

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**REGULAR MEETING**  
**JUNE 21, 2016**

A Regular Meeting was held by the Board of Trustees on Tuesday, June 16, 2016 at 7:34 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Mayor Peter Swiderski, Trustee Nicola Armacost, Trustee Walter Stugis, Village Manager Francis A. Frobel, Village Attorney Linda Whitehead, and Village Clerk Susan Maggiotto.

**ABSENT:** Trustee Meg Walker, Trustee Daniel Lemons.

**CITIZENS:** Thirty-five (35).

**Mayor Swiderski:** We are running on barely a quorum and, as a result, while we have a public Q&A that is directed towards Artis we do not think a board discussion with three members is sufficient. That is not on the agenda tonight and will be on the next meeting's. The two Board members who are off will read the transcripts or watch it on TV and come prepared to talk.

**APPROVAL OF MINUTES**

On MOTION of Trustee Armacost, SECONDED by Trustee Stugis with a voice vote of all in favor, the Minutes of the Regular Meeting of June 7, 2016 were approved as presented.

**APPROVAL OF WARRANTS**

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

Multi-Fund No. 2-2016-17	\$ 17,067.50
Multi-Fund No. 3-2016-17	\$319,761.99

**PUBLIC COMMENTS**

**Mayor Swiderski:** We are asking for those to speak who are not speaking on the Artis development

**John Gonder, 153 James Street:** We have a lot of signs put up all over the Village, and I know the reason for those signs: because a man died in a crosswalk in Dobbs Ferry and a boy in Irvington got hit by a car. We have these Rivertown signs: Slow Down, Be Alert, Drive Slowly or something to that effect. I do not know who approved the signs, but we are

not a Rivertown. Even though our *Enterprise* thinks we are a Rivertown, we are village and we consist of six villages in the Town of Greenburgh. Yet our signs are incorrect. What are our kids supposed to think? Oh, we are a Rivertown? No, we are a river village. Our politicians at the parade, and even Mary Jane, writes about Rivertowns and who she represents, river villages in the county. It is terrible, but something should be done about it. Now, instead of those signs that you cannot really see, if you want something for safety you should put one on Farragut Parkway coming in, one on each end of Broadway, Dobbs Ferry and Hastings, and also Warburton, and say obey our traffic laws or we are going to give you a ticket, something to this effect. I wish the others were here because we should have voted on a decree this evening. You know you have meetings the first and third Tuesday of the month, yet if you are ill or sick or something fine. But this is planned vacations, and you could care about the residents that are waiting 15 years for something to be done on the waterfront and you delay it. Two Trustees delay it for a couple of weeks. Also, I think Building 52 should have been on the agenda prior to the vote on the decree.

**Mayor Swiderski:** The vote on the consent decree will be on the next agenda, along with a resolution. I will argue, gently, that summers are not absolutely untraditional as far as vacation goes. So it is hard for me to hold it against Trustees for that.

#### **41:16 APPROVAL OF CONSTRUCTION PROPOSAL FOR REPAIR OF MUNICIPAL BUILDING COLUMNS**

**Village Manager Frobel:** Staff has been working on preparing the specifications. We were able to attract four bidders for this proposal. Buddy Minozzi, the Building Inspector, has taken the lead in helping me prepare those specs and review the proposals. I am pleased to report that we have a contractor who is prepared to move forward. He has a very good reputation, a local firm. He is also currently working at one of the firehouses in the Village, so Buddy has been able to observe his work first-hand. We are excited. This is long overdue. The six columns leading to the Village hall have been in terrible shape over the last several years. We have tried to make repairs, but without much luck. We knew they had to be replaced. Buddy took the matter to the Architectural Review Board, they have approved it, and we are looking forward to moving forward with this work. There will be some pedestrian interruption as this work is occurring. It will take about 30 work days, so I am saying five or six weeks in total. think when it is complete we are going to be very pleased with its appearance. We are looking forward to Board approval of this award of the contract.

**Mayor Swiderski:** What happens during the Farmers' Market days?

**Village Manager Frobel:** We will let them know. They will have it all policed up, cleaned up, and everything out of the way so there is no interference with the Market.

**Mayor Swiderski:** And there is no safety issue.

**Village Manager Frobel:** We will make certain there is not. That is what my Building Inspector is about, public safety. He will keep a close watch on this, as will I, as will everyone there.

**Mayor Swiderski:** This is long overdue, it looks terrible. It must be painful to walk by it every morning, and I am going to call for a motion.

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

**RESOLVED:** that the Mayor and Board of Trustees approve the construction proposal of Pacific Transglobal Construction Corp., Hastings-on-Hudson, New York, for the repair of the Municipal Building entrance columns in the amount of \$67,250.00 to be paid from bond proceeds (\$65,000) and general fund.

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

#### **42:16 SALE OF EXCESS VEHICLES**

**Village Manager Frobel:** Periodically we go through what is in the DPW yard, equipment that is viewed as surplus. Both these items have been replaced. This garbage was our spare. It has absolutely no value nor use for us. The dump truck was very rusted and on its last legs. We have an opportunity to realize some real money here. We used to run ads in the local paper, which generated very little interest. Mike Gunther does this now internationally and we have been able to attract two very good prices. That is real money we re ready to realize if you approve disposal.

**Trustee Armacost:** I think it is a great idea. I am surprised anyone is willing to pay that much.

**Village Manager Frobel:** I am pleased. As you know, we count on this in our budget. But we never imagined this amount of money.

**Mayor Swiderski:** Are these the actual prices, or are these the estimates?

**Village Manager Frobel:** These are the prices we are going to get.

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

**RESOLVED:** that the Mayor and Board of Trustees declare the following vehicles as excess and approve the sale through Auctions International as follows:

1997 Mack DM688SX Dump: \$13,000.00  
2003 Chevrolet 350 Dump: \$ 5,400.00

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

**Trustee Armacost:** Before we do the Village Manager's report, I wanted to congratulate you and the team on the great work on the Hillside sidewalk. I do not know if it is finished yet, but it looks fantastic.

**Village Manager Frobel:** It is finished. It was done within five days so we are very pleased with the way it came out. Thank you very much.

**Mayor Swiderski:** Quite a few kudos from both locals and others who feel it is aesthetically attractive, which is a lot to say for a sidewalk.

**Trustee Armacost:** And people are using it, which is great.

**Village Manager Frobel:** Very much so. We are pleased. Thank you.

## **VILLAGE MANAGER'S REPORT**

**Village Manager Frobel:** We wanted to give you an update on Riverview Park. I went to the Board to get your concurrence to go to the added expense to bring electric service to the site, no small undertaking. We are dealing with Con Ed, Dig Safe, we are dealing with electricians. It has been somewhat complicated, but between Buddy Minozzi and Mike Gunther, members of the group that are helping me along with Kendra, we have made great progress in the last week.

Buddy has been very instrumental in helping me prepare. It is somewhat complicated because we are responsible for putting in a "hot box," a device that has to be installed at some expense to prevent the backflow preventer and the meter from freezing. In working with the neighbors and staff and a plumber and the utilities, we are at a point now where we are proceeding. Buddy has ordered the hot box. Why do you not summarize where we are.

