing crosswalks, is that a complete listing or is that a prioritized listing of the ones you think really need this?

**Mr. Bass:** We are hoping we did not miss any. We have a subcommittee that surveyed the Village, both through Google Maps and by walking and driving. So I am hopeful we have identified all existing crosswalks. If we miss one or two you will not punish us.

**Mayor Swiderski:** Was it in priority order, or is it simply a full dump?

**Mr. Bass:** No. We just started at one side of the Village and worked our way. Some of it may be jumping around because I walked the dog on one outing, I drove or another outing.

**Village Manager Frobel:** What is your opinion of the tape? We found it more effective to use reflective tape in various locations, which we have, rather than the paint.

**Mr. Bass:** We can try out different things. We think the existing paint does not do the job. As a matter of fact, around the Village was recently repainted and it is already fading. Whether it is tape or reflective paint, or if we really wanted to get fancy the raised installation, which I think is more expensive. We thought paint would be the fastest. So whichever is the fastest and most cost-effective, let us try that.

**Village Manager Frobel:** And again, we have used tape at various intersections. It had better luck. Usually it lasts longer than the paint. The paint is not what it used to be years ago, that we know. It has changed, the quality of it. It has to do with the different standards. Even your household paint has changed in some way from years ago. I am not talking lead, I am talking regular paint.

**Mr. Bass:** But as you drive around other villages, you will see that whether it is the tape or the paint your headlights reflect it, the overhead lights reflect it, it catches your attention. Again, what we are trying to do is make these existing crosswalks more visible, more physical, along with the stanchions and the signage and with the overhead lighting, so it catches your attention. With the other efforts of the Village, the Rivertown Slow Down effort, that also changes the culture. So it is going to be hand-in-glove.

**Mayor Swiderski:** In terms of lighting, the example given, is that something given the new light fixtures it is easy to do, to twist, so to speak, existing light?

**Village Manager Frobel:** I will have to talk to Mike about that. I assume you are talking about a street light that was out of synch with the crosswalk. I am not sure whether we can move the arm to adjust it better, or not, but that is something we can look at. Changing the poles would be tough.

**Mr. Bass:** That is really all we are asking, but if we can adjust the light that is in close proximity to a crosswalk, sure. Again, think of this as low-hanging fruit.

**Trustee Walker:** I am happy you are starting with this and I like the exhaustive nature of your studies. I am very appreciative of this proposal, and it is certainly a good place to start because un-signalized crosswalks just by nature are not safe because motorists do not think about them. Right here in the heart of the downtown it is difficult to get people to stop. That is where people are going more slowly than they are in other parts of the Village and there is much more pedestrian activity. Then you get to other parts around the schools or on routes to school and nobody ever stops. Maybe we need an educational campaign that goes along with Slow Down Rivertowns to just get people to start stopping. But it is something we need to pay attention to, for sure.

**Trustee Stugis:** It may be low-hanging fruit, but it might be very high impact and be the most important thing.

**Mr. Bass:** Again, we have discussed this in the working group. We wanted to come back to you quickly with something tangible. We have all worked on committees that have gone on for years. There needed to be something we brought to you rather quickly. We wanted to bring this tonight. Education is going to be part of our program. It is going to be physical and cultural.

**Mayor Swiderski:** Right. It is a happy coincidence it comes out at the same time as the Slow Down Rivertowns effort and it goes nicely with that. In terms of a charge from the Board, I do not think this passes any threshold that requires a resolution, right?

**Village Manager Frobel:** No.

**Mayor Swiderski:** The costs here at low single-digit thousands, at most, right?

**Village Manager Frobel:** We can certainly handle this within the operating budget. This is rightly part of our routine stuff. It is the frequency and the different paint you are looking at. The stanchions we do buy; we do not have them at every intersection but, as pointed out, they get knocked over and destroyed pretty quickly. So we are going to be needing to replacing them on a regular basis. But this is all something we can handle administratively.

**Mayor Swiderski:** I would assume the Board is all in favor of the proposed?

**Trustee Lemons:** Definitely. Thanks to both of you and to the committee. I agree with you, Richard. It is great to see you having formed as a committee three months ago and already have concrete recommendations. That is what we want.

**Mr. Bass:** You will be getting more. We are rich with ideas but, again, before we come out with anything more progressive we need to do a holistic outreach to the community.

**Trustee Walker:** The other idea about getting a traffic engineer, you are saying that is for later when we want to recommend new crosswalks and other traffic calming measures.

**Dr. Sawyer-Cohen:** Yes, there is no need right now. But some of the future recommendations, which will be higher in complexity, will require that.

**Trustee Walker:** In the meantime we might want to start looking for somebody and see who the other Rivertowns are using. Richard knows some and I know some, but it would be interesting to know who is working in the Rivertowns.

**Mr. Bass:** Sam Schwartz already offered to help us.

**Trustee Walker:** Sam Schwartz is really good.

**Mr. Bass:** In the fall we will identify, after our community outreach, our next series of recommendations, and then do normal outreach to transportation engineers. See their costs and their expertise. We should do it competitively. We all have our favorite ones, but let us do this like we did the Comp Plan consultant. I do not think will be overly expensive. They are going to be looking at a list like this and driving around and making an evaluation. I cannot imagine that is going to be a big-ticket item.

**Trustee Walker:** We already did the pedestrian plan that George Jacquemart undertook.

**Mr. Bass:** I also spoke to Frank Fish. He offered to help, too.

**Trustee Walker:** There is another type of sign, beyond the stanchion. This usually is effective little ahead of the crosswalk, is that right?

**Dr. Sawyer-Cohen:** That is our phase two.

**Mr. Bass:** For the existing crosswalks those signs should be installed. Next time you go east on Ravensdale, I think there is a sign, the crosswalk just as you are going east before the curve. There is a crosswalk. There is one sign going eastbound, but there is not a sign going westbound. So you only stop half the time?

**Mayor Swiderski:** Can you tell us what you are thinking about for the fall event?

**Dr. Sawyer-Cohen:** We are beginning to look into drafting a public survey. We will do a web-based survey, but we will have hard copies available in public places for anyone that does not have Internet access. The idea is to gather as much input as possible to help us prioritize and add to the list of ideas we already have. Our initial thinking, although we have not fleshed out yet, would be to present the results of that survey in the public forum so we have a way to anchor the discussion constructively and then potentially move from there.

**Mr. Bass:** Also what will come out of the survey and the public forum, we are inviting people to give us their concerns. You get them, you have already forwarded some to us. But the committee also will create a way of prioritizing them in terms of public safety and cost. We do not want to be scattershot in terms of who calls first gets their street impacted. We are trying to gather in all the information, which is why we are meeting with people. We will meet with the public and solicit their ideas through surveys, both through the Village's website and the PTA's website. Then we will create a hierarchy in terms of how we make recommendations. When you get a list, we can then say yes, this is our priority list as opposed to just a list.

**Dr. Sawyer-Cohen:** We are at the beginning stages of mapping out those metrics, but we want to have a useful way to weight all those variables so we can give you something that is easy to act on.

**Trustee Walker:** In the meantime, is it OK if we keep sending you e-mails when they come in?

**Dr. Sawyer-Cohen:** Yes. Our role at this point, minimally, is to be a liaison between citizens who are having concerns that fall in these categories and our elected officials or other employees of the Village. We want to be in the loop. Also, it is so important that we are all communicating, which is another reason why we are prioritizing, spending these early months getting to know all these stakeholders. We would hate for the DPW to be going out tomorrow and painting with a different kind of paint because they did not know we had this conversation tonight. We want to position ourselves in the middle of these different groups so everybody is talking to each other.

**Trustee Walker:** That is a terrific idea.

**Trustee Lemons:** One thing you will need to do is replace Victor Waldron or get a new liaison to the Safety Council, since he is moving.

**Dr. Sawyer-Cohen:** Yes, that is on our radar, although he generously offered, for now at least, to stay on as a consultant. So we will be voting to retain his services in that capacity.

**2. 8:00 to 8:45 p.m. – Artis Senior Living Petition for Zoning Change**  
*Artis responds to Board questions – no Board action anticipated*

**Mayor Swiderski:** Artis approached us a week ago indicating they were ready to continue the presentation from previous meetings responding to Board questions and addressing concerns.

**Mark Weingarten, Partner, Dobell Donnellan Weingarten Wise & Wiederkehr:** It is my pleasure to be here representing Artis Senior Living of Hastings, LLC in connection with its proposal to develop a high-quality, 72-bed, memory care assisted living facility which caters specifically to people with Alzheimer's disease and other forms of dementia on the property located on the east side of 1 Warburton Avenue. The southern boundary of the east side of the property is the border between Hastings and the City of Yonkers. The proposed location of the facility is currently extensively graded and serves as a parking lot for the catering facility known as the Riverview, which is on the west side of Warburton Avenue, the river side, and which extends slightly over the border into the City of Yonkers.

The property is 2.32 acres in total and is predominantly R-10 single-family district zoning, with a portion of the site zoned as MR-1.5. Artis purchased the property in January of 2016. We believe this is an appropriate and desperately-needed use, not only within Hastings but within Westchester County, and within the region as a whole. You will hear from our experts about the growing population requiring these services. We will also demonstrate that this use is much less intensive than the current use, the catering facility, and will bring many economic benefits to the Village and suits the neighborhood very well. The use is consistent with your Comprehensive Plan, and the proposal should be given a fair hearing. Time should be given for a proper analysis before this board determines whether or not to proceed with the proposal. As part of the proposal, the owner has offered to donate the riverfront side of the property, the western portion closest to the Hudson River, to the Village for public use.

I am joined tonight by our team, many of whom you will hear from. You will first hear from Jay Hicks, the senior vice president at Artis. You will also hear from Mary Underwood, our vice president of memory care services from Artis. You will hear from Dan Dokken, our architect, of Dennis D. Smith Architecture. He is a senior vice president there. Brian Hildebrand is here from Ellard Engineering. We also have Glenn Reinhardt here, the operations manager with Ed Wean Drilling and Blasting, to discuss some of the blasting issues that were raised, we are told, at the last meeting.

Approximately a year ago we approached Village officials to conduct our due diligence on this site for our client to determine whether or not this site was appropriate for the proposed use and something the Village would consider. We were encouraged by Village officials to meet with the neighbors and discuss the issues to see how the neighborhood would react to the proposal. You will hear from Jay Hicks in more detail as to that process. Suffice it to say, Artis spent many months and substantial money in attempting to satisfy concerns and answer questions of the residents.

It has been suggested that no changes were made in the face of community discussion. I am here to tell you that is simply untrue. The original proposal which was presented to the Village and to the community was for 96 beds; it was four stories, three stories on top of parking; and it totaled 63 feet in height. That proposal, after meeting with both the Village and the community, has been revised to date and substantially changed to now asking for 72 beds; two stories; with on-grade parking; 40 feet in height: a 25 percent reduction in beds; and a 33 percent reduction in height. While we recognize we may not be able to satisfy all those who have objections to this proposal, anyone who suggests that we have not taken significant steps to meet those concerns is simply not true. We look forward to a full and fair hearing of the proposal and a discussion of the many benefits for residents of the Village and beyond. I am going to ask Jay Hicks to tell you a little about Artis and the proposal more specifically.

**Jay Hicks, Senior Vice President, Artis:** I will talk about who we are and Mary will talk about Alzheimer's disease and dementia, which is at the core of our use. We will talk about market conditions, we will go through the site, the specifics of our proposal, and then a number of plans and perspectives that Dan Dokken will walk through with you.

Artis Senior Living was formed in 2012. We have offices in McLean, Virginia and King of Prussia, Pennsylvania. We are a Bainum family company. The Bainum family is known from the early 1960s starting the Choice Hotel chain and a company called ManorCare. ManorCare was one of the country's leading private-pay skilled nursing facility companies. The Bainums still have a controlling interest in Choice Hotels. They sold their interest in ManorCare in 1998. The reason I mention this, we are Bainum family company but most of us with Artis got our start with ManorCare. I did, Mary was with them as well, she was an executive director and active throughout the country, not so much in New York, so you may not have heard of the Bainum family or ManorCare. I mention it only in terms of saying that is where we got our start some time ago, with a product called Arden Courts. The closest Arden Courts is in Avon, Connecticut. We have taken that Arden Courts that we launched 20 years ago, continued to enhance and refine it, and we are on our fifth generation building.

So we have extensive senior housing and health care experience. We may be a new company, but most of us have been doing this some or all of our career, some of us on and off but for the better part of our career. While we are new company, we are well-financed and we are experienced. I should also add we are owner-operators. There are a lot of people in the senior space, and not just senior but a variety of different business areas, where they will initiate a business, get it approved or get it built or get it stabilized, then flip it. There is nothing inherently wrong with that, but that is not our business model and our approach. Our model is to own the real estate, develop the property ourselves, manage it ourselves, and own it for the long term. which does differentiate us. It used to be that is how everybody did business; it is somewhat of the exception these days.

To give you a sense of what we are up to, we have 11 residences operating or under construction, and over 20 in development. In Florida we opened one last week in Boca Raton, and then D.C. through Boston and select Midwest communities is where we are active right now. Our bread and butter is dedicated, standalone memory care assisted living, although we do some general assisted living. But memory care is the vast majority of what we do. We specialize in it, and that is important to us and further distinguishes us from a lot of other people in the assisted living area. I will turn this over to Mary to talk about the disease and the operation side of what we do.

**Mary Underwood, Artis Senior Living:** I am vice president of memory care services for Artis and I have been working in the field of memory care for about 27 years. I have seen

significant changes and growth, and some of the numbers unfortunately we are going to go over are a little scary. There are over 5.4 million Americans who have some form of dementia living in the United States. By 2050 that number is expected to be over 15 million. For every person living with Alzheimer's it is estimated there are three caregivers required to care for that person. Right now, there are close to 15 million caregivers. There are very few people I run across who do not have somebody who has been impacted by this disease. We probably all could think of somebody in our own families.

One in nine people over the age of 65 have Alzheimer's. Unfortunately, 10 percent of those who have Alzheimer's are under the age of 65. The youngest I am aware of was 29 years old. One in three seniors will die with Alzheimer's disease. It is the sixth leading cause of death in the United States, but the scariest part is that of the top 10 causes of death, Alzheimer's disease is the only one that has no cure, no treatment, and no way to prevent it. There are 390,000 in the State of New York who have Alzheimer's disease or another form of dementia. That is expected to increase to almost a half-million people just in New York by the year 2025. It is a growing disease. There is such a need for quality care for our seniors.

**Mr. Hicks:** Mary talked about the statistics and prevalence of the disease on a grander scale. Let us take it a little closer to home. We work with Senior Housing Analytics, who we think are the best feasibility analysts out there. We did a detailed analysis centered on this site and centered on Hastings. What we found and augmented with some of our own research in the marketplace is very high occupancy rates among the assisted living providers in your community and a high density of senior and caregiving adults. We look at both the density and prevalence of seniors who are obviously the most likely people to have Alzheimer's and dementia, but we also look at age cohorts from 45 to 64, adult caregiving children. Your numbers are very high in that regard, too, relative to all the other places we have been studying and developing around the country.

