

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
SEPTEMBER 6, 2016**

A Regular Meeting was held by the Board of Trustees on Tuesday, September 6, 2016 at 7:32 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

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

CITIZENS: Twenty-two (22)

APPOINTMENTS

Mayor Swiderski: We have several. Architectural Review Board, Douglas Emilio to a three-year term; Andreas Hubener as alternate to a three-year term; to the Safety Council, Stan Avedon to a three-year term; and to the Youth Council Lori Walsh to a three-year term. Every one of these boards involve quite a bit of effort and time on the parts of those who are volunteering. We thank them for their service.

APPROVAL OF MINUTES

On MOTION of Trustee Armacost, SECONDED by Trustee Walker with a voice vote of all in favor, the Minutes of the Public Hearing and the Regular Meeting of August 23, 2016 were approved as presented.

APPROVAL OF WARRANTS

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

Multi-Fund No. 18-2016-17	\$ 15,999.28
Multi-Fund No. 19-2016-17	\$105,939.04

PUBLIC COMMENTS

Mr. Gonder, 153 James Street: On our coins and our paperback money it says "In God We Trust." How can we expect Crooked Hillary or Erratic Trump to lead this country? We are in bad shape. Most of our politicians, one-third of them, I think are crooks, especially in the state and the federal government. One-third are trying to learn how to become crooks. Then we have another third who are trying to fight them and get them to be honest and ethical. I

just hope this country is not in big troubles, but I think we are. Satan is running it apparently. We talk about affordable housing. I see Ravensdale, they are rebuilding that house so something is up. There was a lot of work being done on it, but maybe it is no longer going to be affordable. Then Ginsburg on Saw Mill has the affordable apartments. that was a great idea. But then it segregated. Sue Smith and her committee should try to find out some way not to have a segregated in between the two other apartment complexes. That is wrong. I do not think affordable housing should be segregated.

I have not seen anything on the agenda for the last couple of years about the veterans tax. I hope you are going to do something about that. You said you are going to put it up before the new assessments. A of us old people got hit pretty hard and cannot fight it and cannot even get the two or ten percent reductions because of problems with the certificates. It may cost us thousands and thousands of dollars if someone put in an entrance to their home, a back entrance, three foot by five foot. You need permits and architects and everything else. Or some people with finished attics and basements it is going to cost them. I think that is wrong. I think if you lived in a home since 1944 you should just get a certificate. Plus, you are charging them \$150. That is ridiculous.

Mayor Swiderski: The housing on Ravensdale is private, it has nothing to do with affordable housing. That was purchased in a private sale, and I cannot speak to whether it is being done on spec or not. The affordable housing on 9-A is worth touching on. Segregated is a very loaded word. Those are 12 units that are going to have nice finishes and comfortable spaces. But the way the financing works in Westchester County and for the state, mixing those units in with other housing makes it very difficult to finance. Affordable housing tends to get put into a single building because the financing works that way. It is what we have seen in the units that were built on Warburton, on Washington, and on 9-A. The debate is, do you go for six, seven, eight units mixed in to a larger development, or do you go for 12 because financing is available, and have more units. The Village has always erred on the side of having more units because most people who want those affordable units would rather have them available than have a mix with other units and not available because there is less of them. Generally, we think the more there is that is affordable the better it is.

Jim Metzger, 427 Warburton Avenue: Will you be taking comments during the Artis discussion or the Building 52 discussion?

Mayor Swiderski: There is not much discussion in either category, so no. If you feel like speaking, speak now.

Mr. Metzger: On Artis, I would like to know why they are asking for a Village-wide zoning change as opposed to just going for a simple variance like everybody else does. The

complications involved, we have discussed before, on trying to redo an entire zone that affects other parts of the Village is not merited in this case. Why would somebody buy the equivalent of a single-family home and then say I want to put in a four-family home and I am going to tear down everything behind the house and let us change all the single-family homes to that zoning. That is the equivalent of what is going on here. I would like to remind them that when the Board discussed this previously they said we are not going to approve what was previously presented. It is anathema to the Village to do that amount of demolition that close to the Aqueduct. I would like to make sure everybody understands that.

I have been reading in the paper about what is going on in Irvington with health care, et cetera. Apparently, companies that are putting in for-profit projects later on are trying to get them changed to not-for-profit and therefore not paying taxes. I want to make sure that if there is a possibility we have to make sure that is prevented.