**Building Inspector Minozzi:** To bring water to the site is a multilayered process. First we had the bids and we awarded the bid to the plumber who is going to supply the hot box, which has been ordered. He is going to be running all the plumbing in the site, the underground plumbing and the finished plumbing. But along with that, there was a water line to the old park. We were not paying for the water, it was an unmetered tap. It is an unregistered tap with the water department, they did not even know it existed. The first thing we had to do was apply for a water meter, or a water service, which is in progress. Along with this, we had to apply for a backflow preventer, which we had to engage an engineer today, to make our application to the county department of health and the water department on our behalf for the backflow preventer. It is SUEZ's regulations.

Now we have all this in progress. The tap that is there, SUEZ does not know if it is good or not. They are slated to come out Friday to dig up the tap and see if it works, what size it is, is it the proper size, if the material is not too old or of a material that is not healthy anymore, they would change it out. This is so deep and has so many different layers to get the water to the site. But we are well underway.

**Village Manager Frobel:** The second item is bringing electric power to the site. What we decided in working with an electrician and, hopefully, with Con Ed is to place the pole closest to the gas station in that corner of the park. As you look at the park, extreme right-hand side, that would be the shortest distance from an existing pole on the other side of Warburton. The pole will be set, then it comes down the pole to what will be an electric panel. That panel will accommodate about 200 amps, which is Con Ed's minimum requirement. That should take care of all their needs: future lighting, sound, any kind of electrical needs besides keeping the meter box hot. It is going to take a little engineering to

get all the approvals, but Mike Gunther has been working with the electrician and seems confident. It is not critical, obviously, until winter to have that device installed.

**Trustee Armacost:** And it comes down through solar?

**Village Manager Frobel:** No, we explored solar. I asked Buddy to look into that. We spoke to a couple of people. The problem is keeping the batteries warm.

**Building Inspector Minozzi:** The problem is that we need it in the wintertime and you get the least out of your solar in the wintertime. We would have to use battery storage to keep that box hot 24 hours a day, and they will not last because they have to stay warm, too. It would become a very expensive ordeal to keep changing these batteries maybe twice a season. Just picture a whole bank of car batteries and that is what it would take. As the Manager said, the poles are going to be installed. Not only is that pole going to be to run the wires from across the street to the site, it is also going to house the meter and the circuit breakers. Just like you have in your own house, but it is going to be on the pole at the site. We are looking at tucking in that corner so it is out of sight.

**Village Manager Frobel:** There might be a slight change. Donna's sketch wanted a second gate near where the pole is being considered. But in meeting with her today in the field, I think we can work around that.

**Building Inspector Minozzi:** According to Donna we are planning on having a water fountain, a decorative fountain, and what we call a yard hydrant, which is a commercial spigot we can use to water the flowers and the grass. It should be very nice when it is done.

**Trustee Armacost:** Thanks for all the help. We had talked about a handicapped parking spot. What is the process on that? Does it have to come through us?

**Village Manager Frobel:** It will come to the Board. As you look at the park, there is a bus stop and a hydrant. We think to the left, heading south, will be a disabled parking space. We are going to do a legal description, we will have Linda help us, then we will come to you in the June or July meeting. We will have one spot there for the disabled.

On the next subject, In my weekly report, I mentioned that the state, under the consolidated grant funding program, is accepting proposals. I mentioned two possible programs. First, I provided the Board with a executive summary of the grant and what some of the opportunities are. But in meeting with the staff, we thought there might be two possibilities. Since I wrote that report on Friday, we have a good indication from the state department of parks, recreation and historic preservation that a stronger case would be an application to

assist in specialized engineering services for the Quarry Park. They think that should be our priority. We are well on the way to developing the park. There is one additional element and that is that specialized engineering services. I want to run that by the Board before we spend the time and effort to prepare the grant to make certain you were inclined to support that.

**Trustee Armacost:** I think that is a great idea.

**Village Manager Frobel:** OK, then we will work on that.

**Mayor Swiderski:** Stretch the money even further.

**Village Manager Frobel:** That is the goal.

**Mayor Swiderski:** What is the size of the grant?

**Village Manager Frobel:** We would be asking for about \$110,000 - \$115,000. It is 50-50 grant, but I think there is some matching money we would look to talk about in the future.

**Mayor Swiderski:** The Historical Society and the community group interested in the park being renovated, maybe they can help in providing historical documentation explaining the importance of the park?

**Village Manager Frobel:** That is how we got the other money; by that element, pulling in all those interested parties. So this could be a great opportunity to get the final element that would get us complete construction documents ready to bid.

Finally, you wanted an update on Reynolds Field playground. I am pleased to report that it looks like, at long last, that the school board is finally moving forward on the tennis court construction. That project had been stalled, we had been led to believe because there were some issues in waiting for a grant for the tennis court construction. In that delay, we have been inhibited, or stopped, from using the park. Kendra reports that work on the tennis courts could begin as early as next week. She believes it could take two weeks. I like to think by mid-July we will have the playground open for our youngsters to use.

### **PUBLIC Q&A WITH ARTIS SENIOR LIVING**

**Mayor Swiderski:** I am going to start by framing what this is, and then I am going to ask the Village Attorney to describe exactly what is being requested here and the context for that. Then we will turn to the mic for public comments. We had Artis before us at the last meeting, providing some background for their application for modification to the zoning

code. It was a very tight agenda, so the Board asked its questions and Artis gave its presentation. But there was not enough time for the public to do so, and today is a chance for that to happen. We are going to capture those comments, and again next meeting have Board discussion that will take the next step in this process.

The zoning modification itself, it is important to understand what this is and what a special permit is. Attorney Whitehead, I was hoping you would take it from there.

**Village Attorney Whitehead:** Artis has submitted a petition for a zoning amendment which, among other things, would allow for their project. But it is more of a Village-wide type of thing. What they have proposed is to add a definition of "assisted living facility," and it would apply as a special permit use throughout most of the single-family residential zones. Today in the single-family residential zones, some similar types of uses are permitted as a special permit use but with more 19th and early 20th century terminology such as "sanitariums" and "convalescent homes," "nursing homes" and things like that. While they could have tried to go under one of those very poor terms that do not really apply in today's world, the petition requests a change to add a definition of assisted living to the code and then allow for such an assisted living facility as a special permit use within the R zones.

A special permit use is a use that is, under zoning law, deemed permitted provided certain conditions are satisfied. By permitting something as a special permit use it is a determination that it is a use that is appropriate in the zone. If you look at the zoning code, you will see a number of uses listed as special permit uses in residential areas. Very often these are schools, some other types of institutional uses like hospitals, nursing homes, things like that. Then for each one there are certain criteria that have to be satisfied. For a principal permitted use you do not have those kinds of criteria. In order to get to obtain the special permit, they have to meet these certain criteria that get reviewed by the Village.

The Mayor thought it would be helpful for everybody to understand the context of the proposed zoning amendment that is before the Board. In this case, because they are also proposing a specific project, any review under the state Environmental Quality Review Act would have to review both the impacts of the proposed zoning change as well as the project-specific impacts. That is what would happen during the SEQRA process going forward.

**Mayor Swiderski:** All right, so public comment. We have a good amount of time allocated here, about an hour and a half. It is three minutes per person, and we want to make sure everybody has a chance before we cycle back, if necessary. We are asking you to ask the questions. Artis is here, and we are not necessarily expecting Artis to be able to answer all questions. If you want to take it away and come back later with a written response, that is entirely acceptable.

**Village Attorney Whitehead:** Then after all the comments, if there are things Artis wants to respond to tonight they can.