The closest dedicated memory care assisted living facility, meaning something that just does Alzheimer's and dementia, is 15 miles away. It was a tossup between The Greens of Greenwich and the 80th Street Residence in Manhattan. Those are the two closest dedicated memory care facilities we are aware of. This is a big number and shocking, but we need to step back from it. Almost 25,000 seniors, meaning people 75 years old and over, live within a 5-mile radius of the Warburton property, and there are 138 memory care beds. Obviously, not all 25,000 people have Alzheimer's or dementia. Not all of them would place in assisted living. You work back that number. We are a private-pay facility so, quite frankly, not everybody is going to be able to afford that. What you end when you go through the rigorous analysis we have done is a strong demand for memory care assisted living in Hastings.

That slide shows the property. You have is the existing Riverview Catering and Banquet Hall, which is on the west side of Warburton, a long, narrow lot. You have got Warburton Avenue. Then on the east side you have the parking. Directly behind that, you have the Riverpointe residential project, a lot of neighbors here. As Mark indicated, we have met with those folks on a couple of occasions. If you go south of the parking lot you have the esplanade, which is in Yonkers. Dan, draw the cursor across the boundary between Yonkers and Hastings. Then draw the trail if you would, with the cursor as well, that separates our site from Riverpointe. That is the property.

Our intention is to develop the parking lot for assisted living and dedicate the facility to the Village. At that point, it would be excess to our requirements. We are not concerned about how it is programmed. We would leave that to you and the community. But that is the property we have found, and we looked very hard. This was the site that was available to us, it was for sale, it met our qualitative and quantitative requirements. We like the site.

What is our specific proposal? A dedicated memory care facility, as Mark said. Assisted living, that is how it is licensed by the state. Two stories. It is 40 feet, but only at this architectural feature in the middle. It is much lower than that everywhere except for the point at the center of the building, and we can consider adjusting that as necessary. Seventy-two residents, 38,000 square feet with 38 parking spaces. We like the fact that it is so convenient to mass transportation and the train stations. And no further development. This is all you get. There are no plans to expand it by one room, or to go vertical or horizontal. What you see is what you get. As I mentioned, the plan is to dedicate the west side of Warburton to the Village.

That is the site plan prepared by Brian and his engineering crew. It shows the building in a better detail. It also shows a sense of the residual cut into the rock you are going to see. What you will also see from an operational standpoint is extensive outdoor areas within an enclosed environment. We gloss over this a bit, but we are 100 percent memory care and a number of folks that develop assisted living will treat memory care as an adjunct. It will be a lock-down unit off in a wing, or sometimes even on a third floor. We dedicate the whole building to memory care. We like doing one-story but, in some instances, we have to do two stories. What you have is a secure perimeter, both the building and then the outdoor area. Outdoor areas are vitally important. What you do not see here is that the courtyard will be fenced. That allows residents to move freely throughout the building internally and in the controlled secure courtyard. We do not have video cameras, we do not have WanderGuard. In an effort to respect the dignity of our residents we do not think it is necessary if you run a tight ship and you have got a physical plant and security program that affords people that freedom.

**Mayor Swiderski:** What is the scale across the bottom? I cannot read it and do not have a sense of the size.

**Brian Hildebrand, Kellard Engineering:** Yes, it is a [27, so] one inch on there. (Off-mic) the graphic scale just for reference. (Off-mic) from here to here is ....

**Mr. Hicks:** We include it in the PowerPoint. We are happy to make full-size 24 by 36 sheets available to anybody who would like one.

This is the beginning of a model. We have spent a lot of time and effort up front modeling this. In most instances you can go forward with a two-dimensional drawing and give people a sense of what you are getting into. What we try to do, and we do it in a few projects where we think it is particularly beneficial to the community and the decision-makers, is a computer model. We will use Google Earth data, we will use real photographs, real contours, analyze and track the vegetation and account for it both existing and proposed. What you see is a two-dimensional representation of the three-dimensional computer model that shows our assisted living facility relative to Riverpointe and the Esplanade and the catering business across the street. And then obviously the waterfront.

I am going to turn it over to our architect who can walk you briskly through our plans and perspectives.

**Dan Dokken, Artis Project Architect:** The rationale behind the design is to create households for approximately 20 residents. In this facility we have four separate households. There will be two on each side of the center core area that has the high roof there. Each one of those houses have bedrooms for the residents. They have their own living room, their own dining room, laundry and bathing facilities. The idea is, you do not overwhelm the residents with a huge environment. It is more controlled, and they try to make it feel like it is a home environment. If they feel like they are at home they have a happier daily life, they are not worried about where they are. A lot of the daily activities are trying to get them involved in daily activities and have them feel like they are at home.

The center core area has the high roof element, which we do as more of a decorative identifier that is consistent with the other facilities. We create a front porch around the front door. You walk in that front door, you are in a lobby area where the administrative staff is. That is open to the public. But you go beyond that, there are secure doors when you go back into where the residents are so they are safe. One of the biggest things we try to do is create a safe environment for these residents and not have too many barriers that they run into and get frustrated because there is a locked door. As part of the program for outdoor areas, they can freely go outside. Having that freedom makes them feel better with their memory issues.

Here is another view that is closer up. You can see that we have nestled this into the hillside. The parking is pretty close to Warburton elevations. Also, we have done a facility in Boston that is under construction now and another one getting ready to start construction where we tried to incorporate this New England architecture. More the typical prototype would have brick on it and some stone and that, but we have taken this approach for more of the siding to be prevalent in this area, with some stone accents from time to time. The other thing we did, as Jay and Mark had mentioned, we built this model to show the neighbors behind us and other areas what our impact would be on their properties.

One thing came up about the impact from the pathway at the viaduct. This is the worst case scenario we could find in our model from the pathway. You can see a little portion of the building. If you go further south on the path the vegetation is so much higher and the building is more tucked in to the hillside and you cannot even see anything from the pathway. We thought part of what we were going to do for the neighbors was some planting along the property line to the east. If you go to the next slide Jay, it showed an example of what we were thinking. Doing some evergreens and that, this is more representative of what is on the rest of the pathway

**Mayor Swiderski:** Are those existing or are you proposing to put in trees?

**Mr. Dokken:** We thought we would put in some trees there in that corner because that is the only place on that path where you could see a portion of the building. Part of what we were doing originally, we were going up to the property line and taking the hillside back. We decided to leave some room for some plantings all along our fence line to further screen our property from the path and from the neighbors behind us.

This view shows the question about impact of our building on views from the river. On the left we have dashed in lines where our building would sit. Again, this was based on an actual photograph. Then utilizing our model that shows where the building is going to be, that is how we determined where the outline needed to be. We wanted to show here that there is an impact and, basically, it is just the tree line there.

**Mr. Hicks:** We have added the next three slides that you did not get in your packet. These are slides that originated in our presentation to our neighbors in Riverpointe that showed views from some of the units. Dan picked three representative perspectives to show what some of the views might be from certain units.

**Mr. Dokken:** What we did was take each unit and show a view from the lower patio, the middle balcony, and the upper balcony to show, mainly, that you could still see the river and the Palisades. Our building is not viewable. This is, again, just a sample. This is from the

middle of the B building that shows those same three views. Then we went to the worst case scenario, which is at the end of the C building, which is the farthest of the site. You can see the Palisades and the Hudson better, but still you cannot see our building. That was the goal in going through this with the neighbors, that we were trying to minimize their visual impact as much as possible. That is why we went from a three-story with a parking garage to a two-story with surface parking just so we could take care of that issue.

**Mr. Weingarten:** In sum we are very excited about the proposal. What is before you is a request for a zone change. We have asked for it in the R-20 zone, which also includes the R-10 zone of which we are a part, which would allow for assisted living facilities such as this to be in there within special permit conditions which are listed in the petition that we have before you. We would also have to add the definition of an assisted living facility to your code, which does not exist, which we would do so we would be able to facilitate this. That is the legal request that is before you, and that is our presentation. We do have everyone here for questions. Our engineer is here if there are site questions, and our person who is the expert with respect to blasting where there might have been some questions is also here.

**Trustee Lemons:** It would be good to hear their blasting expert.

**Glenn Reinhardt, blasting consultant:** I am from Ed Wean Drilling and Blasting out of Stewartsville, New Jersey. We are an urban blasting company started in 1967. I have been with the company for nine years. We are currently working in Center City, Philly, Newark, Delaware, Wilmington, Delaware, Mamaroneck, New York and Cliffside Park, New Jersey. This type of project is our bread and butter, this is what we do. I am here to answer any of your questions as far as impact or whatever you might be concerned about.

**Trustee Lemons:** What is the impact on residents in the area, what do they experience?

**Mr. Reinhardt:** Prior to blasting, all structures within 300 feet will be offered a pre-blast survey, which is simply documenting the existing conditions by a third party. That is not us, that is another company. Westchester County has a blasting inspector. I submit a blast plan for the project, he reviews and approves it, and is on-site every day we blast. He monitors everything and pretty much dictates what we can do and cannot do as far as number of holes, charges, stuff like that. You will feel the blast, obviously, but what is typically done is an ambient study which is just the noise and vibration levels prior to construction. That is much higher than our blasting. A typical household has a frequency of 11, and with kids frolicking around and normal, everyday activity. The vibration levels compared to the frequency are way higher than effects of blasting. It is state regulated. We can only reach a 2.0 peak particle velocity, which is the vibration level in three directions in the earth. Everything is documented and submitted to the state, and approved.

**Trustee Lemons:** What about the decibel level?

**Mr. Reinhardt:** 130 is the state limit. In an urban setting it is around 115, typically.

**Trustee Lemons:** How does that compare to the decibel level of, let us say, a bus or truck going down the road?

**Mr. Reinhardt:** I believe a truck is around 95. Everything will be matted, which means we have 12 by 12 rubber mats that weigh 34 pounds per square foot, and they get overlapped over the rock which does muffle the sound quite a bit any flyrock or anything like that.

**Trustee Lemons:** So when you get complaints, what are the kinds of complaints you get?

**Mr. Reinhardt:** Pictures falling off the wall, usually animals get scared occasionally. That is about all. If there are any damage claims, then the third party comes back and does a post-blast survey.

**Trustee Lemons:** How frequently do you encounter the claims?

**Mr. Reinhardt:** I would say maybe three a year out of 5 million of work.

**Trustee Stugis:** Is there any drilling and pile driving activity to prepare charges and stuff?

**Mr. Reinhardt:** There is drilling. We drill 2- to 3-inch diameter holes with hydraulic rock drills. They are the size of a small excavator.

**Trustee Walker:** How long would all this activity last approximately?

**Mr. Reinhardt:** We approximate 40,000 cubic yards of rock, and in an urban setting we average around 600 yards a day with two to three blasts a day. So you are talking like four months. The alternative is chipping and hydraulic hammering, which is at least double the amount of time. And it is a very good salesman for drilling and blasting.

**Trustee Stugis:** So is the drilling itself more of a vibration and noise creator than the blasts?

**Mr. Reinhardt:** It is more of a noise creator. It is actually 115 decibels at 10 feet from the machine. That is how it is written, so it is more the noise.

**Trustee Walker:** That would last longer. The blasts are short, you say three or four.

**Mr. Reinhardt:** Two to three seconds.

**Trustee Walker:** So it is the drilling that really is going to create most of the noise.

**Mr. Reinhardt:** Correct.

**Village Attorney Whitehead:** How long does it take to drill each hole?

**Mr. Reinhardt:** A hole? About three minutes, but the drills will run six hours out of an eight-hour day.

**Mayor Swiderski:** Why is that?

**Mr. Reinhardt:** We will shoot 35 to 40 holes per shot, two to three times a day. It is all logistical.

**Male Voice:** That was what we experience at 45 Main.

**Village Manager Frobel:** With no blasting.

**Trustee Lemons:** So that was chipping, Fran?

**Village Manager Frobel:** Just chipping. There was no blasting allowed there. It was too close to gas mains.

**Mayor Swiderski:** Have you considered physical designs on the structure that would respect the integrity of existing topography and lower what sounds like a lot of cubic yardage being moved? Maybe build the structures against the hillside and cliffside rather than excavating it out? I am thinking Greek village, but whatever metaphor you want.

**Mr. Hicks:** We can continue to take a look at that and pull it towards the front. It is an interesting dynamic between the need for parking and where that goes. Does it become structured at some point, which pushes things higher? It is a give-and-take. Of course we will look at it and do everything we can. The nature of assisted living is not as flexible as a typical multi-family project, where you can slice and dice and move units around. We are designed from the inside out, given the nature of our residents. We do not have the flexibility a typical multi-family project would have. But this is a starting point. We are happy to go look at anything we can do and push our limits to minimize the amount of blasting and grading, whatever the site work methodology would be.

We can look at that. We took a little bit of a look at it. One of the things we looked at is putting the parking on the opposite side of the street. If you look at that long pipe stem that extends north of the facility on the west side of Warburton, it is a little deceptive because there is a drop-off at some point there. We have, internally, talked about what would it take to reclaim that area for parking. It is a very long area. You have got a lot of street parking there. Obviously that is not counted towards our parking calculation. We are happy to look at those alternatives. We have been kicking them around ourselves, and we could take a look at that. Which would allow us, if the parking goes there, we could pull the building up a bit.

Then obviously, you run into the issue of views. The objective is not to obscure people's views. One of the advantages of pulling back is, you tuck the building in, you do not see it as much. But as you saw from the model, we have got some room to work. If the objective is to not obscure the view of the sunset, the Palisades and the surface of the water, and if you are free to work back from that view trading built environment for built environment, discounting the fact that we want to landscape that, we may find some room to work there.

**Mr. Dokken:** We went through several iterations of the best design for the site. The first thing we did was do parking under the building so we can go halfway into the hill. That would let us not have to excavate as much rock there. Originally we had three stories above that trying to maximize the units. But the other option would be to pull that down to two stories with underground parking. It would let us pull the building closer to Warburton, but it will affect the views, too, from the neighbors. We struggled with that, too. We ended up erring to being real conservative, where you can barely see the building at all. So we kept it low and pushed it back to the cliff. But originally when we were looking at it, it was like what is the limitation? Is it seeing the building at all? We started with blocking view of the Hudson. That was the criteria: are we blocking the view of the Hudson? Some of those versions did not do that. With parking underneath and two stories, you still would not even block the shoreline. But you see more of it from the back property. Our direction was driven by the neighbors' comments. They did not want to see the building, so that is how we ended up getting lower and closer to the cliff.