On Building 52, I have a question which I am not expecting to be answered now. Is it fair to say that this board will approve the demolition permit, assuming that BP comes back with all the answers to the questions you had about safe demolition? We should know that because there are people who are still trying to figure out how to save that building. We feel it would be a great asset to the Village.

To Mr. Gonder's point about the affordable housing on 9-A, the Planning Board, in concert with our former Village Attorney, spent a huge amount of time with that applicant to get them to make that separate housing as inclusive in the design of the project as possible. It was to their credit that they said this is not what we had in mind when we wrote the affordable housing law: to put that building off to the side, with its own separate parking, its own separate entrances. So the affordable housing now is in the center of the complex, and everybody enters off of the same courtyard, as I understand. Given the legal ramifications of how this project is financed, I felt that was a very nice solution and our Planning Board should be commended for making sure that happened.

Scott Fugel, 4 Riverpointe Road: I wanted to bring up a point from the June 21 Board of Trustees meeting. After public comment, Artis was present and their lawyer, Mr. Weingarten, made some comments to which we could not respond because public comment was closed at that point. Mr. Weingarten made a comment that he did not know where the issue came up about a 64-bed facility: "I never saw such a thing. We certainly never presented it to you." There is a perception that those opposed to this project are misrepresenting facts. That is not the case. We have a memo from Jamie Cameron to Mayor Swiderski, Village Manager Frobel, and Ms. Whitehead stating that when Artis approached the Village the Artis group wanted to build 64 units in the site, and it fitted very nicely.

The facts we presented, that we are opposed to the size and scale of the project, and Mr. Weingarten saying that 64 beds was never in the proposal, is factually inaccurate. That was discussed with you all in memos that went back and forth, and that should be noted by you, especially in exchanges that you are having with Artis, on facts they go back to. This project has had many steps, and we have seen this morph and change. Things that were supposed to be adhered to were not presented to us in subsequent meetings they had with us.

Doug Sondheim, 14 Riverpointe Road: I have a statement here from Riverpointe homeowners.

"First, I want to thank you for engaging in a thoughtful conversation on July 5. We had the opportunity to watch that entire conversation, even though we were not here, many of us. We don't agree with the Board's decision, but we certainly respect the conversation and your rationale. You desire to follow a process, should the developer want to move forward with this.

"The reason we don't agree with the decision is because we firmly believe, based on schematics that we were presented over the course of 18 months, conversations the developer stated economic feasibility, and personally knowing the site well, that the project just won't work in any form. Put simply, it's like trying to put a size 12 foot in a size 6 shoe; it just doesn't fit. We think this is the wrong proposal in which to explore zoning changes. We're confident that this process that you're about to engage in will bear that out.

"As the process proceeds, we wanted to point out a few things. We appreciated Trustee Lemons' point at the July 5 meeting that if he did not have confidence in this board's strong set of values that he might be worried about going into a process like this, but that he does have a lot of confidence that this board will act appropriately. We appreciate that, and we will be with you every step of the way. I believe that we have the same goal: preserving the character of our village. We've said before, and I will reiterate here, that we are realists and not naïve to the realities of property rights and property development. We know something will be developed on this parcel of land eventually. We only want it to be carefully considered and in keeping with the residential feel of other new development in this area.

"Over the past six months I think there has been some feather-ruffling on both sides. Our attorney was a bit overzealous, and opened up the question of backroom dealing. For the record, we don't believe that this is the case. At the same time, I think the Riverpointe residents have been unfairly characterized as

motivated by only personal reasons. It's not true. Every argument we made, from blasting to traffic to noise to smells to views to the general size, negatively impact everyone who enjoys this vista on the Aqueduct. It's not just us. We have acquired signatures from over 600 people in the Village of Hastings attesting to this fact.

"In any significant development it's always easy to discount issues as NIMBY issues. To do so here runs the risk of missing a bigger point. As a village, we are looking at a proposal that has a very high risk of negatively and irrevocably altering one of the most beautiful spots in our area with a large institutional facility.

"We look forward to the SEQRA process shedding light on this fact, and we look forward to you, Mr. Mayor and the Trustees, to lead us thankfully and capably through this process."

John Carey, 5 Riverpointe Road: I want to thank you, Mr. Mayor, for your fight against the barges. It is going to be a terrible blight. I have signed the petition and I have written a letter, and what you are doing there is great. At the July 5 meeting, you said you were looking out at faces who might vote against you in the next election. We are not your enemy. You have been very fair in what you have done, and I hope you will look forward to our support.