**Jennifer Gray, Keane and Beene:** My law firm is representing Riverpointe HOA, and an unincorporated association called Save the Old Croton Aqueduct. I understand the point of tonight's meeting is to hear from your constituents and not necessarily the attorneys so I am going to make my remarks very brief.

I want to remind you that you have a huge amount of discretion when it comes to a petition for a zoning amendment, since it is a legislative act. You can just say no without any further review. I know that has been discussed at prior meetings, but I wanted to make sure that was reiterated tonight. In fact, SEQRA specifically renders that particular type of determination a Type 2 determination. I will just read a quick passage from the Type 2 actions in SEQRA. One of them is: "Local legislative decisions such as rezoning, where the local legislative body determines the action will not be entertained."

The second point I want to make is that it seems the negatives of the project far outweigh any perceived benefits of the project. To us, it is unclear what those benefits will be. There is a risk of irreparable damage to the Old Croton Aqueduct due to blasting or chipping. And that risk seems it is going to be there no matter how the plan is revised or potentially mitigated if this were to go through the full review process. That is a major concern we have. The Old Croton Aqueduct is on the National Register of Historic Places as of 1974 and is a national historic landmark. The Croton water system itself has also been designated as a national historic civil engineering landmark so it is quite an important feature.

Finally, we did hear recently that there is an offer to give to the Village the property owned on the river side of the street. We have concerns there could potentially be a contract zoning issue here, depending upon the facts and circumstances if there is a quid pro quo between the gift of that property in exchange for rezoning of the property.

Given these points, along with the numerous others you are going to hear tonight from residents and other interested parties, we would ask that you just say no to the Artis petition.

**Mr. Gonder:** I have two questions for Artis. One is, why did Artis buy the property without zoning first? Usually you try to change the zoning before you buy the property. Question two, this whole thing was relatively new to the whole community. When did Artis meet with some of the Board, how many members of the Board? Was the Mayor there, was our Manager there? Could you answer that question what the date was when the meeting took place and who attended from the Village?

**Scott Fugel, 4 Riverpointe Road:** I want to take a step back, if we can, prior to considering this as the issue being a rezoning consideration. It is important to consider what this project is and where it is being placed. In the presentation that Artis made a few weeks ago, they talked about the neighbors being Riverpointe. While Riverpointe is adjacent to this property, we are not the only ones affected by this. In reality, we are probably less affected than the thousands that use the Old Croton Aqueduct in that area. Based on what was presented by Artis, there was a lot that was lacking. The Board and the Mayor should have received a letter from myself and Donna Laurino of Riverpointe with some questions and considerations.

What we are doing by considering this rezoning is affecting the greenbelt entranceway from the south into Hastings and basically putting up a motel-like structure that everyone is going to pass by on what is, right now, a greenbelt, beautiful area with stone and rock features. They talked very briefly with their blasting expert, and the figure that was thrown out was 40,000 cubic yards of stone to be blasted. If you try to quantify that, 40,000 cubic yards would fill a football field several feet high. And 40,000 cubic yards, I found out tonight, is the amount of concrete that was used to build Ohio State stadium, one of the largest stadiums in our country. That is how much land we are destroying to fit this facility in.

Another item that was missing is, there was no overlay provided to the Village showing exactly what the site is now and how much of that land is going to be blasted away. It is significant, over many months, and I would think it is going to close the trail for people who are using it during the blasting times. Not to mention the effects mentioned before it could have on the Old Croton Aqueduct, that it could have on the wildlife, the amount of trees that are going to be removed. All this chipping all this blasting is done once. Whatever effect happens here is lost, the damage is irreparable, and we lose a very cherished part of our village forever. I ask that before we even consider this as a rezoning issue it really is a quality of life issue for Hastings, for our residents, and the many thousands who use this trail.

**Mavis Cain, President, Friends of Old Croton Aqueduct:** I am not a resident in Hastings, but so close. I am in the last block in Dobbs Ferry so Hastings is more my home than Dobbs Ferry, I will have to admit. When I bike I go south instead of north. I pointed out to all in a letter recently to *The Enterprise*, the view south of Hastings, when you go down to the Riverpointe area, is the best view for the entire 26 miles of the trail. You have the best view, something to protect.

But I want to bring up another point. I guess you have all read Jim Metzger's long, very well-written letter. It was to you, I happened to read it. I am not going into his points about the blasting and protection of the trail. I will remind you of one little incident, when the Friends of the Old Croton Aqueduct decided to open the trail on Cedar Street in Dobbs Ferry,

which was an impassable entrance to the trail. We managed to get a big grant through making it handicapped-accessible. But interestingly, we thought this was going to be a piece of cake. No, we had to go inside the Aqueduct tunnel into that area to be sure there were no cracks in the Aqueduct that might be compromised by the equipment we were bringing in to Cedar Street to create the ramp and the stairs. Our site manager did it because I do not have confined space training, but we had a search and rescue truck there, we had a young woman with a radio on top while he went underneath. He inspected every brick in that area. I want to remind you of that because it shows the meticulousness with which we consider any equipment. This was to the advantage of handicapped people. We thought who is to be against it? But we had to be absolutely sure that no damage would be done to the Aqueduct tunnel itself. I applauded that, I took pictures of our site manager going down and coming up.

But let us move on to the beauty of the trail. This is a slightly new picture that has only arisen in the last two weeks. I do not know about Hastings, but Dobbs Ferry is eager for tourists. Anything that will keep our little shops going. You have probably seen a few empty shops in Dobbs Ferry, and I think you have a few empty ones in Hastings. But I have pointed out to the Dobbs Ferry Board of Trustees that everything we can do to keep the Aqueduct appealing, to make it beautiful to people who come from everywhere. Now, that could sound like an exaggeration. Who is going to come to see the Aqueduct from far afield? We have had the Keeper's house open for two weeks now and you would be amazed at the guest book. We had families from Poland, we had a journalist from Brazil, we had a man from Hong Kong with two young women who were working in the ad business in London. Not just people from Hastings and Dobbs Ferry, these were people from Larchmont, from Connecticut, people who are going to spend in our villages.

It is so important to both our villages to keep this trail an exquisite experience. Do not mar it with buildings that will make it into a tunnel and not a sylvan experience. It is an economic advantage to us. I think Andrea Cousins pointed that out in the last e-mail she sent me. Even from Yonkers up to Croton is an economic advantage to the area so keep it beautiful. You have the opportunity to stop something that would block the best view in the entire 26 miles. You have the power. We ask you to not allow a zoning change. We have had similar problems in Dobbs Ferry, and you have probably read about them. That is the message to you: stop changing the zoning.

**John Carey, 5 Riverpointe Road:** The documents and presentations that Artis has done for you and for neighbors have been disingenuous at best, completely misleading at worst. Let me just give you a couple of examples. The petition that you received, no mention of blasting whatsoever. Couple of week later we met with them. We had to bring up the issue are you blasting. The gentleman sitting right over here said maybe a couple of weeks of

blasting. Last presentation you raised the issue, their expert said four months, six hours a day. What would it be next? The picture models they presented in the petition were a piece of fiction, and they keep referring to the fact that these are computer models. Computer models are only as good as the data you put in. The expression is "garbage in, garbage out." The models they have presented to you have been false.