**Mr. Hicks:** We have spent some time talking about construction, which has a temporal quality to it, but obviously implications everyone needs to understand and get their heads around. I wanted to put a marker down for once the building is built as it relates to what happens then, when you get past construction. As it relates to performance criteria, around lighting, around noise, we are happy to commit to some very rigorous, measurable, enforceable requirements as it relates to the performance of the building and ongoing long-term potential effects. It is a quiet use, it is a dark use given the nature of our residents. We are happy to come up with some very stringent criteria around that.

**Trustee Walker:** Have you considered a green roof?

**Mr. Hicks:** We have. We have been going back and forth between a green roof or solar panels of some sort on the top. We know you have a very rigorous green ordinance and we are happy to comply with that. There are a couple ways to do that and forward to engaging in further conversation about which is the best way to go.

**Mayor Swiderski:** Linda, in terms of an arc here of what we do and what our next steps and how this unfolds, can you draw a picture?

**Village Attorney Whitehead:** There are a couple of steps this board would take. Certainly they understand what the issue is and the blasting and such. There are two things that need to be done to start the process or move it forward. One is, under SEQRA, determine if you want to be the lead agency. We talked about that the last time they were here. The other would be referring it to the Planning Board. If you did not want to be lead agency you could ask the Planning Board to be lead agency. Either way, you would do the lead agency, circulate if you wanted to do it. Circulate your notice of intent. And at the same time you could refer this to the Planning Board for their review and recommendation. All zoning amendments go to the Planning Board for review and recommendation.

Then ultimately they would also be looking at the site plan. And as part of the SEQRA process you are going to look at the site plan and all the impacts. That is why getting this information on the blasting is important. That is obviously one of the impacts you would be looking at. When you determine who is going to be the lead agency, one of the next steps would be to make a determination of significance, which really is making a decision as to whether a full Environmental Impact Statement would be required. To make that determination you have to look at what information you have. You can request more information to make that determination. Then you determine whether there is any potential significant adverse environmental impacts you believe have not been fully mitigated, or that there are potential impacts there that need further study. Then you can require an Environmental Impact Statement, which would provide you with all that further study. You would identify the potential significant adverse environmental impacts for them through a scoping process. Then they would present you with an Environmental Impact Statement.

**Mayor Swiderski:** I am going to ask you to rewind and start from the beginning again. There is a specific request to us about zoning. Have you described what we have to go through for zoning, or have you described a larger process?

**Village Attorney Whitehead:** The process has to happen together. The zoning cannot be reviewed without also looking at the impacts of the project because you are looking at doing

the zoning amendment to allow a specific project. That is why it all comes together. You cannot make a decision on the zoning until the environmental review process is complete because it all has to be done together. I know Mr. Sachs is dying to get up and say one thing, which is that the Board does have the option of just saying we are not going to consider this at all. A legislative act, a zoning amendment, is completely discretionary, but this board certainly has the option of saying we want to keep going, we want to find out more. Or you could say we are not even going to consider this. I know that Mr. Sachs would be upset if I did not say that. He said it to you last time, he said it to you in his correspondence. That is correct. I do not know if that is the direction this board is prepared to go at this point.

**Trustee Walker:** I have a question about the Aqueduct. The Old Croton Aqueduct State Historic Park is on the National Register of Historic places and it is a historic structure. Which means the engineering and construction of it, which is underground there, is also on the National Register. I know when we have looked at other projects adjacent or nearby the environmental impact has to be taken very seriously because of this fact. Through SEQRA, I guess we could determine whether or not the blasting would have any impact on this historic structure. But it is directly adjacent. Is there anything that would preclude blasting or that kind of rock removal that close to a historic structure?

**Village Attorney Whitehead:** There is nothing that would preclude it automatically. As a matter of fact, recently there have been a couple of projects in Dobbs Ferry in the downtown that have done some work right up to the boundaries of the Aqueduct. Obviously, it is something that gets considered in the SEQRA process.

**Mayor Swiderski:** So again, back to the explicit steps. Our first determination is whether we want to proceed at all, period, with the zoning review.

**Village Attorney Whitehead:** Correct.

**Mayor Swiderski:** Then the next step is to determine if this is something we tackle or we remit down to the Planning Board.

**Village Attorney Whitehead:** The Planning Board is going to be involved no matter what.

**Mayor Swiderski:** Understood, determination of lead.

**Village Attorney Whitehead:** Right. If you take on the lead agency for the SEQRA review process, the environmental review process. The Planning Board will have input in every step of that process. You can use their input. If you choose to be the lead agency you would certainly use their input even in that process.

**Mayor Swiderski:** Then there is the SEQRA process itself. Out of that, we make a determination on the zoning code change.

**Village Attorney Whitehead:** Then the Planning Board would, from that point, take on the site plan review.

**Mayor Swiderski:** So the site plan review is not done by the Board.

**Village Attorney Whitehead:** No, site plan review is in the Planning Board's jurisdiction. But if you are doing SEQRA, you are looking at a lot of the elements of the site plan. If you were the lead agency your SEQRA process would guide the Planning Board in their site plan review.

**Mayor Swiderski:** Say that one more time.

**Village Attorney Whitehead:** If you take on the SEQRA process as lead agency everything that is part of that process, all the information gathering, all of the mitigation that may be required through that process, all the mitigation that may come up, the changes in the plan, things that may come out of that process will then be used by the Planning Board as they review the site plan. They cannot completely change things inconsistent with what you have found in the SEQRA process.

**Trustee Walker:** And where in this process do we make the determination about the zoning? Do we actually approve zoning?

**Village Attorney Whitehead:** Upon completion of the SEQRA process. Whether that is with a negative declaration or if you require an Environmental Impact Statement after the issuance of the planning statement, then you can make the determination on the zoning. Then the Planning Board finishes up their process.

**Trustee Walker:** But they will be involved one way or the other.

**Village Attorney Whitehead:** Absolutely. They have to make a recommendation on the zoning. You can also ask for their input in the SEQRA process, and I am sure they would be happy to provide it.

**Trustee Walker:** Then they proceed with site plan review after the zoning determination.

**Village Attorney Whitehead:** Correct. You do not have to decide tonight.

**Mayor Swiderski:** Our time is up, and we stated in the agenda that we would take no action. And, in fact, we want to set aside for public questions against this. That is appropriate for our next meeting and that is the next piece here.

**Joel Sachs, Keane & Beane:** I have a short presentation to make; however procedurally I had thought that in a writing you sent to our clients you indicated you would accept limited public comment tonight, you would not make any decisions tonight, and there would be another meeting where residents of the Village would have an opportunity to speak.

**Mayor Swiderski:** Yes, that is what I just said.

**Mr. Sachs:** I just want to make sure there has not been any change. The reason I say that is that we could have filled this room and probably filled this room two or three times over if we wanted to tonight. But based upon your representation that only limited public comment would be heard and there will be another forum, we intentionally did not ask a lot of residents of the Village and members of the two entities we represent to come. So I appreciate that. Is it appropriate now for me to give a relatively short presentation?

**Mayor Swiderski:** Fine.

**Village Attorney Whitehead:** And you are going to take public comment at another meeting.

**Mayor Swiderski:** Right.

**Mr. Sachs:** At another meeting. You are saying other than here for myself you are not going to hear from other residents tonight.

**Mayor Swiderski:** Right.

**Mr. Sachs:** That is fine. We now represent both Riverpointe Homeowner's Association as well as a newly-formed organization called Save the Old Croton Aqueduct, which is composed of several hundred residents of the Village. To go back a bit, I appeared here at the March 15, 2016 meeting of the Board of Trustees. There were a large number of Village residents here then. There were letters that our office had written to the Village in June of 2015 and in November 2015. Again, I do not want to repeat what was said in those letters. I also transmitted a letter to you and the Village Manager yesterday dated June 6. Has that letter been distributed to everybody on the Board?

**Mayor Swiderski:** It was.

**Mr. Sachs:** I do not need to go through that information in any detail. And I would again ask the Board of Trustees to review the letter.

The Village Board needs to understand that this is a commercial profit-making entity that is coming to the Village and asking you to make a massive change in the land use and character of a lovely residential neighborhood in south Hastings. When the applicant talks about we are going to be doing memory care and Alzheimer's treatment, and we are the only facility in the area that is doing it, that is totally, totally untrue and a complete fabrication. There are numerous facilities throughout Westchester County that deal with memory disorders and Alzheimer's. And unlike Artis, many of these are not-for-profit entities; Artis is a profit-making entity. They are not coming and proposing a new and needed use. There are plenty of facilities throughout the county and throughout the region that deal presently with these issues.

Also, we did not hear anything during tonight's presentation, and I say "we" meaning residents of the Village, that we had not heard before. There were a few more slides shown to which we had not seen, but basically this is the same project that, in the opinion of many residents of the Village, would be land use and environmental disaster for the entire Village and the entire area. It is for that reason, as Linda said to you earlier, you have the right to just say no. And say to Artis thanks, but no thanks, we do not even want to commence the rezoning review process, we do not want to start the SEQRA process, we do not want to refer the application to the Planning Board; we just want Artis to pack up and go to another municipality in another location where it would be much more appropriate for this type of use to occur.

The one thing we find very disturbing, and Mr. Weingarten mentioned this publicly, the first time we have heard it tonight, is the quid pro quo. We now understand, unless I misheard Mr. Weingarten and I have known him for 20, 30 years, from him through words or substance that if the Village Board grants the rezoning then Artis will donate a large parcel of land to the Village on the west side of Warburton Avenue. In other words, has Artis made the Village an offer they cannot refuse? I think it is unheard of.

We have looked through and made numerous FOIA requests of the Village to see documents in various files of the Village Mayor, the Board of Trustees, the Planning Board, the Village Manager's office, and we have never seen one shred of paper that mentions anything about a quid pro quo where Artis says give us the rezoning and the Village will get a parcel of land for some type of Village use. Is there such an agreement between Artis and the Village?

**Village Attorney Whitehead:** It has been an offer. There is no agreement.

**Mr. Sachs:** It is not in writing?

**Village Attorney Whitehead:** No.

**Mr. Sachs:** OK, very well. I am not going to say very much more about the specifics. By the way, the gentleman who talked about blasting mentioned that the blasting would be supervised by the Westchester County blasting inspector. Unless he knows something I do not know or Linda does not know or Mark does not know, I do not believe there is such a person as the Westchester County blasting inspector. Blasting is supervised by the Building Inspector of the municipality in Westchester. There is no county blasting inspector, and this gentleman's experience is in areas like downtown Philadelphia or downtown Wilmington, Delaware is a very different area to do blasting than would be along the shores of the Hudson River in a very scenic and beautiful area in south Hastings.

I think it would come out, if this project goes further, that the land use and environmental impacts of this project, not just during the construction phase but once this project is up and running with the traffic, with the noise, with the odor, with the horrendous visual impact, would be an out and out unmitigated disaster for the Village. Which, again, is why we are respectfully asking the Board of Trustees to just say no at this point, and not even put this application into the pipeline and start the long process Linda was talking about previously.

**Mayor Swiderski:** As stated to the community, there is no action being taken tonight. We will schedule time at the next Board meeting. This will be the key item on the agenda, and we will set aside a substantial amount of time for public comment.

**Mr. Sachs:** So will that be the next meeting on June 21, or another date after that?

**Mayor Swiderski:** June 21 and, if necessary, beyond that. That is hardly the only time people have a chance to comment.

**3. 8:45 - 9:15 p.m. – Land Use Task Force Report**  
*Overview of report on changes to improve permitting process*

**Mayor Swiderski:** Mr. Metzger, if I can give the two-minute lead-in so there is some context set here, I blew the number of months the Transportation Working Group have been set up, exaggerating by two months. You have been around for, what, nine, a year?

**Jim Metzger, Land Use Permitting Committee:** We started in August 2014. We had, I believe, a smaller committee. Because of that, there were several meetings we could not make because of number of people gone. But all that being said, we have had this memo put together for a while and have been rehashing it and are ready to present.

**Mayor Swiderski:** The group came out of a set of complaints and concerns that our process and procedures around permitting, whether changes downtown or the downtown vicinity specifically which were what triggered this committee, were laborious and unclear and it was worth stepping back, taking a look, and seeing if the process could be improved. You went off, you beavered away on it with a number of stakeholders, and came up with a memo that has been posted on the Village website and was pointed to in the e-mail out to the community and the agenda out to the community. Jim, as the lead of the committee, has been asked to come before the Board and speak to the memo.

**Mr. Metzger:** I am the de facto lead. I was the one who offered to take notes. That being said, the committee was incredibly well staffed. Jamie Cameron was on the committee, who was the chair of the Planning Board for many years. Michael Lewis on the Architectural Review Board was on our committee; Christina Griffin, who is a former chair of the Architectural Review Board; and myself, a local architect having done work in the Village and work for 40 years or so. Most importantly, we had two Village members join us at our meetings. We would not have been able to do the work we did without the input from Linda Whitehead, our attorney, and from Charles Minozzi, our Building Inspector. These are people, boots on the ground, who know the ins and outs of what is going on in the Village.

In our meetings we started out talking about an issue here and an issue there. Ultimately, what it came down to is communication. There is some garbled communication when an applicant hires an architect or developer and they come before the Village and say this is what we are proposing. Well, how do you move forward from that process? The Building Inspector does his best effort to do a quick overview of the project, determine what the next steps would be. Then you get involved with the Planning Board. The Planning Board has their requirements, the Zoning Board has their requirements. As a quick aside, we ended up looking at this process not just from the impact on the downtown, but the impact for anybody that might come before any of these boards.

We determined there was a communication problem. We found out, for example, in the Village code the word "structure" has several different definitions depending upon what part of the code you are in. You could be looking at Zoning Board recommendations and requirements and you look at structure, and a structure would be a patio in a front yard. But if you go to the definition of "structure" in another part of the code it is a very different meaning. As an architect or an applicant, what do you do? Jamie Cameron presented this

memo to the Planning Board about four weeks ago and they agreed to go through the code and start looking at all the problematic definitions and try and consolidate them so the definition exists in one way in the code and is applied consistently.

I am going to go through about 12 different items we looked at. We would like to create a web page for the Hastings-on-Hudson Building Department that would be accessed through the department website. This would give people a place to start looking at a fact section. You have questions about certain things, these are the facts. The Building Inspector could, theoretically, reduce the amount of time he spends answering questions because the information would be available on the website instead of on a case-by-case basis with people coming in. The Building Inspector, for those of you that have not had occasion to go into their office, is incredibly overworked even in our small village. It is nice with have that much going on here.

We would like to propose there would be a set of design guidelines people could refer to, and that there might be a flow chart we could develop. This is how you move through a typical project, so people who are new to this process have a road map to start to follow, to understand how you get from point A to point B. We talked about definitions. It is not just structure, there is apportionment and subdivision. These are discussions that take hours.

**Village Attorney Whitehead:** Coverage.

**Mr. Metzger:** Lot coverage. These discussions take hours of time in Planning Board meetings because there is no concrete definition on how to apply these items. If we can nail that down everybody could save time and things would move through quicker. I need to reinforce the fact that none of what we are presenting would reduce the ability of the public to have input on any of the projects that come before this board, the Planning Board and the Zoning Board.