Patrick Randolph Bell: I sent the Mayor a few e-mails over the last few weeks, and thanks for responding quickly. Thanks also for including some of the tweaks I had to the barge resolution last week. And thank you, Trustee Stugis also, and Mayor Swiderski for both sending me a note about it.

For the Riverpointe, I agree with everybody about this stuff. It is going to mess everything up. My suggestion is to build three or four multimillion-dollar mansions there, single-family. You will build those houses without having to chop down the Aqueduct and mess everything up, and you will walk away with a profit. Everybody will be happy, and somebody is going to buy those houses. And no one is going to complain about the multimillion-dollar mansions they have there. Everybody wins that way.

Number three in the Transportation Working Group recommendations violates the separation of church and state. It may create more traffic during the busiest days of shopping, going through that intersection. You should think about that, even for your one side that the Village controls.

The Village social media policy. You brought that up a long time ago with Trustee Apel. You should re-address that to see what an employee says or not says, how does it reflect upon the Village based on what they say or what they take away from other people to say. There is an employee right now who is erasing certain things that discuss the Village; sometimes the government; sometimes things. He is erasing things online. Just go back to the social media policy for Village employees and take a look at it. You know I love the First Amendment. Can you say stuff? Sure. Can you take other people's rights to say stuff? That is my question.

The executive session you went to last week was perfect for one reason: for employee discussion. The other side, for proposed litigation, even though I discussed this with Counselor Whitehead she disagrees. Proposed litigation, from what I understand, is proposed litigation on the part of the Village and not the part of anybody else. What I am discussing right now are six different topics that may result in litigation. Can you go to executive session based on that? No. You should have discussed why there was a 13-month delay about that hole that was never filled and fixed, with the elderly and stuff, in public.

Riverview Park. It looks great. The last thing, the sign at Five Corners. Is that going to be our new sign at Five Corners? I cannot understand why it is in front of the flowers and Sue Smith's beautification committee planting. It is only this tall. Why is that there? Should it not be behind the planting, like seven or eight feet tall, that you can still put stuff on the signs? It is in a horrible location right now. It is blocking the beautiful flowers that the beautification committee has worked so many years. It is not the best execution.

Kelly Topilnycky, 18 Maple Avenue: Veterans' tax, yay. Greenburgh offers it, but the Village does not. It would be nice if the Village did.

We have had e-mail conversations about DPW. You came out with an e-mail this week that you are going to be hiring someone to be doing sweeping up and so forth. But the reality is that the Village's lack of enforcement on the building owners and merchants to provide proper receptacles for their tenants' garbage is a big cause of the issue in the Village with the sweeping up. Fran has walked through and picked up trash, and that is not his job. I am not saying it is not all of our jobs to do this, but I think it would be helpful if the codes were enforced on the building owners. They do as little as they can, some of them. They look at it as a cash cow for renting out their buildings. I have had other e-mails with you about DPW and their priorities. I do notice they fixed the library stairs; however, they need to revisit it. Some of the stairs are pitched forward. When you go down them you feel like you are going to fall forward down the stairs. It would be nice if they could take a look. And it is not every stair, it is a couple of them.

In March we spoke the Niki. The homeowners got together about parking on Maple Avenue. I would like you to do something with the parking. We are getting inundated with nonresident commuters, commuters who do not want to pay for parking down the hill. It is becoming a real problem. The homeowners cannot find parking. People move in, they come with two cars. The little apartments here do not have parking so it is street parking. Village employees and police all park on the short-term meters and it makes life difficult for a lot of us that have to come in and out. My neighbors have a lot of difficulty, especially when with alternate parking on Wednesday and Sunday nights. The police move their cars down on Saturday for the Farmers' Market, but they do not move them back up. So on Sunday night you cannot find parking on the meters where you are supposed to be. If you could find out if the police could move their cars up earlier it would be a great thing.

I want to touch upon the Pizza Oven truck. They are a vendor at the Farmers' Market, they are parking on the street on Maple Avenue, Southside. Other neighbors have been complaining about it. It is a difficult situation. They are paying rent to the Farmers' Market, but you approve the Village parking lot for the Farmers' Market, not the street. I am not saying do not come back; find a better space for them. You have people in the Village who own pizza places and have printed some nice things in Facebook about how their business is affected by the pizza truck being 200 yards or whatever from their businesses. Maybe they can go down to the commuter lot. There is a flea market. I would ask the Board to revisit that issue. I am not degrading the Farmers' Market. People like the Farmers' Market, people like the pizza. I am not saying do not come, I am saying find a better location for them.