The last thing in the petition, they were asked this question: are you within five miles of a designated federal, state, local scenic resource? Answer, no. That is a lie, a simple lie. Also no mention of blasting. This document you see, can you read anything in this document? They have presented this to with either incompetence, or they are trying to deceive you. Even when they tried to present it and they opened it up, they had trouble reading it.

Page 12 and 13. One little thing that is missing, the fence. I want to go into that. They presented you with a picture of what it is going to look like from the Old Croton Aqueduct. There is no fence. They did not answer any of the questions you raised. Then there was this business about there is only one dedicated Alzheimer's unit within 15 miles. It does not work that way. People treat Alzheimer's in many different ways. I looked it up, there are 44 units in Westchester that treat Alzheimer's; there are 99 within 10 miles or 15. That was an attempt to get you to think there are no facilities.

Let me get to the wall and the fence, quickly. There is going to be a massive retaining wall. You have to dig into the documents to see how big it is going to be. It is going to be 300 feet long, all along the Aqueduct. It is going to be 12 feet to 15 feet deep. It is going to be 30 or 40 feet high. They did not have a information there because they do not want to reveal it. There is going to be a fence at the high end that is going to go 400 feet and within 5 feet of the Old Croton Aqueduct, 8 feet high. What we just heard about that pristine view, what are they going to see? They are going to see a fence. They have shown no sensitivity that we have here in Hastings for the way we live and the style we have. They are just purely a for-profit company coming in here to make a lot of money and to take advantage of Hastings.

**Doug Sondheim, 14 Riverpointe Road:** One of the things that was a little disturbing last time they presented was that originally when they came to the town they proposed a 64-bed facility. Several weeks later they came, and you asked about timing. I can tell you, last June they contacted us so that should give you some indication as to when these conversations were occurring. So a 64-bed facility was originally discussed, I believe, with members of the Planning Board or potentially the Board of Trustees, I do not know specifically. Several weeks later they came to us with plans for a 96-bed facility. I am not sure what happened between 64 and 96, but to me what that reads is let us see what we can get away with. Clearly that was not going to work, and now we have ended up with a 72-bed facility.

This is a for-profit company coming in to our town to use one of *the* most beautiful assets in our town to attract for-profit residents to their assisted living facility, very few of which in our town will ever be able to enjoy. If I had to venture a guess, they are looking for wealthy people from around the area to be able to come, use our town to make a profit, and house their, unfortunately, family members who have Alzheimer's. That gets to the question of the organization that is proposing this.

This facility would be one of the largest institutional facilities anywhere on the Aqueduct. If you look over the 26 miles you will not find a large institutional facility anywhere, let alone at a place which is probably one of the most beautiful spots on the Aqueduct. I do not care how you cut it, you are not fitting a massive 72-bed facility, whether you take some of the blasting away or you push it up some. There is no way that looks dainty on the Aqueduct. There is no way it looks anything like four residential homes, four residential units, that would be on the Aqueduct. There is no way that the trucks going in, the smells, the parking lot, the lights are ever going to look like the nature that would be destroyed by putting this facility in.

You have the opportunity to say no now, to stop this process before it tears the Village apart. And trust me, when you go in and start talking about blasting 40,000 square yards of rock in a town like Hastings it will tear this village apart. It will, it will, it will. It is the best and most beautiful spot we have in this town on the Aqueduct. Please say no.

**Donna Laurino, 2 Riverpointe Road:** Doug basically said everything that I could imagine to say. But I did want to say that Artis was very disingenuous. They talked about the need for the community to have a facility like this, and I do not believe the residents of Hastings will be able to afford a facility like this. It will be an exclusive boutique riverfront facility and they will target Manhattan and the exclusive lower Westchester communities. I do not think anybody in Hastings is going to be able to put their loved one in their backyard.

I also feel they have not been forthcoming. There has been a severe lack of detail and facts. The fence being one, which when they gave the presentation why was it not there? Why did they hold back on these things that are critical to the project? Unless you dig deep, and you know and you are familiar with everything, if you watched the presentation on television you would not know any of this. As John said, it is not even legible, some of the specifics in the agenda. Too much has been left out, there are more questions than answers. I also feel they could throw information out there. They have 30 facilities under development. What does that mean? Are there Artis employees, professional and knowledgeable people, on-site at 20 locations? Are they also managing 11 facilities? They just say things and I do not even know what Artis is comprised of. How many employees? I do not understand the benefit to use. They obviously understand the benefit of that vista because they will capitalize on it big

time. I do not understand why we would do that, to give them huge profits and we would be sacrificing one of the most beautiful things in the Village that thousands of people enjoy daily.

**Eileen Connell, 5 Riverpointe Road:** John Carey is my husband. I want to thank you for your service. I was on the Dobbs Ferry board of education, and I know how difficult these meetings are, what a long amount of time you have put into just preparing to sit there and hear from us. So thanks.

I am concerned about people who live near what is going to happen, the folks who live on Warburton Avenue as you move north. There is this wall of cement. When you come up Warburton it is a cement building after cement building after cement building, and guess what? Yonkers arrives in Hastings because there will be another cement building with no pulling back from the road. Andrus or Cabrini are remote so you do not see this institution in your face. It will look very much like an apartment building.

If you live near there, what is going to happen to your property values? People are not kidding about garbage, smell of cooking, 24-hour staffing which means cars coming into the Village at all hours of the night. Ambulance, police, all the things that happen with institutions where you have people who are fragile and that is what these people are going to be. If you live next door to that what does that do to the value of your home? That is not insignificant. You have this sense that the Village would do no harm to you. But to have something like suddenly change the nature of your investment, it is a little hard to take. I think it is very unfair. We have confidence that you will protect us and think in terms of our interests above other interests. This is one of those examples where it makes me nervous because of what could happen here and how that would affect not only our lives, but the lives of all the people who live down there.

**Charlotte Fahn:** July 1 will be my 43<sup>rd</sup> year living in Hastings. I am passionate about the Aqueduct and a longtime Board member. Mavis and I are colleagues. I did speak two weeks ago and had a letter in *The Enterprise* about Palisades views. I want to reframe this slightly, and ask does Hastings have a compelling interest in this project. To rezone it in the way that has been applied for is a very significant action for a site that is both sensitive and prominent. It is sensitive because there is an American engineering landmark and masterwork contiguous with it and a very popular park, as you can tell, regionally. And sensitive because of the topography and the geology. It is prominent because it is a gateway site. As a resident, it is hard for me to understand what is driving this. Is it the tax revenue that would be somewhat incremental over what it is currently zoned for, or do we have some need or purpose for that piece of land across the street that is overridingly important for us to disrupt all you have heard? I will not repeat all that. I wish the Board would explain to us

clearly, what is the purpose, why it has gotten this far. SEQRA facilitates projects, it does not stop them. It is designed to reveal impacts and then mitigate them. It smoothes the way for projects, so I would say why expend the time and energy of an environmental review process. It is a tremendous drain on everyone's resources: yours, Village staff, the residents. This is the time to stop it and say no.

I would also thank this gentleman because it has troubled me, too. I read in *The Enterprise* and had thought about it before. Was this purchase made without any contingency provision, what would happen if Artis did not get its rezoning? And if there is no contingency provision, what is the implication of that? Do they have some reason for feeling certain they are going to have the rezoning? It opens another box of questions.