**Mayor Swiderski:** Say that one more time.

**Mr. Metzger:** We want to make sure that nothing we are representing would impact or reduce the amount of time the community would have in presenting their concerns before the Board of Trustees, the Planning Board or the Zoning Board. That was something we talked about in the Comprehensive Plan. Obviously, any changes in the zoning code would have to be formally approved by the Board of Trustees. We used to have a chart in the old zoning code that identified all the zoning districts and their requirements. We need to put that chart back in. Somehow, in one of the revisions, that got dropped out.

The other issue we have as part of that is that a lot of zoning in our code has what is called "cascading zoning." If you are looking at a certain residential zone, it says everything is allowed in this zone including everything in this zone, the zone above that, and the zone above that. You are playing a game of chess trying to figure out what applies and what does not apply. We need to revise the code so whatever is applicable in one zone appears in the definition and the requirements for that zone. Make things a lot clearer.

**Village Attorney Whitehead:** Putting the charts back helps that. My understanding is, the charts or the tables in the back were removed because they had not been updated when zoning amendments were done. They need to be updated and put back because that gives someone a quick way to look. They can be done both for uses and for dimensional requirements.

**Mr. Metzger:** We have some appendices at the end of this memo indicating some of the things we are talking about. Also with definitions, a lot of other communities have sketch diagrams. So if you are talking about building height, which is yet another topic that the Planning Board spent quite a bit of time trying to fine tune that definition and still has some issues, there would be diagrams that would give you a much better idea about how to calculate what your building height is.

We want to require drawing standards for all applicants. It would require on any set of drawings going to the Building Department and into any of the boards for review zoning information, building heights, all these things required. And they would be required in a certain format on the drawing so when the Planning Board is reviewing drawings they do not have to then go back to the code and say this is an MR-O zone, what is required here? All that information will be on the drawings. Everybody will be able to refer to it at a moment's notice, it will make the process much more seamless, and make our Building Inspector's job a lot easier. He will not have to constantly be referring to the code when he is trying to look up what is and is not required and what the applicant is asking for.

We talked about fee structure, which is probably moving towards the boundaries of what our committee was asked to look at. It turns out, and as an architect I have trouble saying this, our fees are little low on a lot of items. We should take a look at what surrounding communities are doing. The reality is, this village runs on input from certain sources. Building Department fees are one of those sources so we should make sure we are at least covering the expenses of the people who are providing the services for our community. As a personal note, I would say our Building Department does as good a job as any building department I work with in trying to get information out to the architects and the applicants.

One of things we talked about that has been somewhat implemented or maybe fully implemented is, the Building Inspector has the ability to look at view preservation specifically. If the Building Inspector feels view preservation issues are not warranted to be reviewed by the Planning Board and Zoning Board he can call a meeting of the chair of the Planning Board and the chair of the Zoning Board, and if they unanimously decide there is no view preservation impact the applicant will not have to go before the boards. That can be a huge thing because this is a huge waste of time in a lot of applications.

**Village Attorney Whitehead:** It is the view preservation waiver provisions in the code, and that become permanent.

**Mr. Metzger:** We talked about the 2,500 square foot parking exemption for businesses in the CC and MR-C, the downtown district and the area right around the downtown. It is a little unclear, another definition we need to look at, how that gets applied. Does it get applied to the entire property, does it get applied to the tenants within a property? These are things that need to be looked at.

When the Building Department receives a set of plans they will normally issue a denial letter if they feel the application is not complete. We feel that letter needs to be included in the project file. One of the things we found is, there is certain important information that does not go into the files in the Building Department. For example, the formal resolutions passed by the Planning Board and Zoning Board are generally only available if you review the minutes of the meeting when that project was discussed. That becomes an impossible, Herculean task for anybody to start weeding through hours and hours of meetings to try and find a piece of information that will give them the ability to present a complete project. We are asking that those boards issue a formal set of resolutions that will be included in the jacket in the Building Department for anybody that goes to look at those properties.

We discussed the noticing requirements for projects. In some cases they seem to be a little onerous in terms of cost and time frame, the way the mailings are done. We believe the Village may want to consider using proof of mailing only to save the applicant funds instead of proof of mailing and return receipt required. Again, we want to make sure the community is notified of projects, but we should look to see if there is a better way to do that.

**Village Attorney Whitehead:** Another piece of that, right now you require a certified return receipt mailing and it does not work for a couple of reasons. First of all, it is very expensive. Second of all, people are not home so they do not get their certified mail. So it works against the idea of wanting to make sure the notice gets out. People come home from work, they have a slip that they have certified mail. Who knows when they will pick it up or see it? So they are not necessarily getting that notice as opposed to regular mail that will come to them.

And, of course, the Hastings post office has had its issues. I just want to add one thing, Jim, because I know the current Planning Board chair is in the back of the room. Something came up at the last Planning Board meeting that ties into this well. We had an application that spent a long time before the Planning Board. They got comfortable with it, sent it off to the Zoning Board for variances. The Zoning Board made a change, granted the variances, and it came back to the Planning Board. It was changed, and the Planning Board will live with it but was not happy with it in terms of porches and the way something was done to try to reduce coverage.

What we spoke about at the last Planning Board meeting was, on applications that have to go to more than one board, having joint meetings or better coordination between the two boards. That is something we did not really get into, but it became a big issue at the last Planning Board meeting. They committed that from now on, when they have an application that has to go to the Zoning Board, they are going to ask for a joint meeting. It helps the applicant, too.

**Mr. Metzger:** I spoke to some of our committee members. We would like to keep the committee going. This was our first pass-through, but as issues come up we would like the ability to discuss potential solutions and then pass them on to the Board of Trustees or to the appropriate boards.

**Mayor Swiderski:** I do not like to issue a charge that burden people indefinitely. But if there is an eagerness to stay on top of ongoing complaints or issues, I personally welcome that. I hope it is fine with the rest of the Board, but I am telling you that is attractive.

**Mr. Metzger:** Two last issues and then we are done. One of the things I missed as I was going through, right now there is an exemption in the code. If you are spending less than \$10,000 construction cost or under 30,000 cubic feet it does not require a set of signed and sealed architectural plans. As an architect, I am personally appalled at that. And as a village you should really be concerned with that. Somebody could be building a second floor deck for \$8,000 that absolutely should require an architect's set of drawings and be reviewed by the Building Department. If there are projects that do not need an architect's set of drawings you need to have a professional at least do a cursory review of that project and determine that an architect or an engineer's drawings are not required.

**Trustee Stugis:** Where do you draw that line? Somebody renovates their basement and puts in a new tile floor, some new high hats and stuff, for \$5,000. Are you going to get an architect for that?

**Mr. Metzger:** In New York City, the way they determine this is if it is considered a cosmetic change like changing material, for example, flooring, not a problem. But if you are cutting a door into your basement wall so you can get outdoor egress, that may only cost a few thousand dollars but that absolutely should have an architect or engineer's stamp on it.

**Village Attorney Whitehead:** It is structural.

**Mr. Metzger:** Anything involving structure should require a professional seal and Building Department review. It should not be a dollar amount, it should be how the structure is affected.

**Trustee Stugis:** In the infographic of the work flow so people understand when they need to get a permit. The big fork in the road is you need a permit or do not need a permit.

**Mr. Metzger:** That was part of the first thing we talked about, which would be part of the facts. When do you need a building permit, and we could have issues like that clearly identified.

**Village Attorney Whitehead:** If you look at some other municipalities' websites, and we started looking at a lot of them, many have frequently asked questions that do a good job of when do I need a building permit, when do I have to go the zoning board, when do I have to go to the planning board. That is something we think would be really helpful and save the Building Department answering some questions.

**Mr. Metzger:** Last but not least, partly because Christina was on our board, we believe the Green Building Code is due for a review. As architects now have started to use it there are certain things that are not as clear as maybe they should be, there are some issues that should be addressed. We would like to ask the Board to possibly ask the Green Building Code Board to go back and do a review the same way we periodically review the building code or review the Comprehensive Plan.

**Trustee Lemons:** They are doing that right now, Jim.

**Mr. Metzger:** Oh, they are? Then we can cross item 12 off.

**Mayor Swiderski:** My reaction is, by and large these make complete sense. The question is, now what do we do? Who does it, and in what order and under what aegis?

**Mr. Metzger:** There are two ways to look at this. Either the Board could go through this and determine on your own we should assign to this group or we should look at this. Or if

you would like, our committee could get together, and I venture to say it probably would not happen until September at this point, and possibly make recommendations on who we feel should be addressing some of these issues. As an example, the Building Department, Buddy and his staff, have talked about possibly putting the facts together in conjunction with the Village Attorney. We already have certain groups of people who are volunteering to do some of this work, and we could present that to and then ask for your input on some of the undecided issues.

**Mayor Swiderski:** September is not attractive to me. That is three months lost.

**Mr. Metzger:** I am happy to try and do it in August. Assuming we can get the gang together, yes.

**Mayor Swiderski:** What is the Board's sentiment here? Is that something we can do, or perhaps two of us and Jim and the Building Inspector get together and prioritize?

**Trustee Walker:** This is a great list and some of these things we could probably prioritize as a board pretty quickly. I am not sure then who we give them to, but we can have that discussion. We could do it as a board, at least the first pass to pick out the three or four that we think are the most important to get done right away. I love the idea of the website. I am not sure who we get to do that, but it will cover so many bases if we could do that.

**Trustee Stugis:** It is suggested in five or six of these points, and in particular number one with the website and the flow chart, the user journey. A lot of this is really cool if the architects and the Building Inspector understand it, but if a person does not get it on page one it is going nowhere. You suggested there are some good examples out there now. If we see how five or six of these in some of the other villages are being done very well we can look at them.

**Village Attorney Whitehead:** We can do that. Buddy has an idea of what he gets asked all the time beyond what do I need a building permit for. But certainly it is not a huge job to pull from some of the other municipalities. That is meant to be user-friendly to the public; not just to the architects and the professionals, but to the public, the homeowner.

**Mr. Metzger:** One of the issues as an architect when you do work, especially throughout the county, every building department has slightly different requirements. Even as an architect who does this every day, to have something up front at the building department website to say these are the issues we are going to want you to look at. Sometimes impervious surfaces are paramount, regardless of your project. They want to know what is going on on the site. It may not have been quite as much before Sandy and Katrina, but it is now. The idea is that

this would be usable by the lay person. As an example, one of those facts may be when do you need to hire an architect or an engineer, so the homeowner does not go through a process and a bunch of things and, I did all this work but now you are telling me I need an architect? If it is on the website, you can find out what would trigger that requirement.

I also wanted to mention that the Building Department here has already started compiling a list of Building Department fees for similar surrounding communities. I believe we will be presenting that to the Board for their consideration.

**Trustee Walker:** Some of the concern, you mentioned it at the beginning, is about communication. Some of the complaints we have been hearing is just the amount of time it takes, often because you have to go this board and then that board, and then you have to go back to this board. Some of these are about streamlining, like the view preservation maybe only goes to one board. If you have to go for view preservation maybe you only go to the Planning Board. Did you find other areas? Also if, as you say, do a joint meeting that can perhaps prevent this ricocheting back and forth.

**Mr. Metzger:** We did not look at too many specific issues. We felt it was not necessarily in our purview of just four people plus a few Village officials to start making those recommendations. But it is certainly something we could look at. One of the huge advantages of having Jamie Cameron on the board was, he did a survey of the last 10 years of how many of this came before the Board, how many of that came before the Board. That certainly would become a jumping off point to start looking at what issues come before these boards most often, is there a way to give architects and applicants the information that would prevent repeat issues. I have gone through that myself. Our boards do an incredible job, they really are on top of things in this village. On a small project, it can seem onerous. On a large project, we are very happy to have that amount of oversight. I like to think there is a balance there, and I would rather have more oversight than less in these situations.

**Trustee Walker:** Did you speak to other outside architects, or folks who had been through a process recently that they found onerous, like some of the building owners in the downtown?

**Mr. Metzger:** We did not. We talked about the possibility of doing some sort of meeting. But we felt we had so much to deal with that we came up with in this memo that it would be something we would look at in the next go-round. Christina Griffin probably has as much experience dealing with boards in this village as any architect.

**Village Attorney Whitehead:** Meg, to go back to your question about things that have to go before both boards, we pulled out view preservation because it is the only thing we saw that was going to a board that did not have to. Most things that go to two boards jurisdictionally

have to. It is a site plan, but it needs a variance. The boards have different jurisdictions, there is no way around going to both. As I said, because this just came up with the Planning Board, I think the Planning Board has an idea of how they want to move forward with better coordination on that, and the next time they get an application they are going to reach out to the Zoning Board.

**Trustee Walker:** So people understand what the process is and it does not seem quite as onerous when you understand it. When you can do a joint meeting or do it jointly, that can save time. I am thinking about this time issue and how many meetings it sometimes requires.

**Mayor Swiderski:** Right, but part of that is driven by incomplete submissions because of what they mention here because the people do not know what to do or they leave off things. The committees that meet monthly, suddenly what was hoped to be a two- or three-month process turns out to be five or six months and I certainly hear about it. We have a reputation we want to dispel that we are not friendly to changes which are often trivial, but land up dragging on because, in some cases, people do not know what to do. So I am very receptive to that. Again, I am trying to wrestle quickly here with what we do next.

**Village Attorney Whitehead:** From my two years of experience now sitting with the Planning Board and Zoning Board, I think they do a good job of moving along the small applications; the simple variance for a single-family home or the steep slope permit on a single-family home, those kinds of things. They do a good job, assuming they get the proper information and get what they need. They do not keep people there just for the sake of keeping them there.

**Mr. Metzger:** We should make the distinction between people that do not know they have to put the information down and get sent back versus people who are looking to go for a variance, they are looking for something that is not allowed as-of-right. There will be discussions in the boards and they may reduce the size of their project, but they are still looking for a variance. Then they start complaining, , the Board is holding this up. We need to make sure that sometimes the applicant is asking for issues that are going to require a lot of time for the boards to come to grips with, and in other cases if the information is missing and we collectively are at fault for not giving them that information then we need to figure out how to make sure everybody has the right information to start with.

**Mayor Swiderski:** What is next? There are two ways we can take this. One is to poll the Board and say give me the top half you want to see done first. Or I can short circuit that process. There is a subset of issues that are what I call clarity: item number one, number two. I could put that out as something we work on first because that moves that along. Zoning changes, which automatically head into time, maybe we do after clarity.

**Village Attorney Whitehead:** Number two is zoning changes.

**Mayor Swiderski:** My concern is if we tackle it all it will drag on for a year or two.

**Trustee Walker:** But there are certain things that are zoning changes, including some of the clarification. Maybe we can cluster them in one bunch.