Mayor Swiderski: Public comment, a couple of responses. To the Riverpointe community, and I am hoping the Village Attorney will not prod me in the side and tell me to shut up, we develop a certain layer of alligator leather skin here, and there is no particular resentment that survives longer than a day or two of smarts when we are accused of anything. There is no lingering sense of wrong here, and I reassure you we are all big children up here and can handle the criticism. Your lawyer, indeed, is a little overzealous. In part, that is what they are paid to do and we get that. In terms of thinking that you are over-exaggerating or lying, these proposals change so many times before we get to anything that is finalized that I glaze over in the early days because it is never going to survive the third, fourth, fifth or sixth iteration. I have no doubt that your statements about what was proposed are accurate. I do not think it is manufactured and I suspect the Board does as well.

Moving on to a statement out of Patrick, I do not know what is going to be proposed out of the Transportation Committee on 9-A. The needs of any community, whether they are religious or not, factor into decision-making. If it is nuns', clerics', Hassids', civilians' need to cross a corner I believe we can make a decision without considering the particular color or nature of the habit they wear or do not wear. I do not know if that factors in.

Finally, to Kelly, the point about the truck was very well taken. We have raised it with the Farmers' Market. Permission was granted for the parking lot, and we are having discussions about that. It shouldn't just automatically translate to the street.

On the other items, we are overdue for a revisit of a parking question we seem to visit every few years. It falls into the category of intractables. In the past when we have looked at these issues and have done proper surveys, we have not found the problem that is perceived. And again I am probably getting myself into deep trouble here, it tends to be that if you are willing to walk more than 50 feet there is almost always parking available downtown. What tends to be the truth in downtowns is, you hope to God you have parking problems because it means you have a lively downtown. The last time we went through that was a few years ago, and there have been a few changes of facts on the ground since then, specifically, changes in the laws in Dobbs Ferry which may be displacing people and changing traffic patterns here. We are heading toward the point when I suspect we are overdue for reexamination of that issue to see if, in fact, the facts on the ground support that. Look at the parking issue and see if we should indeed do something local. I hope I have not said anything the Board would generally disagree with.

Trustee Armacost: No, not to disagree, but I want to strongly support Kelly. I met with Kelly and her husband and a number of other people, and felt that it was a genuine pain they were feeling. There is a territorialness all the way up Maple Avenue because everyone is experiencing the same problem. I think this does deserve serious consideration.

Mayor Swiderski: I was not disparaging the current sentiment. I was saying in the past when we have done this we simply have not found, objectively, the problem described. And objectively, things change over time so I think we are overdue for a serious look.

Village Clerk Maggiotto: May I say something about that sign at Five Corners?

Mayor Swiderski: I know nothing about it. I have seen it. Thank you, please.

Village Clerk Maggiotto: It is a very rough prototype of something we would like to put up as a way to display banners. We have had this problem since we have not been allowed to put the banners across Chauncey Lane. That was a very first pass at it. It is exactly the size of something in another village, but it is definitely too short for that Corner. It is not in the right place and it is not going to look like that. It is going to be painted and will end up looking very attractive. I left it out because the ARB has to react to it and get back to me. I have not heard from everybody yet, being the end of the summer and people being away. It will soon be gone and something much nicer will be in its place.

Mayor Swiderski: Finally, I did not get through my full list here. Kelly, you mentioned something and I hope you do not mind if I am referring to you by your first name. With a Polish last name like yours, or Ukrainian, I never want to mangle it. Trash in the downtown: a sensitive point. We have looked at it objectively and subjectively. At the next meeting we will be reviewing some of the actions we are going to be taking. Dan has been working with the Conservation Commission and the DPW to take inventory of the steps we can do easily. As a board, we have agreed it makes sense to move forward on a street sweeper, which three or four years ago as an experiment we decided to try to outsource. Not working out so great, but Abinanti offered the possibility of a grant that would get us such a sweeper, paid for in part or in full by the state. We have asked for that. We want to see where that goes before we shell out Village money. In the next month or two we hope to have some indication. Based on that, we will know whether we have to cover the whole nut ourselves or whether it is going to be covered, in part, by the state. I recognize that is only part of the issue, but I am mentioning a number of things we are going to be doing and thinking about .