**Maggie Minetti, 9 Washington Avenue:** All of you Riverpointe people, awesome. I use the Aqueduct every single day. I run on the Aqueduct, I ride my bike on the Aqueduct, I see many people on the Aqueduct. And everybody I see goes south because it is unbelievably beautiful. I use it every single day, many people use it every single day. To mess with that is just unconscionable in my book.

**Rachel Lobovsky, 50 Southgate Avenue:** I have a view of the cemetery and Stew Leonard's, but one of the reasons we moved to Hastings four years ago was the Aqueduct. It was one of our number one selling points. I am not only here representing myself, but my children and my children's friends. I signed the petition, but I think there are hundreds and hundreds of children's signatures that are not on that petition that would certainly step up if they could. This is a moment where sometimes the right decision is not the easy decision, but I hope you will leave a legacy for us here in Hastings.

**Zena Susser:** The Aqueduct, like the library, is one of the wonderful facilities we have in Hastings. That particular corner, if anyone does not know it walk along the Aqueduct. There is a bench there because that is such a beautiful position. I cannot tell you the old people, the children, the bicycle's, the dogs that transport along that Aqueduct is unbelievable because it is beautiful, because it ours, because it is free, because it is available morning, afternoon and night. Apart from the library that is one of the wonderful things about the Village and we should cherish it, every inch.

**Kathy Mooney, 15 Riverpointe Road:** It is my understanding that 60 percent of our volunteer ambulance calls emanate from the combination of the Andrus Nursing Home and the Graham School. Any rational person would have to assume that a relatively equitable number of calls on a per capita basis would be made from Artis Senior Living. Has the Board taken into consideration the additional strain that would put on our Ambulance Corps. And, of course, every time the Ambulance Corps is called a minimum of one patrol car goes

with that ambulance call. We had a minor mishap in our little development recently, and even for that minor mishap there were three vehicles in our little space. So it does impact not just the Ambulance Corps. My second question is, I would love to know how much it is going to cost for a resident on either a daily, weekly, monthly, and yearly basis to be a resident in this facility. I am curious how many residents of Hastings could afford to put their parents or aunt or uncle in this facility, if need be.

**Honore Givens, 1200 Warburton Avenue:** I live in Yonkers, in unit 18. Looking at the diagram that was made available through Facebook, if this were a four-story building I would be able to put my hand outside my bedroom window and shake hands with someone. I am asking is it worth it? There is a bench on this spot on the Aqueduct. It is the only bench I have seen on the entire length of the Aqueduct. Not just my wife and I, but every single person in the Esplanade Condominium, of which there are 57 units, 57 families, spend most of our grocery store money, when the grocery store is open, or so much of our income in Hastings. Whether it is for entertainment, whether it is for hardware store purchases, gift purchases, grocery store purchases, pharmacy purchases, is it worth being a less than stellar neighbor by offering me a new neighbor that I can shake hands with through my bedroom and living room windows? I am in a duplex.

There is talk of blasting. Artis will tell you it is not going to hurt anybody. Ginsburg said it was not going to hurt anybody, and if you look back and just Google "Ginsburg blasting Warburton Avenue," the people at 1166 have cracks in their ceilings, in their walls, in the general common structures of their buildings. Please do some research on this. Is it worth it to have people lose the investment of their home? Real estate prices are finally on their way back. Is it worth having people at Riverpointe, having your neighbors further south on Warburton being aced out of their investments to enrich an out of state firm? If they are so good at this, let them do this in Virginia.

**Karen Fugel, 4 Riverpointe Road:** When Artis came to Riverpointe Road in our first meeting they approached it as an exploratory meeting. What they stated to us is that if you do not want us here we will pack our bags and go home. I think it is very clear what the opinion is not just of the Riverpointe community but of Hastings at large. I wanted to bring that to your attention because that is word-for-word what was presented to us.

**Patricia Kotronis, 7 Riverpointe Road:** So many things about this project just do not make sense to us and to many of the people in the Village we have talked to. The location for something like this is completely wrong. You have a treasure right here in your neighborhood, and to consider blasting it away is something that most of us cannot even believe is being considered.

You have 730 signatures now on a petition. At least 600, probably 650, of those people who have signed the petition do live in the Village. Many of them do not, and I consider all the signatures very valid. So 720 people, probably more people than voted in the election a couple of years ago, certainly right in with the number of people who voted in the last election. It is a significant amount of signatures for a village this size. That, in and of itself, should be enough to just say no.

The community website Save the Old Croton Aqueduct has a reach of over 2,000 at this point, 200 likes just in this short period of time it has been up. There are many people in the Village who have expressed the fact that they are thankful there is a place they can go and see and learn a little bit about what this is. We know Friends of the Old Croton Aqueduct do not approve of it. We know New York State parks, Old Croton Aqueduct historic parks, does not approve of this. I have talked to Steven Oakes several times. I believe the Board received an e-mail from him today stating his concerns. Riverkeeper and Scenic Hudson, which I have been in pretty constant contact with, are much bigger organizations. This is too small of a scope for them to deal with, but certainly they have expressed their sympathies with the opposition and have voiced their appreciation for our advocacy more than one time.

We would like to know how the Village can support destroying this property that should be protected. How do we even consider this project? It goes against everything the leadership of this village and of this Board stands for. I am a very proud resident of Hastings. I have been here almost 17 years. I look forward to the reports, Mayor, from you. I am proud to live in a village that is a leader in making sure we are conserving. We are one of the first to have solar power, which is going to be phenomenal for us. The green gateways as you come into the Village, those are all very important things and those are things this village is known for. It is one of the reasons we are attracting so many people into the Village. They are coming for what we can offer them, and this is one of the most beautiful public spaces we can offer them and we are considering destroying it, which is unfortunate.

**Vasili Kotropoulos, 351 Warburton Avenue:** One more voice to say that I am confused that we are still discussing this. As a citizen of Hastings, almost as confused as the Senate rejecting gun control. It is so much and we do not want that.

**Karen Gold Sherman, 10 Riverpointe Road:** Obviously, a lot of the Riverpointe community is here. We get to see the land that they are looking to blast. I get to see eagles, I get to see red-tailed hawks. I feel so fortunate to appreciate what is there. The families of swallows in the early mornings that you can watch flying in that area, the little birds with little red beaks. I almost wanted to make a recording of bird sounds, and a video of what is there. It is hard to appreciate when you just walk by. The trees, it does not look like much,. But the trees and the shrubbery is a stopping place. To see bald eagles, plus seagulls. There

is a lot of other stuff we see and it is magnificent. That will be gone. So please consider that and not go forward with this.

**Charles Sherman, 10 Riverpointe Road:** Good evening. I bought this place four years this August. When we saw the place I immediately fell in love with it. My father was an architect and did lots of assessments on houses, so I always ask those kinds of questions. When I was looking out there I said to the real estate agent, this is beautiful but there is all of this land, what can it be used for? He said it is zoned for single-family housing. I was like, OK, that seems good, that seemed to be part of an unspoken contract that that would stay the same. I am scratching my head, going wait a second. What is this ad hoc thing that is happening here? Because even if you do go through and build this, at some point I am going to sell my house and will I be able to say, in good conscience, to the people who buy it the way things are zoned is the way they will stay zoned so this is what you will get. Now I am being told I am going to get maybe 300 meals a day, I am going to get the smell of garbage, I am going to get, potentially, rodents, I am going to get idling trucks, I am going to get sounds at night? None of that is filterable, and I am going to have to go through four months of blasting, six hours a day? That was not in this unspoken covenant.