**Mayor Swiderski:** Clarification is like two.

**Trustee Walker:** And we undertake them.

**Village Attorney Whitehead:** As Jim told you and you had gotten it also maybe from Kathy, the Planning Board already started on the process of looking at the definitions. They were going to look at it and then give it to you.

**Trustee Walker:** That is great. Then we put all those together into one package and look at making those changes all at once.

**Village Attorney Whitehead:** You can do all the changes in definitions, all those code changes you can do.

**Mayor Swiderski:** Right.

**Mr. Metzger:** But let us make sure the public understands we are not looking to change any of the zones in the Village.

**Mayor Swiderski:** But whenever you touch the law it automatically becomes a more meticulous process. Even if it is just clarity.

**Trustee Lemons:** There are a couple different ways that I see to look at this list and what goes first. One is, if you look at this list and just say what is the highest impact. I realize if you identify the highest impact thing on this list there are 11 remaining out of the 12. It may drag along some others. Maybe three is zoning, but that would be one way to look at this list. Say what would have the biggest fix. That is what I would go for first. And there are also some things in here which look to me like they do not require that much time. I would knock those off or get them out of the way.

**Mayor Swiderski:** Agreed.

**Village Attorney Whitehead:** If there is some little smaller administrative type things.

**Trustee Stugis:** Clarifying technical terms and everything. I envision that number one.

**Trustee Lemons:** That is what I am saying.

**Trustee Stugis:** I could see a whiteboard session, where we start with what we think is a pretty decent example of a user-journey flow chart out there someplace, then do ours with some of you guys in the room, with a facilitator like me whiteboarding it out. Those decision trees and pathways will get to some of these other ones.

**Village Attorney Whitehead:** That is not even something that needs Board action.

**Village Manager Frobel:** It does not. It is sitting down with Buddy and just picking his brain to walk through it.

**Trustee Stugis:** But it should end up being a graphical representation to the citizens.

**Village Manager Frobel:** Very definitely. And the frequently asked questions, again, polling the staff and figuring out what are some of the questions that are typically raised. And looking at other communities' websites.

**Trustee Walker:** So you think that is something you could do with staff.

**Village Manager Frobel:** We could do it.

**Mayor Swiderski:** I think we all have reacted to one as important. But after that point it gets a little more ambiguous. I am going to take you up on your offer on starting to think about how we unroll one, unpack the sort of discrete steps, and have it acted on. On the rest, I will put out something to everybody here by the end of the weekend, just to lay out how we may want to tackle it. Then bring back to the Board next week meeting a proposal for how the rest of the work is going to be parsed out. I will include you and Buddy as well.

**Mr. Metzger:** Item four, the drawing standards, and item five, the review the fee structure, the Building Department is already starting to look into some of those things. It may not require any input from you.

**Mayor Swiderski:** Right, I agree. I think there are, like Dan mentioned, quick kills that will make us feel good and will yield results. Number one is not a quick kill. One is arguably the toughest of the bunch here to do right, but it is also the most important.

**Mr. Metzger:** In some cases, some of the other items are going to impact what ends up in number one. But you can get started with it, then revise it as things get developed.

**Trustee Walker:** Who did all these little sketches?

**Mr. Metzger:** Jamie did some of the sketches. I believe Michael Lewis went through a number of other codes and cobbled together some of these sketches from some of our neighboring communities.

**Village Attorney Whitehead:** The drawings are Jamie's. These are ones that Michael pulled from other communities.

**Mr. Metzger:** The New York Zoning Code has had sketches like this, and it makes life a lot easier when you are trying to visualize what it is the code is trying to tell you.

## **BOARD DISCUSSION AND COMMENTS**

### **1. Consent Decree – Presentation of Final Edits to Decree (Mayor Swiderski presents)**

**Mayor Swiderski:** We are going to pull the consent decree out of the bottom of the Board discussion and comments, tackle that now because many people are here for this item.

What the Board has before it is a memo and the modified consent decree that reflects further work done with the three signatories to tweak a document that has been in process for a couple of years. As I described out to the community, what we did was have a number of public meetings and a couple of Board discussions on the topic of the consent decree. Those were captured in minutes, and I took the minutes and distilled it into a set of the issues that were something you could negotiate. So a generalized statement that this is not good enough, we should scrap it and start over, is not useful. But an explicit recommendation or suggestion was: modify the definition of "company" so it includes AR.

I took this into the room with BP/ARCO and Riverkeeper and we went over them. We got either a coherent answer explaining why it did not make sense to make a change, or a change on just about everything we asked for. It was a process that was worthwhile. We heard things from the Board and the public. Not all of it landed up going back to BP/ARCO, but I am being very candid and explicit on what it was we took back and where we landed up going back. I want to step through those and answer any questions and clarifications the Board may have.

The changes that were made were by and large, while important, not large enough to merit another public hearing. I am looking for questions from the Board, and if I miss something we can modify it. But this is it, this is what will be presented for a Board vote, probably at the next meeting, with the changes as marked. The version on the website is not 100 percent up to date. There have been a couple of clarifications made to it which were not updated to this in terms of numbering that were pointed out by a resident who happens to be in the room. That inconsistency has been cleaned up, and a final version, final red line, will be posted once I get it back from the three parties, probably tomorrow. It is an issue of numbering, and not material.

I am going to step through very quickly, time myself and try to keep this to something reasonable. We have changed a definition, as was pointed out, so that "company" and "Atlantic Richfield" are clearly defined as one and the same. Then we addressed the issue of excavated soil. While there was already a statement in the document that indicated BP will make its best efforts to remove or bring materials to the site by barge and rail, people wanted that language strengthened so it was clear that was the preferred outcome for the community. The language was: "AR shall use all reasonable efforts to maximize the uses of barge and rail to transport meantime excavated from the site to bring equipment and material to the site in effectuating the remediation."

In the end, we agreed as a group that the Village is signing off, or is a party in the signoff, on the remedial design itself. During that review mechanism, if those reasonable efforts are not being made we can, at that point, express our concern and sentiment. That remedial design review was the point where the Village can step in and engage vocally in advocating for the barge and rail removal. BP/ARCO also did state that is their preferred mechanism as well. That really, given the volumes being moved on- and off-site, thousands of truckloads are a non-starter; either coming in with dirt or leaving with contaminated dirt. We agreed that no language there would do better than what we already have in terms of powers during the remedial design phase.

**Trustee Walker:** Can I add something to that? I think they also said there may be ...

**Mayor Swiderski:** Meg was in the room, as well, during this process. I had former Trustee Jerry Quinlan, our environmental attorney, Mark Chertok, Len Warner, who is our engineering consultant, and Meg, a newcomer who I wanted there because of shoreline design issues that have become prominent during the negotiation. So please.

**Trustee Walker:** They pointed out that there might be times when there is a smaller amount of soil to be removed that does not warrant a barge or a freight car because of the amount.

So they were afraid the language was going to box them in so everything had to be removed by barge and train. They wanted to have a little more flexibility to determine based on the quantities.

**Mayor Swiderski:** The next piece is arguably the single biggest change to the consent decree, with the addition of a full paragraph. While this had come up nominally in the discussions around the consent decree, it really reflected the developing reality of what the shoreline group that has been put together by the Village to look at the design of the shoreline was discovering and realizing was important, and felt needed to be memorialized in the consent decree to protect our rights.

The request was that the input from the shoreline design effort would feed directly into the remedial design. It was on the instigation of Meg, and why I asked her to participate in this negotiation, that this was added, or became as important as it was. A change was made. We added a paragraph, BP understood the context for the request, and it is something we are going to make explicitly clear to the DEC is important to us as well so they make sure our design elements are preserved and BP does its engineering design. I will read the paragraph, it is a new one, because it is an important one. It is 4.6-B and it states: "The Village has received a grant from DEC for waterfront planning consistent with the OU-1 ROD, the DEC-approved schedule for design implementation of OU-1 ROD and the long-term protection of the remedial actions implemented pursuant to the OU-1 ROD. AR and the Village shall cooperate and coordinate regarding the design of the sloped shoreline to provide reasonable flexibility in design elements to accommodate potential redevelopment modifications that may correspond to reasonable further waterfront uses, including but not limited to, the location of the waterfront uses, the location of the walkway and the steepness of the slope."

Meg?

**Trustee Walker:** There was a lot of concern on the part of the Shoreline Committee that was drafting the request for proposals to find a consultant to help us with design of the shoreline. That we were boxed in by the language in the consent decree to a very uniform, very specific slope that would extend the entire length of the shore from the northwest corner down to the southern property line of the BP property. And it was going to be this kind of homogeneous slope which would be very difficult to modify if you wanted to put in a pier, a fishing pier, boat slips, different types of water access, different types of kayak-launching opportunities, floating docks, access for a ferry terminal, that kind of thing. That was part of it, and we wanted to be able to have some freedom to locate some of those uses where they would best suit our site and not just because BP wants them on the northwest corner.

We wanted to take into account other issues about proximity to the train station or proximity to one of the coves and so on. It is not a cove, it is really, what do we call those, the slips? At any rate, we wanted to have freedom to look at those things. The other issue was that with this uniform slope we are boxed in to the kind of vegetation or lack perhaps of vegetation you can do, whereas if you can have some places where it is flatter, in some places steeper, and other places you can get a greater variety of vegetation. Finally, this uniform slope that was about 100 feet wide and over a thousand feet long does not allow you to get very close to the river, even if it has a walkway within it. The walkway is not going to be very close to the river. If you walked along the Dobbs Ferry waterfront you know they have steep riprap and a walkway right at the top of that riprap so you feel like you are close to the river. We do not want our walkway 50, 60 or as much as 100 feet away from the river. We want to be closer to the river.

We wanted this opportunity to vary it and to look at it, because we are going to be looking at the possibility of creating habitat and, of course, the water-related uses I described, the fact that we want to have a pathway that can be used for biking and walking. We want to be able to really look at it and have the flexibility to locate things where we really need them. I explained this to BP, and they said that sounds reasonable. So they added that paragraph.

**Trustee Lemons:** Are you satisfied that is sufficient now?

**Trustee Walker:** Yes. I took this back to the committee, which is made up of marine engineers and civil engineers and architects who have had a lot of experience working on waterfronts. Jim is part of the committee. We felt this gave us enough flexibility, without spelling everything out. At least it says the location of waterfront uses, location of walkways, steepness of the slope, those things we can talk with them about. The other thing we talked about is being able to meet with their engineers soon so we can start hammering out some of these things.

**Mayor Swiderski:** Just another flavor of that, there had been a request not to box us in on where the boat launch would be. We are getting, as a freebie so to speak, a concrete ramp for launching the kayaks and canoes and non-motorized watercraft that in initial discussions was placed at a specific location. Sort of in line with the sentiment expressed in the new paragraph, while the concrete ramp and boat launch is preserved, its precise location is now more flexible. We added language that preserves flexibility on where that will go.

There was a definitional issue around the contact barrier and cover. To be explicit, that had to be 11 feet above local mean sea level and this was a material condition for the Village. If it is not allowed by an agency or entity, this is cause for renegotiation of the consent decree and that language was added. It was felt to be important so that was put in. I will read that

because it is another paragraph: "In the event that any regulatory agency, including but not limited to, the DEC or the U.S. Environmental Protection Agency, does not allow the developable portion of the site to be raised to a minimum of 11 feet above LMSL the parties recognize that such a determination is a cause for renegotiation of this consent decree."

There was a concern that the DEC, or I think it was actually FEMA, has an issue with building directly on fill and that that may restrict development on the waterfront. We supplied the memo that captured that concern to BP and our environmental attorney and engineer, and did not believe it was an issue for a couple of reasons. First of all, if there is any restriction about building to 11 feet, period, we are going to be renegotiating the whole decree anyway. Also, there has never been an anticipation that there would be building occurring directly on the landfill; it was always assumed to be on pilings or other supportive structures. And that this was not directly an issue. So no change was made.

We heard a number of times concern about the \$300,000 fund that was being established for remedial monitoring was insufficient, especially if this effort took longer than a very optimistic three or four years. BP/ARCO agreed to add language indicating that should there be a need for that funding we would negotiate in good faith beyond that time period to refill that fund. In the past, that is what has happened. We have had similar funds, monies, put in. On one occasion at least, certainly during my tenure, that money was refilled. It was added to when it dropped below a threshold to cover expenses. We feel the change made covers us here. It is tied to another comment that was made, which was is the \$40,000 that was being provided enough to cover attorneys' fees. No, it is not. We are going to go past \$40,000, and BP agreed the attorneys fees could come out of the \$300,000 fund. In fact, there is still monies left over as it is from the previous fund. So if it turns out that fund is depleted it will be refilled. So we feel it is covered.

Deed restrictions. This was one of the recurring themes in every meeting we heard, which was a sense that the deed restrictions in the original consent decree constitute zoning of sorts and should be eliminated or modified. This is one of the places where we had a flat-out objection that ended the discussion. The elimination of the limit was objected to by Riverkeeper, and the very practical objection there was we may all go one day as a board and be replaced by a developer-friendly Board that would take no restrictions as latitude to build beyond 65 feet. While Riverkeeper has full faith in our goodwill, it has no desire to bet on that goodwill existing down the road in a future Board and said no.

In a similar vein, a substantial drop in that height was not of a great interest to BP because it would unnecessarily limit the envelope. What had come up was a concern that does 65 feet being preserved from the original consent decree to here has not changed because we put in an 11-foot cap now on mean sea level. Does that mean we have effectively been at 65 feet

from the 11-foot cap? Have we somehow boosted it up so the overall height had gone up? We had to do some research, and figured out the original base height was 10 feet. Therefore, the issue here was an issue of a foot, and it just was not considered enough to justify a change at this point in time. In terms of this particular deed restriction, there was an objection to elimination or a significant cut, and when it came down to a discussion about a foot we all looked at each other with somewhat jaundiced eyes at this point and said we are not going to go through the effort of changing for a foot.

However, there was zoning language later, we did add language, that even though our zoning code made it clear we wanted to explicitly state in the consent decree that we do have the right to further restrict that height. If the Board wants to pass a zone that says it is 40 feet, the fact that it stayed 65 peak here is not some sort of working maximum that we can infringe upon. We always had that right in our zoning, but we felt it made sense to be explicit about that here so it was clear. There was language in a clause, 7.4, that mentioned there will be no industrial use, that redevelopment of the site would be for non-industrial purposes. We do not believe there is any chance that medium or heavy industry is ever going to be introduced onto the site. The cost of energy and labor in Westchester are both among the highest in the country and nobody is building a factory on this waterfront. However, we could come up with a solar farm which could be considered an industrial use of sorts, a light industry, or a maker's space or something which may make sense. We did not want to eliminate our capability of doing that so had that clause struck. It was a modification that had zoning implications we did not want in there so that language was deleted.