Ms. Topilnycky: I was just reading an article. Mount Pleasant received a grant to improve their downtowns, Thornwood and Hawthorne, and make some of the improvements that would benefit their villages: flowers, beautification, that type of thing. I think it was like \$500,000. That is always something to look into.

Mayor Swiderski: We have, but thank you.

Maria Silver, 105 Heath Place: Will there be an opportunity for public comments about the 9-A matter?

Mayor Swiderski: Let me ask. Were we intending to act on the 9-A issue? We are listening for the recommendations, right? We are not at any point of acting so any proposal put before the Board would ultimately be discussed and there would be other opportunities. I was not planning on it tonight.

Trustee Armacost: But if you are here and have comments perhaps now is the time.

Mayor Swiderski: Yes. Do you know what is being proposed enough to speak to it?

Ms. Silver: Yes.

Mayor Swiderski: Then please do.

Ms. Silver: I am located on the east side of the Saw Mill River. I am very eager to see improvements along the lines of what is being proposed in the resolution. I am not an engineer, or proficient, or a professional to comment about the advantages of Jersey barriers versus a wait-time light versus the other details. But I would like to use these visuals to show the state of the Saw Mill River-Ravensdale intersection. This intersection has very narrow shoulders and does not allow nor encourage the kind of walking and biking our village without like to encourage. I have two more public commenters.

Thomas Silver, 105 Heath Place: We often walk and bike along that intersection when we go to the pool or into town or to the library or to school. It is quite tough there because there is not really a place to cross the street and the vines are all growing onto the shoulder from the other side towards the river.

Christina Silver, 105 Heath Place: When we walk and bike where we have to, sometimes the drivers there get mad because we are walking in the shoulder. But there is no other place to walk.

Mr. Silver: It would be nice if there a sidewalk.

Mayor Swiderski: Something more elegant than what is there now.

Mr. Silver: Yes, which is the shoulder which is quite thin. Then it is made thinner by the vines.

Mayor Swiderski: I will add my own personal anecdote. I sometimes get a ride home from work, and to spare my friend who is heading further north he kicks me out there right where you are trying to cross, and it is brutal.

54:16 APPROVAL OF SNOW AND ICE AGREEMENT EXTENSION WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION

Village Manager Frobel: This is our annual intermunicipal agreement, in this case, with the New York State DOT for our salting and plowing that portion of Broadway that is in the Village.

On MOTION of Trustee Armacost, SECONDED by Trustee Lemons 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 Snow and Ice Agreement Extension with the

New York State Department of Transportation for the 2016-17
Snow Season.

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

VILLAGE MANAGER'S REPORT

Village Manager Frobel: We are beginning the end of the gas line infrastructure improvements along Farragut Avenue and Ashley Road. They are working around the clock to complete it. It was a two-phase project. This is probably the more cumbersome part. Last summer was the high pressure line that was installed; this is the service line and service connections. But it also includes replacement of the two regulators that are an enormous infrastructure part of the project. I would like to think that by the end of the month this will be complete and we can begin road resurfacing and repairs perhaps in early October.

Mayor Swiderski: That would include anything like curbs that were damaged in the process?

Village Manager Frobel: They are expected to restore the area to what it looked like prior to the work. Our understanding is that it includes curbs that were destroyed during the project or any signs that had to be removed.

Mayor Swiderski: Is this the party that is responsible for placing the signs, or does that fall on us?

Village Manager Frobel: No, it would be their responsibility, although I am not aware of any signs, as such, that have been removed as part of the project.

Trustee Walker: When we expanded the area that has to be re-paved, do you think that is going to then include most of Farragut Avenue?

Village Manager Frobel: I do. Even if it was not as extensive as what you see out there now they would be obligated to do a curb-to-curb for that entire area. But as you know, they have got both sides of the road. There is no original pavement left in that area. In answer to

your question, yes, it is our understanding they will restore curb-to-curb. In fact, the company official has pledged that to us.

We have seen great progress at Riverview Park. The grass is growing, the sod has been installed. We met Friday with the plumber. He is proceeding with installation of the backflow preventer and bringing water to the site. I think Con Ed has everything they need to proceed with the pole placement, although you are never quite certain; this will be our third time trying to satisfy their requirements. But it is not that heavy a requirement, either. It is just a question of trying to predict what your lighting or power needs would be in the future. That is where there is some difficulty in getting it out of the landscape architect, but we will get through that. Good progress, and I think we are near completion on it with the exception of the plumbing and electric.