We all know that if we know something about a house we are supposed to report it. The state requires it. Are your real estate agents going to have to say to people, you know, the Board they play it a little loose with things like zoning. They could take the house next door and turn it into something. When I was in New Rochelle the house across the street from me was a UN. mission. The country fell on hard times, the people disappeared for awhile, the house began to fall into disrepair. We went to the community council. They made sure the place got repaired. Down the block was a Somali. That country never got it back together again. And again, the board there took care of the community and said we are going to make sure that the covenant of value and the rules, that they will stay in place. So please do not destroy Hastings' reputation.

**Greg Williams, 9 Riverpointe Road:** My wife and I have lived in Hastings for well over a decade. We moved to Hastings when I served as president of the City College of New York. We came here because of the Aqueduct, because we like the community, we want to be part of this community. In fact, when I went off to be president of the University of Cincinnati and stepped down there we came back because of this community, because we loved being part of this community. As the president of two major universities I have dealt with a lot of building projects. And I know, where you are sitting right now because I have had the same thing come and talk to me. But one thing I always tried to do when I was the president and representing the university, in talking with communities about building projects, I tried to be very honest about what the project was going to be. I never hid the ball, I was straightforward and honest. In our dealings with Artis there has always been change, always

hiding the ball, never getting all of the information. One thing changes, then something else changes. That is not the way you develop good relations. That has been the major disappointing thing to me about this. As a former law professor and law school dean, I do wonder why they bought the building before they had any understanding that they were in fact going to be able to build on that project. I taught criminal law for many years and there are always questions in my mind why things happen. I would like to know what was behind that. I appreciate you listening to all of us. As you can see, there is a lot of concern about this. We are very hopeful you will continue to protect us in Hastings.

**Alex Janofsky, 13 Riverpointe Road:** My wife and I and our twin 1½ year olds are probably the newest residents of Riverpointe and, potentially, Hastings. We bought the place a couple of months ago and, obviously, the view and the proximity to the trail was a big driver of that investment. We have got a third one on the way, and she is going to be coming home from the hospital, potentially, right when the blasting starts. It just concerns, even getting past all the specific policy issues. But bringing up young children in this type of industrial environment, the whole point of us moving to Hastings in the first place was to avoid this type of situation, avoid these types of hard choices.

My understanding is the Village has successfully attracted young families like ours, growing families like ours, who want to support the Village, help it grow, be the next generation, put our children in the school system. I do not think there has been any mention of the fact that this area is in a view preservation district. I know there is a review process that occurs, but I do not know exactly that weighs here. In terms of people talking about what the Village interest is, it seems to me like a view preservation district is a very specific statement as to a particular Village interest here.

Another point that was alluded to, I know this because I commute every day and sometimes drive home on Warburton. There are only two outlets in that area for about three miles. One is Odell in Yonkers and the other is Pinecrest, and now we are adding what is, effectively, an industrial facility there. Obviously, on the Yonkers side of the border there are a number of very dense residential buildings and this is just going to add to the stress on the roads. Obviously, with the geography there is no way to increase the capacity on the roads there so that is something we should be mindful of.

A final point I would make is, what are Artis' financial resources? There have been a lot of points made tonight about potential liabilities. What if something happens to the Aqueduct, what if something happens to the properties surrounding? What stops Artis from packing up and leaving or refusing to take account for the harm they are causing. I understand they will probably have to post a surety bond, but we are talking about damages that could potentially far exceed whatever they might get away with posting. I am a financial analyst for a living. I

looked up Artis and tried to find any information about what their financials look like and there is nothing. I do not think they have provided anything other than this map of 20 facilities that they have been involved in around the country. It is hard for me to get comfortable with my investment in my home knowing that I have potential liability to this company.

**Mayor Swiderski:** Is there anyone else? Would the representatives from Artis like to address any of these questions now?

**Mark Weingarten, DelBello, Donnellan Weingarten Wise & Wiederkehr:** It is my pleasure to be here representing Artis Senior Living. We will take the opportunity to put some things in writing. There was a lot said tonight, but we do have a few things we would like to put onto the record in the context of statements that were made this evening.

Before we address the specific questions, I would first like to address what appears to be a misunderstanding of the process which underlies many of the stated concerns you heard this evening and that were in the letter that was submitted to you. Typically an applicant files a petition, and then it goes before the board and the process commences. Here, when we met for the idea with the administrative officials almost a year ago, in order to more fully inform the public the Village Board and the administration said to us go meet with the public. Do not come in yet with an application, go meet with the public and see if you can have a discussion with them that would help you find some common ground. That was the idea.

We went about a year-long process of presentations, discussions, spending lots of money long before in the process where it normally would come, and trying to answer the questions of the community. As I pointed out the last time, we may very well, and you have seen tonight, not have satisfied any of the people we met with. But we certainly did all that we could, in trying and meeting with them, to come up with things that would at least answer their questions and try to come up with something that would work for them and us. For example, I do not know where the issue came up, there was a comment about, a 64-bed facility. I never saw such a thing. We certainly never presented it to you, it was never at a meeting that I came to. We came in with a 96-bed facility, we met with the community.

It was very clear with respect to the issue of views and the issues of having to bring the height down, that it was necessary for this facility to get smaller. We took an entire floor off the facility, it became a 72-bed facility. Clearly, this evening there were people here that will tell you it is not enough. But surely we participated in good faith in the process and it is very important for Artis to be able to say that to you this evening in trying to come up with something that would work for all. That is what we have been doing.

But what is important that we state on the record I have been doing this for more than 20 years. It is an absolute fact that there is more information with respect to this application, at this stage where it is just starting the formal process, than of virtually any land use application that takes place in this region. You do not have this kind of back-and-forth before the application starts. I congratulate the Village Board in trying to get that communication and conversation started. We look forward to it. What we believe is that when the facts are before everyone, and the facts are not there yet, we have a concept plan, but there is an entire EIS process to go through. If anybody has ever been involved with an EIS, and I was involved in one in Hastings that took many years long ago, it is a book that is this thick. It is going to make us study everything you heard about today, at the last meeting, and everything you received in writing. You will have expert reports, and they will tell you about view studies and visual studies. And they will have computer models. They will not only be done by our experts, they will be done by the experts for the Village who will be hired independent of our experts to review them. Then there will be conclusions with respect to those. We will look at blasting. As we said the last time we were here, one of the things we did in trying to put together the concept plan and pushing the building up against the cliff as much as we did was an attempt to what we thought was the primary issue of view shed and to try to hide the building into the cliff.

We can certainly, and will likely be required as part of an Environmental Impact Statement, look at alternatives, to bring the building forward. There may be much less blasting. We said this is what the blasting would be if we did it in this fashion, but it could be brought forward and parking could be in a different place. There can be a lot of alternatives that are viewed, and that is what the EIS process is about: studying alternatives and deciding is there a way to do this which works for everyone. It is ironic: I did not count it up, but there is a very large percentage of the people that are here are from Riverpointe. It is a beautiful place. I can guarantee you, the village board that sat here when that place was built heard many of the same comments that you are hearing this evening: It is right next to the Aqueduct; it is going to kill the views; et cetera. We are next ones in.