Finally, a concern had been expressed that the force majeure clause was a little bit too broadly defined and included the Army Corps of Engineers and Fish & Wildlife Service as acts of God on top of others. And that provided a venue for undoing this which was too broad. That concern was expressed by a couple of people, and for the life of us we could not come up with language, as a group, that made a modification that made sense here. Any rejection by the DEC or Army Corps of Engineers would likely land up blowing up the ROD and a likely renegotiation of the document as a whole anyway. Effectively, it is an act of God. It is as powerful an act of God on this document as anything if one of the regulators come along and blow up the ROD. And that would force renegotiation regardless of any assurance we put in here. So no change was made on that.

Those were the changes requested and what we made. Any comments or questions from those on the Board?

**Trustee Lemons:** I think you have covered it.

**Trustee Stugis:** No, these were the main issues we raised.

**Mayor Swiderski:** I think the consent decree, with these modifications, is in a shape to submit to the Board. I would like to schedule it next Board meeting. My concern with the next Board meeting is that we may be short couple of people, and this document feels important enough that it should merit more than three signatures, which is what we may have available for the next Board meeting. That is my own personal grandiose feeling about this consent decree. It may be that if the Board would like to move it along and approve, reschedule it regardless, and those who are not here can express their sentiment on how they would have voted. I do not want to take that scheduling decision out of the hands of the members present here, what is the sentiment here? Do you want to delay it to the first meeting in July, or have the vote scheduled for the next meeting?

**Trustee Lemons:** I cannot be at the next meeting, and my preference would be to delay the voting until I can be there, which would be the first week of July.

**Trustee Walker:** And you are giving us this opportunity I feel the same way. I am the other one that is going to be away, so I would like to see a full roster here, a quorum.

**Trustee Lemons:** I think this is a big move for the Board.

**Mayor Swiderski:** It is a big deal. Walter, are you here on this?

**Trustee Stugis:** I am out for both.

**Trustee Walker:** What about Niki? Do we know her schedule?

**Mayor Swiderski:** Then we have got three people here who will vote. So the four of us. At least four is better than three. And Niki, I think, is here on July 5. So let us schedule this for a vote then.

**Mayor Swiderski:** BP has indicated they are going to have remaining documents and answers on Building 52 in the middle of this month. I do not see the action or the votes linked, and I think we can schedule this regardless and move ahead on that documentation when we get it. In fact, the leverage is probably best preserved that way.

### **APPROVAL OF WARRANTS**

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

Multi-Fund No.80-2015-16	\$266,538.30
Multi-Fund No. 1-2016-17	\$138,851.76

### **APPROVAL OF MINUTES**

On MOTION of Trustee Walker, SECONDED by Trustee Lemons with a voice vote of all in favor, the Minutes of the Regular Meeting of May 16, 2016 were approved as presented.

### **PUBLIC COMMENTS**

**Mayor Swiderski:** We are back to regular order so everything in the agenda will follow the order seen other than the consent decree, which has been moved.

**John Gonder, 153 James Street:** Governor Cuomo signs a vet pension bill, and all I know is you are not going to talk about it because of the reassessment in the Town of Greenburgh. You are supposed to come with some answer for the veterans. I hope you have this scheduled several times this year yet.

**Charlotte Fahn, 155 Edgar's Lane:** About Artis. We will put more in a letter, but I have to point out that I was one of the people very active in the campaign to prevent LG Electronics from starting a new wave of development on the Palisades. The Mayor posted a very eloquent letter that stayed on the campaign website for the entire duration of that campaign, stating how critical the view of the Palisades was to all of us, to the identity of the Village. It is in the Village logo. And our own county legislator, Mary Jane Shimsky, who lives here, was one of two cosponsors of a Westchester County Board of Legislators resolution that passed, representing the entire county, to preserve that view.

The thought we would now contemplate a project that would risk degrading the view and even block the view with trees, it just seems beyond irony or beyond belief. I think that whole piece has been left out. There was no mention of the people who walk the trail. I respect the needs of the residents of Riverpointe, but there are a lot more people than that involved. The Aqueduct is a national historic landmark. Only four percent of National Register sites are national historic landmarks. So you have a view from a national historic landmark, the Aqueduct, of another national historic landmark, the Palisades, also a national natural landmark. How can we contemplate this? We have the protective zoning in place. We were wise enough to do that, it conforms to the Comprehensive Plan, and it is hard to understand why we would put ourselves through an arduous SEQRA process, which is a burden for everyone, when we are in good shape right now.

**Mr. Metzger:** Also on Artis, I was under the impression that blasting was not allowed in the Village under any circumstances. When they put the affordable housing in on Warburton Avenue they spent eight or ten months chipping away at that rock, and it was mind-numbing. It was just brutal. The thought that you are going to contemplate this is incredible to me. The unintended consequences of contemplating zoning changes for a single client is unimaginable to me. I do not believe we should set that as a precedent because everybody that comes into the Village is going to want that. They bought the property knowing what the zoning was when they bought it, and figured they would be able to take care of this because they are waving dollars.

I understand the need for commercial development in this village. This is not the right place, this is not the right project for that. They should have been looking on Broadway. This is the project that should have gone in on 9-A. That being said, I also believe, as Trustee Walker pointed out, if we do not consider the potential damage to the structure of the Aqueduct that is behind where they are doing this blasting or even chipping, I believe the state should be involved because that is a state path and I believe the federal government needs to be involved. This should not be just on the shoulders of Hastings. Much easier to ask forgiveness after you damage something. I want to know who is going to pay to rebuild that aqueduct if it gets damaged later. This would be horrendous thing to have on our shoulders.

The waterfront consent decree. Building on piles, we are not building on fill. The DEC is probably not going to allow us to drive new piles on that site because we are going to be driving through pollution. It is a non-starter to suggest we will just drive new piles. When they are doing their excavation for the existing work they are going to be destroying the existing piles that go down that 6, 8, 10 feet, however deep they are going. It is going to create a huge hardship for us to try and develop anything on the waterfront. It is engineers that are smarter than us need to take a look at. We did not discuss the fate of Building 52 with the signing of the consent decree. If we take that building down we are eliminating probably half of the developable area on the waterfront, and it is something that should be discussed now.

On a positive note, anybody who complains about this Village that was not at the Memorial Day parade should just shut up. Because that was an extraordinary experience. I need to thank Lisa and everybody in this village that came together to put that together. And anybody who is complaining about the Downtown Advocate, why are we paying this money, well, if you take a look at what is going on in the Prime space, you take a look at the new taco place, a lot of that happened because of the Village advocate. There is a lot of discussion. It is all about communication, and that is what she is doing and we should support that.

**Steven Siebert, 113 Hamilton Avenue:** What happens if we get further information from FEMA saying the 11 feet is not adequate and we have to do more in order to mark it usable space later on? Does the consent decree have to be renegotiated then, or is there any provision for that? Secondly, I am unclear about the relationship between Building 52 and the consent decree. Because the earlier consent decree said that if the permit is not granted then BP reserves the right to renegotiate. Is that still exactly as before and, if so, are they not in fact linked?

**Mayor Swiderski:** A requirement to go above 11 feet is not something that troubled us on our side of the table. Initially we had asked for more than 11 feet, and if FEMA came back and asked for 14 or insisted on 14 as a result of a floodplain definition that would be something that would have to be worked into the engineering design. I do not believe it would blow up the consent decree. The consent decree sets a minimum, it does not set a maximum. In regard to your other question, that language was not removed. BP still retains the right to renegotiate the consent decree if a demolition permit for 52 is not served. Yes, that does represent a potential for BP to link the two, without a doubt. Without a doubt. You cannot say that statement out loud and pretend otherwise. That forms linkage clearly, for BP at least. We're not the ones forcing the renegotiation if we were not to choose to grant the demolition permit. But that clause is in there and it remains in there.

**Kathy Sullivan, 17 Wilson Place:** I am going to read some sections from a letter I sent to the Board earlier today. In the document, the summary of changes to the decree does not reflect accurately my public comments on the floodplain regulations for the waterfront. I wrote that the remediation approach of any fill might be an issue for development and construction on the site when you consider the proposed flood zones. FEMA and the DEC confirm that is accurate for the proposed zones, and I have never discussed any implication on development with those zones. I would like, if possible, for that to be corrected.

I want to step back a bit, and this is a bad time to do it because you are scheduling a vote on the consent decree. But the Village has the opportunity and the responsibility to look at floodplain management as the caretakers for the waterfront for us now in the community and for those in the future. People in the New York region are crippled because FEMA, in reaction to Sandy, quickly rushed an existing study they had going on in the area and created, first, advisory-based flood elevations, which is what I used, and other people did, right after Sandy's impact. Then they have come out and codified these things in a more formal map change, which is called the "preliminary FIRM [Flood Insurance Rate Map]," which basically has captured the best data to date on what the flood risks might be all around Manhattan, Staten Island, New Jersey and up the Hudson. That information exists, and there is a process where it goes through regulatory review and acceptance. New York City has appealed on very technical criteria these preliminary FIRMs. Our FIRMs are handled by the

County of Westchester. Westchester fully expected those to be in action this year, fully expected them. But FEMA is waiting because of this challenge from New York City to some specific underlying engineering requirements. However, and this is what is triggered after seeing how what I was talking about with the proposed zones not necessarily be translated correctly. New York City uses the current flood data for guidance in construction and development of the waterfront. They are challenging FEMA, but they are using the data, which is very interesting.

New Jersey State has a law saying you have to use the best data available if you are doing development on a floodplain. Which is interesting to me. I sat earlier this week, and I said what is the disconnect? Let us think about this. We have the opportunity to use that best data possible, but we cannot because of New York City's appeal; the whole regulatory thing, and FEMA is going to come up with these maps and put them in place. We are stuck because of an appeal which New York City is appealing and using the data, which I have to repeat because it is sort of mind boggling.

I made a call because it is complicated: why use floodplain maps for this and that. Part of it is for the National Flood Insurance program. That is what we run across. The other reason it is used is, it is an underlying document for the building code for how it lays out construction and development in floodplains. So a call up to the state to the Department of Floodplain Management, and what do you know? They are in conversation with the New York State building code department because it is a contradiction for them. There is good information around that people could use in waterfront communities to help make buildings that are put in those floodplains safer, have less risk involved for the occupants, and to the property as well. That is the building code position. The Floodplain Insurance is the other one.

I am tired of this, but I am trying to get to the bottom of it because it is very important for our community. The most interesting thing I was told by a gentleman in the Department of State that handles floodplain management, handles the coordination with communities like ours, for the National Flood Insurance program is that any locality can adopt the preliminary FIRM, the most current information, on its own. Local law, it is there. It is in your village code, it is in your town code, and it could be used because it is the best information available.

I feel like I am here one step too late, in a sense. I am not a floodplain expert. As I shared with you in the past, I am someone who saw the impact of Sandy on a national park. I helped with planning recovery. I have seen people even in that institution who grappled with decisions on how to rebuild, not necessarily want to face the realities of these higher floodplain requirements, some of the construction requirements that may come along with them. I do not know how this fits into to the consent decree modification, but I would encourage the Village and implore the Village to take this on as an exercise to educate

yourself, confirm what I am saying is correct, and think about how you might be in the position to help set up the redevelopment of our waterfront, which is our floodplain, in a way that matches up with how we perceive ourselves as a community, one that bans plastic bags, writes green building codes. We are sustainable, we believe in this stuff, we are not climate deniers.

**Mayor Swiderski:** The consent decree is not zoning and it is not the building code and it is not a flood map. It does not preclude us from when we begin the rezoning process, which we will start shortly and by shortly I mean within a year, to ensure those concerns are included. The ROD sets the bare minimum the state requires. We added to that.

**Ms. Sullivan:** Correct.

**Mayor Swiderski:** If it turns out that FEMA maps and guidance require more than that, then they take precedence as does our zoning code. If it turns out you cannot build less than 14 above LMSL, then a developer on that site will have to comply with that.

**Ms. Sullivan:** The issue is when that is a requirement. FEMA will never tell you, except when the flood insurance maps get approved. What I am saying is, we could today, exaggeration, immediately adapt the most current floodplain information as the map for our waterfront. That is in our control, it is our choice.

**Mayor Swiderski:** I have no doubt.

**Ms. Sullivan:** Whether it is 11 feet, we get into the reasons why the flood zones that have been determined as the most current actually come with potential implications for fill and for type of structure, et cetera. That is a whole conversation. What I am urging is the Village step back and engage someone to guide us into how to adopt this good information. It may be the development that is at the waterfront is going to be, or look, different than what people have been thinking about for the last 10 or 15 years. Totally conceivable because things have changed dramatically in this region. But that does not stop it from becoming something that could be wonderful. Some people talk about I want an architect with a building doing this or that. This is really our creative challenge, to understand these are available now as a guiding force for us. And it is the best information we have.

The way the maps worked is that they basically capture the history to today. They are not looking forward for climate change. That needs to be taken into consideration. What you see, people argue, Oh, that will never happen again. No, this is the projection based on what has happened so far. That is the kind of information. What the consent decree is using is outdated, not only elevations but potentially developmental techniques like adding fill.

**Trustee Walker:** That last sentence, adding fill, is the thing that concerns me most. But setting that aside for a second, what I do not understand is why you think we should be creating new regulations now around construction down there, development, in terms of heights based on the new FEMA maps. Why should we be doing that now in the consent decree, or doing it now at all? Should we not wait until these maps come out, it is mapped? We actually are required to do this by the Flood Insurance program. We have to adopt the latest maps and we have to create standards that meet those new elevations. That will be a requirement.

**Mayor Swiderski:** Disaggregated from the consent decree.

**Trustee Walker:** But it is not part of the consent decree.

**Ms. Sullivan:** The answer to your question is that the appeal by New York City could take years. I again back off from the consent decree and the implications. You are here in this region, and there is information that tells you that at your waterfront floodplain you have a greater risk of flooding from some storm event. What I am saying is, the technicalities, the waiting for someone tell you to do it, does not exist. We can use it as a guiding force for how things are developed and built.

**Trustee Walker:** Let us say we do want to do that. Why do we not do it when we are looking at the buildings we want to put there, when we do our zoning, when we do our form-based code, and we are going to be looking at the heights. As you are saying, it may take years. But we could then take the latest FEMA maps.

**Ms. Sullivan:** We have the latest FEMA ...

**Trustee Walker:** Yes, we could use them then. But what I do not understand is what is your concern now in passing the consent decree about not looking at this? The one thing you said about the concern about not being able to put fill or build on fill, when we brought that up to BP and the attorneys they said, well Peter said it, if that is the case, when it comes around to doing this remedial plan, this will become evident that we cannot put that fill above, you had said in your early memo, like two feet. Something like that will throw open the whole consent decree, the whole discussion. Everybody said, at this point we do not think that is true. But if it is true, we are going to have to renegotiate the consent decree.