Trustee Armacost: Congratulations, that is great.

Village Manager Frobel: We are getting closer. The volunteers have been working in the evening and weekends and have made a big difference in getting that turf established.

Mayor Swiderski: And watering it, or what?

Village Manager Frobel: Borrowing s from the gas station next door, as a good neighbor. The neighbor are working on it.

Mr. Metzger: Mr. Mayor, I want you to know that is about a three hour a day commitment from people in the neighborhood to keep that area watered.

BOARD DISCUSSION AND COMMENTS

1. Artis Senior Living Petition for Zoning Change – Discussion of Next Steps, Lead Agency Confirmation, and Determination of Significance

Village Attorney Whitehead: The last step you took was to circulate your notice of intent to be lead agency. That was circulated to all the involved agencies. They have 30 days to respond, saying either they want to be lead agency instead or they supported you. I believe the only correspondence you got was from Westchester County and your own Planning Board, both of whom agreed with the Board of Trustees acting as lead agency. You are now technically, officially, the lead agency. The next step will be for you to make your determination of significance. We have already talked about that. The likelihood is that you will be making a positive declaration requiring preparation of an Environmental Impact

Statement. We spoke about retaining a planner to assist you in that review. Fran and I have been working on an RFP. I have five planning firms we are looking to send that out to. Interestingly, the Planning Board at their last meeting had a discussion with me about that, as well. We are very supportive of getting a planning consultant on board both to help you and to help them as they get into their review of the project, as well. I discussed with some of them the different firms we were going to send the RFP out to.

I hope to get the RFP out next week, have proposals back to you. We could, in the meantime, go into the next steps of starting to work on the form of the positive declaration. In that, you have to identify, which we have already done pretty well, the areas of potential significant adverse environmental impacts that have led to you doing the positive declaration. The next step, if you choose to do it, would be a scoping process, where the applicant has to provide a proposed scope for their Environmental Impact Statement, which is a summary of the things they are going to study. That gets circulated to all the involved agencies, then the public also will have an opportunity to comment. Ultimately you will take all the comments you get from the public and the involved agencies and with the help of your planner come up with a final scope for the Environmental Impact Statement that they will have to follow in preparing their Environmental Impact Statement. Ultimately, you decide what they need to study and what information they need to provide to you. Now we are into SEQRA 102.

Mayor Swiderski: What is the next specific action the Board takes?

Village Attorney Whitehead: To make the positive declaration. That document will be the next step. Fran and I can start working on it. You are supposed to do it within 20 calendar days of being the lead agency, but that is a time frame that has always been very flexible. You could also ask for additional information. When we start looking at it more carefully, we probably already have enough information to identify the areas of environmental concern.

Mayor Swiderski: But in terms of steps, do we first say there is enough significance here so it is not a neg dec, and then we set this preliminary scope? What exactly happens?

Village Attorney Whitehead: Scoping comes after. I will send you all some information so you have some background on the process. But the positive declaration is an actual document, a form document, that says you are the lead agency, that you have determined that this action will have a potential significant adverse environmental impact on, among others, the following environmental issues. That gets circulated so everybody knows you are doing it. Then you will have to talk about how you do scoping. There are a number of ways it can be done. It can be done with a public scoping session; it can be done via written comment by circulating a document and taking written comment. That is where you need to start getting a planner involved. We would like to get a planner on board before we get to scoping.

Trustee Lemons: How much documentation do we need to have for the pos dec? We have had a lot of comments, we have had a lot of discussion among ourselves, and many issues have been raised. Do we simply list those?

Village Attorney Whitehead: Yes. And we have their environmental assessment form. It is information they have provided. The positive declaration does not have to be as detailed as your scoping document ultimately will be. It has to just list general areas of potential impact. I do think we have pretty much discussed those and identified those already. And the Planning Board went a little beyond in their memo. I was at their meeting when we discussed it, and I talked about a lot of those things that will go into scoping. They are a little more detailed about things you make sure to study.

Trustee Armacost: But their environmental concerns are fairly comprehensive.

Village Attorney Whitehead: Yes.