There is private property that we are talking about trying to develop. With all due respect, we are building on a parking lot. This is not a greenway that we are building on. We understand viewsheds, but we are building on a parking lot on Warburton Avenue. While there is a zoning, and zoning can be changed as long as you follow a comprehensive plan and as long as there is all the things that have to go in for it, you have the absolute right to do it or not do it, as was mentioned by counsel earlier. This is something where we are not coming in to knock down trees to build something. We are building on a parking lot, and we are replacing a catering facility. That will no longer exist. So this so-called institution, and the smells of the dinners and the lunches, we are not suggesting it is not different. But to suggest that we are completely changing the environment of the community just does not make any

sense to me, as there is a commercial facility that has been operating there for years and continues to operate there before we go through this development process.

We heard issues tonight, socioeconomic. Of course we are going to study what is going to be the fiscal impacts on this community, both to the positive and the negative and whether it works. How many ambulance calls would be needed, would there be more need for any volunteer services or fire or police. All of those things get done. There will be discussions of things like wildlife and lighting and noise, and all of those conditions will have to be satisfied before this board would say yes and we would have to go through that.

By the way, as was mentioned tonight with regard to the Old Croton Aqueduct, the first factor is it is 26 miles long and there are developments that have taken place all along that area throughout this county. I have been involved in some of them. It is an extremely strenuous process. We just completed another project in northern Westchester where we had to get an easement over the Aqueduct for a driveway to complete a project. You have to go through state review, SHPO review, state parks review. All of that has to happen, and sometimes it is denied. In fact, it was discussed with our client the risks of this at length when they were looking at this particular project. But to suggest that people do not develop near it and that these things do not happen, it is just not a fact. Riverpointe is a perfect example of it. It does occur, so the question is, is it in the Village's interest.

It was pointed out you have complete discretion here. But I do not understand why anyone would be afraid of having the facts come out. We pay for the process, Artis pays for the process, reimburses you for the cost for you to get all the facts in front of you to make an informed decision. One the issues that would bother us is, there is a need for this. Nobody has suggested we are the only facility that treats dementia. That was something that was taken out of context at the last hearing. What our client said was, and it is a fact, it would be the only facility that is specifically and only treats dementia and Alzheimer's within its walls. And there are benefits to that as opposed to being in a larger facility that deals with other things other than just dementia. That is why they are being successful around the country.

We will talk about those things and we will talk about the need and why that happens. We would like to answer a few questions because I know we do not want to act like we are not answering. There was a question in the letter as to what it would cost. We do not know for sure, but remember it is not just how much it costs to live there, but they pay for everything. These are your meals, your everything. They would guess, in this area, it is probably about \$8,000 a month. It is not cheap. It is a lot of money. If you look at private nursing homes, by the way there is insurance for some of these things, if you look at private-pay nursing homes and others it is within the region. I do not understand what it would be that would make it objectionable that this is a profit-making as opposed to a not-for-profit if there is a

need and people want to live there, and this is the kind of thing that is there, why would you not want it within your housing stock within this region and within Hastings.

There was a question about the fence. Somebody wrote in this letter that there is an 8-foot fence along the Aqueduct. Unfortunately that is a misunderstanding of the plans. The 8-foot fence is what we have proposed, and again these are all proposals, around the facility at the bottom of the hill where we would be building. We need a secure area because these people cannot be let out because they might not find their way back. It has to be a secure facility. We will work with you with regard to that. But that is not up at the Aqueduct. There is another fence that would be done on our property, and we would work with you on landscaping that and choosing the materials so it would not interfere with how it looked. That is what SEQRA does. You have architects and landscape architects that come in and show you designs and go through it. We would have to show it to the state park system, so they also would look at it and comment on it. We would go through that with you, but those are, again, some of the questions that were asked.

There was a question of contract zoning, which is really called conditional zoning. Frankly, it is a little insulting to hear it both on my part and on behalf of your Board.

**Mayor Swiderski:** That is the first time I had heard it. Can you describe that?

**Mr. Weingarten:** There was a suggestion that there might be something untoward about our proposal if zoning was changed to permit this type of use as a special permit, that there would be a donation of property for a public purpose on the riverfront side of the street. We did that, and it is done all the time. It is called conditional zoning, and it is allowed to be. What is not allowed under New York law is if we came in and made a private agreement with your board that said if you do this we will change the zoning for you, we are giving up our police powers, we are not going through the process, we are not keeping an open mind, we have made a decision. That is what you are being accused of, that is what we are being accused of. That is not the fact and it did not happen. We had meetings with this village board and we had meetings with the Mayor. We had meetings with the Village Manager. The discussion was that there could be public benefits with respect to this project if it goes forward. But go through it, decide if you want to do the rezoning, decide and go through the project, make sure it is in the best interest of the public, and then attach conditions to it, and we would not object to a condition of donation of that land. It is perfectly legal, it is done in Westchester, it is done in New York State. It has been approved by the New York court of appeals and I would be happy to share the citations with your counsel. But frankly, it is insulting that that has been raised and I did want to deal with that issue this evening.

Again, there was the issue of why did we buy the property without the zoning. Businesspeople do a lot of things for a lot of reasons. They deemed this a good investment to build this facility and believe they can make their case to make this happen. They also believe they bought a piece of property at a price that was worth it at this stage, regardless of the outcome of this event. So to suggest that something untoward happened, frankly, again is insulting to us and, I believe, to this village board.

No mention of blasting. When you put forward a petition you do not mention blasting in a petition. Blasting is something that gets treated in the environmental review process. It comes up in the Environmental Impact Statement. Your Board asked us about it. We brought an expert with us to the last meeting. We are not hiding from it. In fact, if they ask us why there were not specifics as to cubic yards and all these other areas, we do not know where the building is going to be located; we do not know what the proposal will or will not turn out to be in its ultimate form. So all those things would have to be tested at that forum but, clearly, we will answer those questions.

Ambulance. We mentioned we would have to study that. As far as the comment that was made before the Board, and yes those words were used, that if you did not want us we would leave. It was a comment of if the village board did not want us we would have to leave because there was full discretion of the village board to be able to make the decision with respect to whether or not to rezone it. What we said is that it was a fully discretionary item and if you did not want it we could not proceed without your permission to proceed. Which is where we are.

What has happened now in this process which, unfortunately, has gotten a bit twisted is, we are asked to answer questions and come up with answers before we have studied the thing, before the facts have come out, before the entire process has gone forward. What is before you right now has a very low threshold: is there any merit to this proposal which would cause you to want to go through a review process to decide whether it is in the interest of the community. That is all you are deciding. You are not deciding whether it is a good idea, you are not deciding how to make it better. That comes later. It is whether or not you want to take a look at this proposal and decide if it has the merit to be reviewed. We believe this has the merit to be reviewed. There are many benefits for you both economically, with respect to the potential for public property, with respect to having a service and a piece of housing stock for a serious element of the community that needs it. We believe this is something that should be reviewed.

I know you are not making the decision this evening, and you will leave with that. We appreciate your time and we thank you for that.

**Mr. Carey:** One clarification, just take 30 seconds?

**Mayor Swiderski:** One point of clarification.

**Mr. Carey:** Three very specific things that point to how misleading they are: the 8-foot fence is at the bottom, not by the Old Croton Aqueduct. I will present documentation from their petition that it is 5 feet from the Aqueduct, and it is clear in black and white. That was a lie. Second, the business that it started. It did not start as a 64-bed facility. We will present a FOIA document from the head of the Planning Board, where he specifically said their original proposal was 64, which he was favorable towards, then when it went to 96 he was more negative. It is in documents you have. Third, they are not here to knock down trees. In their petition it says, essentially, they are going to knock down all the trees on the property currently, and then later add new ones. He said they are not going to be knocking down trees; once again, a lie.