**Ms. Sullivan:** To answer your question simply, I have talked with people who are training floodplain managers in New York State. With the complexity of the site there are multiple special high-risk zones that are considered very dangerous for certain kinds of buildings to be

on and have a higher level of construction. That is the building code component. However, adding fill to a site is also regulated. By having fill as part of the consent decree that is all fine. It is permitted, I believe, under the current maps. But in some of the zones, and even in a very conservative look, the most strict zone gets carried across the whole site. It becomes an issue. What you think might be just fill becomes a hazard in these zones for a bunch of reasons. This is where I am not an expert, but I have dealt with this issue and made sure before I wrote that original memo that I spoke to make sure I was not raising a red flag that was not accurate. I feel pretty confident that that is the case. Now, there are a lot of strategies, there is a conversation, there is dialogue. I am suggesting not so much that you run out and adopt the things tomorrow, but you realize that they are available for us to use to guide proper development and construction on the waterfront and engage someone to help guide us through us, and understand what the complexities might be and what the opportunities are and what the restrictions might be. It is not a no-development stance at all.

**Mayor Swiderski:** No. It is hard to argue with that, and I think that would have to be an integral part of any planning moving forward.

**Trustee Walker:** Well, when they are doing the remedial design. I remember, though, our consulting engineer saying the two feet limit is in a more extreme flood zone than we have.

**Ms. Sullivan:** Have now, and what our proposed ...

**Trustee Walker:** And what you are saying is that under the new FEMA maps we may have this extreme flood zone.

**Ms. Sullivan:** You do, you do.

**Trustee Walker:** But our engineer has the new FEMA maps.

**Ms. Sullivan:** Meg, again I made sure I did my homework before I brought the issue to the Board. I have talked to people, and literally I saw a little misinterpretation of what I said in this document, which is how I started this whole thing. Again, yes I hope so. But I am pretty confident that it is an issue that needs to be grappled with and understood.

**Mayor Swiderski:** O will take that back certainly to the engineer and to Mark Chertok and ask them to revisit it.

**Trustee Walker:** Len has the new FEMA maps; we have looked at the new FEMA maps.

**Mayor Swiderski:** But we will take it back and ask them to make sure. Again, I know what you are saying and I understand. But this could stall movement forward for quite a bit of time, and I have to take my judgment call here from our environmental attorney and engineer who will look at this and do their due diligence and tell me is that something we work out in the zoning and planning, or is it something that belongs in the consent decree.

**Trustee Walker:** And the issue about which FEMA map you are going to use when you are putting in the fill that we could be looking at during remedial design.

**Mayor Swiderski:** And the moment where fill is hitting the ground is years away. This is not something that stops us from moving forward now because there are going to be many opportunities between now and the moment where fill hits the ground for FEMA to clarify, for the lawsuit to clarify, for a consensus to arise on what should be happening there.

**Ms. Sullivan:** The organization to talk to is the DEC at the New York State DEC's flood management people because they are the ones that wrangle things.

**Mayor Swiderski:** Give me the name again? I am happy to act on it.

**Ms. Sullivan:** Again, I do not know how it plays into this but it is something that is available for us as a community to look into, and I thank you for that consideration.

**Mr. Siebert:** A quick follow-up related to your response to my question. Let us say something more is required. We do not have any force in the consent decree to compel BP to do that, right? Meg, you are talking about the developer has to come in. But if the issues are based on new FEMA maps, I do not know if they are but if they are, that is significant. Why do we not have the right to compel BP to meet these higher standards if the result is we want to safely remediate waterfront that has some possible use? I am not a big development guy at all. I would be happy if nothing happened down there. But if we are thinking about the future of our community and we want development there, why not, in the consent decree, have some force that compels BP to meet the higher standards of FEMA.

**Mayor Swiderski:** We do not have to. FEMA will do that just fine and flood insurance requirements will do that just fine. There are any number of other mechanisms that will force that compliance anyway.

**Mr. Siebert:** But BP only has to remediate it so it is safe. They do not have to remediate it so it is useful for us a village later on.

**Trustee Walker:** As Peter said earlier you have to disaggregate the consent decree, which is really about fill, about remediation. It is not about development. These flood program regulations that use the new FEMA maps are about construction and may affect our building code. We may have to change our building code to comply with them. If we want to offer the community the flood insurance program we have to. We have to change the building code. We have years before we are going to develop. We will cross that bridge well before any developers come around. Is that the way you feel about it?

**Mayor Swiderski:** Yes.

**Trustee Walker:** We have time to look at that, and we will have more information.

**Mr. Siebert:** To my question, though, again ...

**Trustee Walker:** At this point we do not even have the real information.

**Mr. Siebert:** I understand that. But my question is that if we are taking something off the table that we could, in fact, compel BP to do more of this work. Again, I do not know why it would be required. Do we really want to rush to judgment on that if we are not using the latest data?

**Mayor Swiderski:** I will give a quick answer. The renegotiation of the consent decree is not entirely mandatory, from BP's perspective. They have got a controlling document, which is the ROD, and they have got the original consent decree. In the end, they can proceed with that as it is. Asking them to go to a higher standard than what we have won in negotiation is asking them to do something they said no to already once. And they will say no again because it has material impact on the cost of the remediation and they have nothing to compel to do that. They could say forget it and we would be back with the original consent decree. That is not interesting to us here. So that is something worth remembering. This renegotiation is as much a thing of convenience for both parties. It is not something that is mandated.

**Trustee Lemons:** To add a little more detail to that, the Infrastructure Committee, remember, recommended 19 feet in some places. In the negotiation the attempt was to get it to 14 and they said no.

**Mayor Swiderski:** They said no, but that they would engineer it to support 14 feet.

**Trustee Lemons:** They would not do that extra three.

**Village Attorney Whitehead:** Unless a buyer forces them to.

**Mayor Swiderski:** Well, it did not say that.

**Trustee Lemons:** That is getting into the development phase.

**David Skolnik, 47 Hillside Avenue:** I am going to make one request, given the nature of this meeting and what just transpired within public comment, for which I am glad you made the exception. But I would rather not be looking at the three minutes. The fact is, this is the first time I am speaking to this board since you revised down the public speaking time from five to three. I am asking you for a little latitude. First of all, thanks for, in fact, letting Kathy speak because I thought it was very important.

**Mayor Swiderski:** We are rigid, but we are not fools.

**Mr. Skolnik:** I agree. As a preliminary, I have to just do what I do, which is to tell you that in spite of the fact that there have been modifications in the lighting, the coloration is still something I have not grown accustomed to. I know I am still waiting for that because you told me at some point I would.

I am wondering if, after all these years, there is not some way we can deal with the squeaking from the air conditioner. It disturbs me that if we cannot handle something as prosaic as that, then more ambitious plans ...

With regard to the Transportation Working Group, I was at the last meeting and there was an issue brought up that I am hoping you can help them clarify. That is the relationship with the Safety Council. It remains ambiguous, and I think it is ambiguous for them. As they move forward and as you move forward it would disturb me a little if I see a process taking place that does not have some authoritative organization or group to refer some of the plans. Putting tape or painting lines does not seem to go too far. But when you start then talking about putting something more definite, you need to help them figure out how to coordinate with the Safety Council on that.

The other thing about the group, again something I mentioned to them at the meeting, they do have some degree of expertise on that committee, but I would hope they could feel they could come to you and get, even early on in the process, some consultation from a traffic consultant that might help them ultimately be more, instead of going through a lot of process only to then find out that there is some reason why they cannot do this. Richard's comment with regard to the stop sign at Kent and Ravensdale was exactly to that point because we know why it is a three-way stop and not a four-way stop. It has been addressed before. The

Safety Council would never approve a stop sign coming west. That is the kind of information that would be helpful for that committee to be able to access early on in their process.

The Hillside sidewalk seems to be successful. I am very hesitant to say something positive, as the Village Manager would know. But it got done, seemingly, very quickly and it looks like it will work. I would like to see that people use it. My concern is that we learn something from it, the whole process. It could have been done better and with less contention. With better drawings, better communication, and better supervision, specifically so there should not have been confusion about which trees were coming down and the marking. There was a certain amount of unnecessary angst about the process but, ultimately, it is looking hopeful. The one concern I have, and I will go back and look at it tonight, is lighting. I am not sure whether the lighting would be adequate at nighttime for someone to be walking on the sidewalk, especially since it is fairly proximate to the stream. Hopefully, there is no issue there.

The last thing relating to that is the Tree Committee. It would be helpful for the Village, for the people, to have a more active role of the Tree Committee, maybe in conjunction with the Conservation Commission, so there is a better understanding of what the real issues are about trees. A lot of us get very sentimental and defensive when we are told a tree has to come down. And there is a certain credibility gap. It sometimes seems like it might be just self-serving. It would be helpful, since there is a tree committee, to understand the real issues. We have power lines, we have trees that have grown quite tall, there are root systems that might not be supporting them. We might have trees that are potential liabilities. A few years ago you had a very thorough presentation. I am suggesting maybe you look at getting more active and proactive with regard to trees so people, the community, understands the issues.

### **35:16 APPOINTMENT OF VILLAGE ASSESSOR**

**Village Manager Frobel:** This is a reappointment of Ms. McCarthy as our village assessor. She just completed one year of service. I have been pleased with her work. She was able to provide me with a timely list of value of the property in the community and enabled me to get the budget done on time. Her stipend remains unchanged, and we are recommending she be reappointed.

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

**RESOLVED:** that the Mayor and Board of Trustees hereby appoint Edey McCarthy as Village Assessor for one (1) year, commencing on June 1, 2016, for a fee of \$15,000.

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
Trustee Meg Walker	X	
Trustee Nicola Armacost	Absent	
Trustee Daniel Lemons	X	
Trustee Walter Stugis	X	
Mayor Peter Swiderski	X	

**36:16 APPOINTMENT OF VILLAGE AUDITORS**

**Village Manager Frobel:** During the budget review process, I had asked the Board if they would consider reappointing the auditors for another year. The Board said yes and there was interest in having a multiyear agreement. That is what this resolution reflects. The recommendation is that we continue that relationship for the next three years. I would also point out even in year ending May 31, 2018, the fee is considerably less than it was in 2004.

**Mayor Swiderski:** At a quality considerably higher and more transparent than our last auditor. I am all for it.

On MOTION of Trustee Lemons, SECONDED by Trustee Walker 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 agreement with Nugent & Haeussler, P.C., Montgomery, New York, for audit services as follows:

Year ending May 31, 2016	\$27,500
Year ending May 31, 2017	\$28,325
Year ending May 31, 2018	\$29,175

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
Trustee Meg Walker	X	
Trustee Nicola Armacost	Absent	
Trustee Daniel Lemons	X	
Trustee Walter Stugis	X	
Mayor Peter Swiderski	X	

**37:16 REQUEST FOR PROPOSALS – SHORELINE CONSULTANT**

**Mayor Swiderski:** Trustee Walker, this is your baby.

**Trustee Walker:** This is a draft, and I imagine we want to give it to Linda and Fran for more language.

**Village Attorney Whitehead:** I read it. It is an RFP.

**Trustee Walker:** So it is not necessary to put other kinds of caveats in. Then we need to run it by our advisor at the DEC, our grant advisor for the estuary program.

**Mayor Swiderski:** Assuming their approval, you have got the authority to go ahead. I thought it was short and sweet.

**Trustee Lemons:** Yeah, I agree.

**Mayor Swiderski:** I thought it cut to the chase and said exactly what was needed.

**Trustee Walker:** We worked very hard on it. It is very complicated when you first start looking at it. You have to really study it to get it into language. There will also be diagrams that will go along with it, which is what comes with the consent decree.

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

**RESOLVED:** that the Mayor and Board of Trustees approve the issuance of a Request for Proposals from consultants for a conceptual design plan for a sustainable and accessible Hudson River shoreline on vacant private property located in the Village of Hastings-on-Hudson, New York.

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
Trustee Meg Walker	X	
Trustee Nicola Armacost	Absent	
Trustee Daniel Lemons	X	
Trustee Walter Stugis	X	
Mayor Peter Swiderski	X	

### **38:16 AUTHORIZATION TO RECEIVE BIDS – QUARRY TRAIL PHASE II**

**Village Manager Frobel:** I am looking tonight for permission to go out to bid for that work. I like to think I have kept the Board informed on our progress to date. The specifications, the drawings, were prepared by RGR. The Board approved entering into that relationship with that architectural firm a number of meetings ago. Two weeks ago I sent you a copy of the drawings. It is a continuation of what you approved back in 2007. It is a 275-foot path from the Warburton Bridge overpass, ending at Southside; essentially a four foot wide crushed stone gravel walkway, with, at various locations, steps or risers bringing it up when there is a change in elevation. Essentially a continuation of what you see. What we have now has held up pretty well. By all estimations from what I have heard, it is well-received by the community. We are looking forward to seeing a completion of this.

There are some nice features. There is going to be, hopefully, a stone bench about halfway down the path. There has been some amenities like that that they have added. I did meet with the Quarry Park Advisory Committee last week and went over the plans with them. They supported the project. They are looking to have some modification. You may recall that existing plans and the proposed plans required a wooden post with a nylon rope to help someone up those risers, as the Mayor mentioned. They are looking to have an alternate bid for a wrought iron rail rather than a post and rope. So we will get a price, see what that will cost. If it is favorable and the Board is inclined to make that change, then when I come back to you with a recommendation for the award of the work you will have to evaluate whether or not you share that opinion that it should be wrought iron rather than the post and nylon.

Other than that, we have an estimate as to what it will cost. Last time, we attracted 11 bidders and the prices were very favorable. Given what we saw on the Hillside sidewalks I think we will do very well on the bidding. I have talked to a few contractors already, there is interest. From start to finish, it could take up to four months. The longest lead time is ordering the stone steps. The work in the field is probably five to six weeks. Once we are started we will be moving, and we are looking forward to getting this started. That is what I am looking for tonight, two authorizations.

**Trustee Lemons:** I picked up the same thing with the quarry group, and that was the posts and the rope. When I look at that, I see structures that will hold up for awhile but eventually will disintegrate. I question whether that is a good idea.

**Village Manager Frobel:** It was a suggestion of Fred Hubbard, who was our naturalist at the time. We are looking at whether we need a post and railing at all. Most people could navigate that fairly easily. Fred had it to stabilize yourself somewhat, but it was probably more aesthetics than anything. We will get a price and see if the Board supports that change.

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

**RESOLVED:** that the Mayor and Board of Trustees authorize the Village Manager to receive bids for the Quarry Trail Phase II project.

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
Trustee Meg Walker	X	
Trustee Nicola Armacost	Absent	
Trustee Daniel Lemons	X	
Trustee Walter Stugis	X	
Mayor Peter Swiderski	X	

**39:16 APPROVAL OF STOP-DWI CONTRACT 2016 - 2020**

**Village Manager Frobel:** A relationship with Westchester County, as noted in the resolution. There is about \$8,400 we could be reimbursed for over the course of the year. It is not to supplement our existing patrols. It is for an overtime situation, where a policeman would go out exclusively on DWI stops. He would be focusing on that effort only. Certainly supported by the department, and we believe we should be entering into this contract.