Trustee Walker: I have a question about the zoning changes we are being asked to make. The Planning Board had some interesting points about size of lots and density on lots and different types of assisted living and nursing homes and so on. There is quite a bit of work that needs to be done in order for us to make a determination about how we want to change our zoning. Some of it may be coming from Artis, but a lot of it will not be coming from Artis. A lot of it is things we need to bring up and discuss among ourselves.

Village Attorney Whitehead: These are some of the things we are going to identify for Artis in the scope. That we want you to look at this in terms of the zoning amendment. Not doing it your way, but doing it this way. Once we have a planner on board, the planner and I can work with them and their planner and their attorneys. We have already talked that the language of the proposed amendment needs to be revised and incorporate some of the other things we have talked about. And also, as they drafted it, it conflicts with a definition you already have in your code. You do not have a definition of assisted living, but you do have a definition of senior assisted living. I think they need to be combined into one. And it is probably appropriate not to use the word "senior" because assisted living is not only just seniors. There could be conditions that put people into assisted living before they classify as seniors. So absolutely in addition to the technically environmental impacts, the zoning impacts are a part of that. Any time you do a zoning amendment, you do a SEQRA review on a zoning amendment, you have to look at the impacts of that amendment and all the areas in the Village where this might be able to be permitted. And do you really want to do that this way, and where could it go, and do you want it there, and what kind of criteria would you want around it. We are not just going to take their language. We have made that clear.

Trustee Walker: But in crafting our own language, it may rule out the site as a possible potential site.

Trustee Armacost: That is a risk they took.

Village Attorney Whitehead: This board and everybody have been pretty up front with them that there are going to be some changes here and that there are some definite issues. And yes, they have heard it from the neighbors, but they have also heard it from this board.

Mayor Swiderski: So timetable and explicit next steps.

Village Attorney Whitehead: We may have a positive declaration for you to look at for the next meeting. We probably will not have responses to the RFP until Fran and I find out the timing. I would like to have the responses for you to look at by the first meeting in October. We have got to give them a few weeks to respond. But it is, as I said, five planning firms who have done a lot of work in Westchester and are very familiar. I did use the benefit of having some planners on the Planning Board to discuss some of the different firms to see if they agreed or had any others they wanted me to include.

Trustee Stugis: Does Artis provide the funding for the planning consultant?

Village Attorney Whitehead: Yes, absolutely, and for me. You will also have your engineer involved, Hahn Engineering. As we get into this, in addition to a planner there are going to be issues for our engineer where you are going to want them involved in reviewing it on your behalf as well. They will also be paid through an escrow.

2. Recommendations of Transportation Working Group for 9-A and Ravensdale Intersection.

Jeanette Sawyer Cohen: I am the chair of the Transportation Working Group. I am here in support of our member, Richard, who will be taking the lead on this topic.

Richard Bass, 25 South Drive: Before you is a draft resolution. Hopefully, the Trustees will support it in some fashion. Also is a diagram for illustrative sake.

Crossing 9-A/Ravensdale is difficult. If you have not done it you should try it. It is a badly designed intersection with an ADA ramp in the middle of the turn on the southeast corner that leads to nowhere. The state and the applicant did a fine job on redesigning the intersection to move traffic and completely forgot people. Our resolution is basically how, as

a pedestrian, to cross the street. The safest way is to have crosswalks installed going on the south side from the southeast corner to the southwest corner, and then from the southwest corner to the northwest corner because there is a sidewalk on the north side of the bridge and a continuous sidewalk on Ravensdale all the way into the Village. That would be the best way to encourage people. So the installation of a crosswalk is important.

The second thing that is important is to have a pedestrian-generated walk signal. That is a failing intersection. It takes multiple traffic signal turns to get through that intersection. To have it stop for pedestrians when there are not pedestrians there would just make that traffic situation worse. So it should be just like the traffic button at Villard and Broadway, where if there are no pedestrians there, there is no pedestrian crosswalk. But if children or adults are crossing there, then it should be activated. A button should be installed.

The thought about having the button timed for religious observance, if you are religious you cannot push the button on Shabbat or on Jewish holidays. Having a button there you cannot use is oxymoronic. To have that button programmed so you do not have to violate your religious beliefs to cross the street is a suggestion that balances traffic movement and pedestrian movement.