**Mr. Weingarten:** Mr. Mayor, may I respond?

**Mayor Swiderski:** Please do. It is only fair.

**Mr. Weingarten:** I find it extremely disturbing that we are accused of lying. I would suggest that I would never accuse a member of the public who was dealing with us in good faith of lying. If there are misstatements made on my behalf or my client's behalf, it is possible. We make errors. I think everything we said this evening, and nothing I heard before, changes anything I said to you earlier. But again, I would hope, if we continue on this path, we at least try to have the discourse be civil.

**Mayor Swiderski:** I cannot promise that. This is Hastings, after all, and we do our development with boxing gloves on. On that note, we are going to call this part of the agenda to a close. Is there anything we need to formally say in terms of next steps, or is it on Board discussion for the next meeting?

**Village Attorney Whitehead:** You have already indicated you want the other two Board members to have the opportunity to watch the meeting or read the transcripts and then you will put it on for a Board discussion at the next meeting.

## **BOARD DISCUSSION AND COMMENTS**

1. Transportation Demonstration Project: Implementation Details Around Proposed Crosswalks Improvement Demo Project

**Village Manager Frobel:** At our last meeting you heard from the Transportation Working Group on suggesting purchasing of pedestrian stand-up plastic crosswalks. The next day I met with appropriate staff to determine what our next steps would be. Mike Gunther was able to contact Dobbs Ferry, and they put us in touch with people at the New York State purchasing bureau. Those signs are available. What I am suggesting is, given its cost if we could purchase not all of them. I heard from the Working Group that they were looking to cover a number of sites. In fact, I provided you with a memo.

**Mayor Swiderski:** A complete list.

**Village Manager Frobel:** In the operating budget we typically spend about \$5,000 on those types of signs and signs elsewhere in the community. If allowed, I would ask Mike Gunther to place an order and purchase 10, or the Board could help me pick a number, where we would place them at some of the key locations.

**Mayor Swiderski:** The original request was for 48?

**Village Manager Frobel:** Yes, they were looking to two at every location, and they are costly.

**Mayor Swiderski:** I was shocked by the cost.

**Village Manager Frobel:** I knew they were expensive, I did not know how much. I had the range around \$250 or \$300. I never thought they were quite that much.

**Trustee Stugis:** There are the big ones that typically go in the middle of the road, and then smaller ones to place on the curb. So which ones were these?

**Village Manager Frobel:** The full size. Mike has been at it for awhile. We would like the ones in the center because he explained to me that there are some standards that if they are on the side you also need some signs above it indicating the crosswalk is here. The one in the center, they take their hits. But as pointed out, maybe in time the motorists would get more sensitive to the fact that they are there and be more cautious. That would be my recommendation. If you would allow me to proceed with purchasing several we would like to do that.

**Trustee Armacost:** So you are proposing 24 or you're proposing 10?

**Village Manager Frobel:** Maybe 10.

**Trustee Armacost:** So there were 48.

**Mayor Swiderski:** No, there are 24 of the big ones in the center.

**Trustee Armacost:** Right. So what would the cost be for the 24?

**Village Manager Frobel:** Oh, 24? Well, around \$15,000 - \$16,000 if you want half of that.

**Trustee Stugis:** You are suggesting you get 10 of them to start.

**Trustee Armacost:** So you are suggesting \$8,000?

**Village Manager Frobel:** About that.

**Trustee Armacost:** These things are not relatable exactly, but we just brought in more money than we expected because of the success in your sale of the vehicles. This seems such a sensible investment to me. I understand the frugality, but this may be a situation where it is worth making that investment and just getting not the 48, but the 24. It is not such an outrageously high amount of money.

**Village Manager Frobel:** We also want to try some of the reflective tape and look at some of the reflective paint. Greenburgh does not use the paint that places the glass beads in it that burst and give some kind of reflective quality, but Mike has some other ideas that may be useful in trying to brighten up some of our intersections. We have also looked at some intersections for additional lighting. We placed one here at the corner of Spring and Maple. We think that will help. He has got some other suggestions as we can begin to address, and work off, this list that the Working Group has put together. It is certainly up to the Board. My hesitancy was that it was so early in the fiscal year I was not prepared to spend that kind of money. Two weeks into the new year, who knows what could happen.

**Trustee Stugis:** I encourage the idea of starting small and see what works, and not blow the whole wad on an enormous purchase. But in the spirit of testing, I would try some small ones, too, and see how they work in some places where you want to have something but you will never put one in the middle of the road like the sidewalk that connects Dan Rile Park to Rosedale. You will never put something in the middle of the road there, but you need something there. Kids cross there all the time and you need something like this.

**Village Manager Frobel:** They do. Ravensdale at Dan Rile Park, you are right.

**Trustee Armacost:** But is there some kind of a benefit in bulk purchasing?

**Village Manager Frobel:** That is the price because it is a state bid. The state went out and bid that for themselves, and we all share in that price.

**Trustee Armacost:** So could we, for example, buy 12? It does not really make a difference if we buy 12 now and buy 12 later?

**Village Manager Frobel:** No.

**Trustee Armacost:** OK, so I am on board with you guys. I just think it is worth the investment. Maybe what we can do is, as soon as we know where we stand at the technical end of the fiscal year, if we ended up bringing in more money than we expected, to me this is such a worthwhile investment. The Transportation Working Group has done such a fantastic job. This is low-hanging fruit, and inexpensive in terms of bang for one's dollar spent.

**Mayor Swiderski:** So let us be explicit. Do you want to start with, say, 12 of the ones in the center and two pairs of the ones on the side so you have some flexibility to test them out?

**Village Manager Frobel:** Sure. Let us pick up four of the smaller ones and 12 of the larger ones.

**Mayor Swiderski:** And tell us about the tape.

**Village Manager Frobel:** We have used it in other locations. Greenburgh helped us supply it. It does not last as long as you would like because it is subject to the plowing and salting operations. But it has some more reflective qualities than just plain paint.

**Mayor Swiderski:** I like the tape. It is popular in the city, and it really pops. It is both reflective and has a physical texture. You feel it as you go over it, it makes you conscious that you have gone over something. I am inclined to say try that.

**Trustee Armacost:** The reflective paint I think is just so sensible in certain places. When I did the night tour with one of the members of the Transportation Committee it was so clear what the value of that would be. I am uncharacteristically quite interested in spending money on this.

**Village Manager Frobel:** Let me pursue that. It is typically applied by hand, which is somewhat an uneven process. Greenburgh does not use it, as Mike explained to me, but let us explore what we can do in terms of trying it, that in combination with the tape. Address some of the critical intersections, like Ravensdale.

**Trustee Stugis:** I would say experiment away, test your way into all kinds of best practices.

### **EXECUTIVE SESSION**

**Mayor Swiderski:** I have a request from Trustee Armacost for a brief executive session on matters of personnel and staffing for Village committees.

On MOTION of Trustee Armacost, SECONDED by Trustee Stugis with a voice vote of all in favor, the Board scheduled an Executive Session immediately following the Regular Meeting to discuss staffing for committees.

### **ADJOURNMENT**

On MOTION of Trustee Armacost, SECONDED by Trustee Stugis with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 9:20 p.m.