**Trustee Walker:** That is when you set up a station and monitor drivers, all or some.

**Village Manager Frobel:** It can be that, right. Or it would be working certain hours in a car, moving around and observing cars that appear the driver is impaired.

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

**RESOLVED:** that the Mayor and Board of Trustees authorize the Village Manager to execute the STOP-DWI Patrol Project Reimbursement Contract with Westchester County in the amount of \$8,400.00 per year for the period January 1, 2016 through December 31, 2020.

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
Trustee Meg Walker	X	
Trustee Nicola Armacost	Absent	
Trustee Daniel Lemons	X	
Trustee Walter Stugis	X	
Mayor Peter Swiderski	X	

**40:16 APPROVAL OF NON-UNION PERSONNEL SALARIES**

**Mayor Swiderski:** There is a schedule that follows, but must I read?

**Village Manager Frobel:** I do not think it is necessary, Mayor. It appeared on our website.

**Mayor Swiderski:** We have discussed this. It does not preclude tweaks later on in the year, if necessary..

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

**RESOLVED:** that the Mayor and Board of Trustees establish the following salaries for non-union personnel effective June 1, 2016:

Deputy Manager/Village Clerk	\$104,470
Superintendent of Public Works	\$118,487
Building Inspector	\$ 86,700
Superintendent of Parks & Recreation	\$ 77,942
Director of Youth Services	\$ 71,048
Youth Advocate	\$ 54,121
Technology Director/Deputy Treasurer	\$ 67,810
Cable TV Director	\$ 39,801
Deputy Village Clerk	\$ 47,754
Senior Office Assistant	\$ 55,182
Payroll/Personnel Clerk	\$ 54,121
Court Clerk	\$ 55,613
Assistant Court Clerk	\$ 33,440
Recreation Assistant	\$ 43,807
Recreation Assistant	\$ 38,543
Chief of Police	\$149,000

**Part-Time Personnel:**

Fire Inspector	\$ 23,460
Senior Outreach	\$ 20,259
Deputy Building Inspector	\$ 25.50/hr.
Clerk	\$ 18.05/hr.
Bookkeeper (Finance Office)	\$ 18.05/hr.
Village Hall Laborer	\$ 15.30/hr.
Parking Enforcement Officer	\$ 15.30/hr.
Parking Meter Repair	\$ 15.61/hr.
Recreation Bus Driver	\$ 19.38/hr.

**ROLL CALL VOTE**

**AYE**

**NAY**

Trustee Meg Walker	X	
Trustee Nicola Armacost	Absent	
Trustee Daniel Lemons	X	
Trustee Walter Stugis	X	
Mayor Peter Swiderski	X	

**VILLAGE MANAGER'S REPORT**

**Village Manager Frobel:** Before he leaves, and I have been remiss because I should have introduced him earlier tonight, Aylone Katzin is here. He is a full-time graduate student Working on his master's in public administration. He certainly aspires at this point to a career in public service. He started this week, and I felt tonight's agenda would be an excellent opportunity for him to get a range of exposure.

**Mayor Swiderski:** Where do you live?

**Aylone Katzin:** New Jersey, Bergen County.

**Village Manager Frobel:** As I reported to the Board, he will be with us for about eight weeks. He has a number of tasks he is going to be working on for us: helping me on the capital improvement; working on a memo explaining better the building office and their functions; and spending some time in developing performance measurements for the DPW. I know we are going to be satisfied with what we see out of his experience. He will take it back to his last year, to the classroom, so we are looking forward to that.

**Mayor Swiderski:** Welcome, thank you.

**Village Manager Frobel:** In my written report I hope I have kept you up to date on Riverview Park. The latest point for concern is bringing water to the site. What should be a straightforward effort, given regulations the water company has to adhere to has become an expensive proposition. I have given the Board the quotes we had received to install what is called a "hot box." It is the meter, and it is the anti-backflow device that has to be installed. The low bid would be about \$12,000, and that does not include our forces doing the trench work and the pad. That in itself was an expense, but it is one that Kendra was aware of even early on in the process. We knew we were going to have to come up to current standards. We were hoping there was some way around it, perhaps, but the fact is it remains costly. The newest expense is to bring electric power to the site because to keep the device from freezing it has to be heated. The nearest pole, as luck would have it, is across the street on Warburton. We have got to set a pole closer to the entrance to our park and bring power to it, and then power to this device. I had hoped to have a written estimate, I do not, but regardless we would get several prices if it comes to this. It is about \$10,000. To bring water to the site for the water fountain and an irrigation system and a program for some future water-type display of something on the site, would be about \$20,000 to \$21,000. I also sent the Board, and I do not know if you read through it all, a real effort on my part to get the SUEZ Water Company to tell me exactly what our latitude here is. There is not much. The Mayor offered to write a letter of goodwill to the company seeing what flexibility might exist, but there really is not. They have regulations, they have standards. It is something I think we are going to have to adhere to.

The final effort was to look at solar. I indicated to the Board that I asked Buddy to get involved in it. We spoke to our contractors working in the community with solar energy installation. It does not work. You have got to keep the batteries from freezing to keep the thing working. It did not seem practical from the solar company's point of view to look at that as a device to keep this thing warm.

**Mayor Swiderski:** It would just be a target of vandalism.

**Village Manager Frobel:** Probably. What I am looking for is your blessing to go ahead. I know the Board is committed to bringing water to the site, at that time with the understanding that it was about a \$12,000 deal. Now it is pretty much double. I want to make certain I still have that level of commitment.

**Trustee Walker:** Just to review, the water is for irrigation, drinking fountain, and possibly a future fountain for a water feature, so none of it is absolutely necessary. You can get by without it but it certainly would be much more with it.

**Mayor Swiderski:** How do you get by without irrigation without it turning into a dustbowl?

**Trustee Walker:** What they did down on Rowley's Bridge Trail is put in a cistern, believe it or not. But it is a lot of trouble. I wanted to mention also that there may be other reasons to bring power to the site: certain types of programming, musical events, or you could come up with a number of reasons to have power on the site. One of the things we find in public spaces is that people neglect to bring power and water when they could have and regret it later. So this is just one of those cases. Five years from now somebody is going to say, I wanted to have a movie there but there is no way to have a movie because we cannot project because we do not have any power. So there you go.

**Trustee Lemons:** If it is going to be a serious park it is going to have to have those things.

**Mayor Swiderski:** Otherwise it is a dust bowl. It is irritating that what you would think would be low single digits on cost turns into this. It is a public service project, and what can you do?

**Village Manager Frobel:** Very good. We will proceed.

The other item is that I did mention that we have interviews I would like to line up for police candidates. I will do that at another time, giving out some dates that may be available. I know your next meeting is going to be another heavy agenda. I hate to have you come out on a special night for the interviews, but that is what we have done in the past.

Finally, as mentioned the Hillside Avenue sidewalks are complete. I am pleased with the work. It was done with essentially five days of construction, no upsets. I think everyone is pretty much happy.

**Trustee Lemons:** It looks good.

**Trustee Stugis:** I stopped by in a peak torrential rain and it was handling it perfectly.

**Mayor Swiderski:** What about the traffic circle? Did anyone ever run a bus around it, or are we going to give up on a bus getting by that corner?

**Village Manager Frobel:** I contacted the superintendent, he has put me in touch with finance. I wrote to the bus company and waited several days. The bus company wrote back, thanked me for the opportunity to comment. Never got back with comments. We shrunk it as much as we can. On the island is a manhole for the interceptor sewer, Westchester

County, and a telephone pole. You were very limited as to how small you could make it, but we did shrink it by two feet on the one side that should make it easier for them to navigate.

**Mayor Swiderski:** And if not, they will cut the corner. If that is what it is, that is what it is.

**Village Manager Frobel:** We are going back in the fall for some tree planting for the Ettingers, which they are looking forward to. But also the thought was maybe in that center island some kind of a small tree to dress up the island.

**Trustee Walker:** That is a great idea. There used to be a beautiful flowering tree there. I do not know if it was a cherry, but I remember when it died. I was very disappointed. It was quite attractive so that would be really nice.

**Mayor Swiderski:** I had an item, which was the finalization of curbs identified for work this year. Has that occurred?

**Village Manager Frobel:** Yes. In fact, bids are going to be open for the road resurfacing on June 15.

**Mayor Swiderski:** But what about the curbs?

**Village Manager Frobel:** They are included. We will be getting a price for that.

**Mayor Swiderski:** And which streets were included in that?

**Village Manager Frobel:** I will recirculate the list. If you review it again and then you have a problem with any of the ones we selected it is just linear feet. The contractor does not care whether it is street A or B, it is just an estimate for the amount of linear feet of curb.

**Mayor Swiderski:** And how many are we getting, do you remember?

**Village Manager Frobel:** I think there were seven or eight locations. I gave Mike a budget number as to what he thought we could do. But we will see what they come in at a unit price. If we can do more we will do more. The concern was that Mike had identified those locations that he has the greatest amount of problems with, the highest number of complaints.

**Mayor Swiderski:** I agreed with \ his analysis . It really was driven by flooding as much as anything else.

**BOARD DISCUSSION AND COMMENTS** (Continued)

**2. Proposed Route 9 Corridor Study – Yonkers to Sleepy Hollow (Trustee Lemons presents)**

**Trustee Lemons:** This is coming out of the Conservation Commission and Andy Ratzkin, who has been the lead on this. He approached me about whether we as a village might be interested in doing a preliminary inquiry about going in with all the other river villages up to Tarrytown to try to get money from the new Tappan Zee Bridge program called Community Benefits Program. The idea was to look at the Route 9 corridor as something that connects up to that new bridge and to do a comprehensive look, try to get funding for a planning study about what might happen there.

At that point, we did not think we needed the Board to approve anything because it was simply to put in an inquiry as to their interest. There was an inquiry letter of interest submitted. They responded a few weeks ago and said yes, indeed, they would like to have a proposal. We set up a conference call. The municipalities we are starting with are Hastings, Dobbs, Irvington, Tarrytown and Yonkers. It constitutes about a six-mile stretch of Route 9. This is the background:

"As a thoroughfare of the Lower Hudson Valley communities of Yonkers, Hastings-on-Hudson, Dobbs Ferry, Irvington and Tarrytown, on its way from New York City to the Tappan Zee Bridge connecting these communities, Route 9, already a New York State Department of Transportation bicycle route, deserves special consideration for multi-use analysis. Too often, the corridor acts as a barrier between villages, historic river-adjacent Main Street districts and their upland residential neighborhoods. The goal is to expand pedestrian, bicyclists and transit user access to the new bridge, improve road safety for all users accessing the bridge, and assure the positive quality of life impacts for Westchester residents and communities."

We had a phone conference with representatives from all these communities to decide how to submit a proposal. The outcome was that everybody is very interested in participating. A couple of the communities already have grants. Irvington and Dobbs Ferry have grants related to Safe Routes to School, which they see as linking into this. The program we are all a part of, Slow Down, could be a collaborator in this project. The decision was to go ahead with a proposal. One of the villages will take the lead on it. There will be a steering committee with three members from each village: a member who is an elected official, an interested resident; a biker or somebody who has interest in seeing that kind of development along the corridor. Then somebody from our Transportation Working Group who is actively working on a lot of interrelated pieces of this.

The idea is to have the boards all approve participation. We are also going to ask the villages to each contribute \$500 to \$1,000 for a grant writer to put this together. There is a specific grant form and a deadline to put the grant proposal together. The amount will be between \$100,000 and \$150,000. The question is, what gets looked at, what would we be asking of, ultimately, a consultant that gets selected if this gets funded. What would they do. First, they would do a study. One consultant who just volunteered some time is going to map something out. He suggested it would take probably six to nine months to do a study of traffic volumes, existing bicycle and pedestrian facilities, points of interest, land use and zoning, recreational facilities along that corridor, transit ridership, and any upcoming Route 9 construction. Those are some of the things they listed that they would put together.

The deliverable would be a "Route 9 Corridor Active Transportation Plan." The New York State Department of Transportation will be brought into this at the outset as a significantly interested party so something does not get developed that is going to be unacceptable to them or conflicts with their priorities. There is a lot of interest in this, and people are excited about the idea of these five communities working together. We heard already in our own meeting the initial report from our group. But it knits together a lot of the active interest right now in the villages around transportation and safety, but also enhancing things like bicycling and recreational activities, and seeing that as trying to take a unified look along that whole corridor because that is the way with experience it. We do not experience it just as the boundaries of our community.

I will come back probably on the July meeting with a resolution for the Board.

**Trustee Walker:** So they assigned it on your lap because you were working with the Conservation Commission?

**Trustee Lemons:** That is how it landed on my lap.

**Trustee Walker:** And this started before the Transportation Working Group got started?

**Trustee Lemons:** It did.

**Trustee Walker:** It is really great.

**Mayor Swiderski:** There was a day once where a county planner would have sponsored and run with this. It is an indication of how that department has been degraded to nothing in what should rightfully be a county planning effort. Now it devolves to the communities having to do this.

**Trustee Walker:** In 2000 the Historic Hudson Rivertowns partnered with the county to do some planning along it. They identified resources, they did the signage package and some other things. They queried everybody what do you want to include. Everyone focused in on the signage. But it was someone from the county who took the lead and was really good.

**Mayor Swiderski:** I do not see a choice here.

**Trustee Walker:** No, I think it is excellent.

**Trustee Stugis:** You mentioned Route 9 a couple of times. Is it specific to Route 9, Broadway-Broadway, or does it also include out to 9-A and the whole corridor?

**Trustee Lemons:** The boundaries are little fuzzy because the idea is that it is the core of what you are considering. You are looking at the connectors and activities that go with that.

**Trustee Walker:** One funny thing is, once when we were meeting with the DOT about some sidewalks on our Broadway here I happened to ask them, "Broadway is actually designated as a bike route." The guy in charge of bike and pedestrian planning for the New York State DOT said, "That may be the case but we never imagined it to have bike lanes or to be a bike route. You have the Aqueduct, you do not need a bike lane on Broadway."

**Mayor Swiderski:** It sounds like you have our support. Again, I do not see any other plan. We have got to act regionally, but a lot of work on us to make up for the loss of one person at the county level, but so it goes. Thank you.

## **ADJOURNMENT**

**Mayor Swiderski:** A motion to adjourn, but with a moment of silence in memory of Sue Winn, who served up here from 1993 to 1997, wife of Marvin, mother of Nicholas, Hastings Fire Department volunteers and, really, a Mother to many Hastings Fire Department members; the sister of Marie Oelkers, a long-term Village employee; president of the Hastings Mother Club, earlier than someone should expire, and someone who many, many, many, many, many people will miss dearly. A moment of silence, please.

On MOTION of Trustee Walker, SECONDED by Trustee Stugis with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 11:22 p.m.