The third suggestion is to create a Jersey barrier on the north side of the bridge that would widen that very narrow sidewalk. I know the bridge is scheduled for replacement. Hopefully, the state DOT will make it a wide enough sidewalk, but right now that is a very wide travel lane. When you have a wide travel lane, people tend to accelerate. So narrowing that travel lane by Jersey barriers, increasing the pedestrian walkway, will make it safer for pedestrians and will slow down the traffic.

The last suggestion is, driving westbound on Jackson, coming to that intersection, the road is really buckled. Someone going more than 15 miles an hour is going to lose control. Before you have a major accident, someone should repair that. I think that is Greenburgh's side of the jurisdiction. So we have multiple jurisdictions here, and what we are urging is that the Trustees pass this resolution, give it to the state DOT with copies to all the elected officials, going from the governor on down. Not have any more meetings because I realize it has been two years' worth of meetings. More meetings are just going to be more time; we do not have to wait for an accident or a tragedy to say we should have done something. That intersection should have been fixed when it was mitigated for Ridge Hill. It should be the DOT responsibility for fixing it. We can help. If it is our corner that needs to be cleared of brush we can do that, but the DOT should take the lead and we should push it politically. That is how the resolution is written.

Trustee Armacost: I think it sounds very sensible.

Trustee Walker: You are not proposing any kind of halt of all traffic to allow pedestrians to cross, are you? It is just a standard kind of walk signal that assumes people turning left or right will stop for people in the crosswalks.

Mr. Bass: Right. Because right now, traffic does not stop at all.

Ms. Sawyer Cohen: There is no time you can get across where you are not facing traffic.

Mr. Bass: When there is a pedestrian button, just like we have on Villard and Broadway, the traffic will stop for 20 or 30 seconds.

Trustee Walker: All traffic. If there is not opening at all, and so many left turns being made from there and right turns, it makes it almost necessary to stop all traffic?

Mr. Bass: I will defer to the traffic engineers to fix that out because that is not my forte. Whether it is stopping traffic motion in one direction or all directions, I will leave that to the state DOT. That is a solvable solution.

Trustee Walker: I do know people are always rushing to get through those lights, too.

Trustee Armacost: Certainly if you are going out of Hastings and you need to turn right, there is nothing that would prevent you from doing that. The proposed crosswalks do not come anywhere close to that so that would be impeded at all by this plan. You are coming out of Hastings, going toward the cemetery, turning right is not affected by this.

Mr. Bass: Well, actually it would be. Because going eastbound and turning right would be turning southeast.

Trustee Armacost: Oh, the other way. OK, then coming from Jackson.

Mr. Bass: Making the northbound turn, leaving Hastings and making a northbound turn, it would only affect the crosswalk crossing Ravensdale. Again, I defer to the traffic engineers. That is why they go to traffic engineering school.

Trustee Walker: I am totally on board with this. The only thing I wonder is this one thing I have found with trying to convince the DOT to put sidewalks on Broadway, for example. They said we are not convinced that there is enough pedestrian traffic like kids walking to school, people walking to the train, to merit building a sidewalk on Broadway in this location where there are almost no sidewalks on either side. They said you need to show us how

much pedestrian traffic there is. It is a bit of a chicken and egg, because if you had a safe crossing you might have more people walking to school here.

Mr. Bass: I would not engage in that discussion with the DOT. That is why the resolution is written in such a way that you get you political muscle behind this. The DOT moves traffic and they will not solve it until someone gets hit and dies. That is a lot of liability for the Village, for Greenburgh, for the state, and for Ridge Hill. If the DOT does not want to move it we will invite Channel 2 in and show them the really silly ADA ramp that the DOT installed. I want to handle it differently. I do not want to have a “rational discussion” with the DOT. I want the Village to pass a resolution and get the elected officials to do what elected officials do.

Trustee Lemons: I think you are totally realistic on that. I was involved in the visit to the intersection at Lawrence Street when the DOT was there, all the villages were represented, Mary Jane Shimsky was there, Andrea Stewart Cousins was there, Tom Abinanti was there. That was about the existing when you are going north because it is such a tough, tight turn there. If there is fast traffic behind you it looks really dangerous. Their way of looking at that was, we have limited funds and we have a lot of projects on the table and there have not been any accidents here. It is very difficult to in any way ameliorate this problem so we probably will not do anything. I would anticipate the same response here. There is not a history any pedestrian, having been hit, and this is going to cost us some money to remediate, there are other projects. I do not think that rationale holds water at all but I think that is what we will encounter and we will need to assume we are going to have to apply pressure.

Mr. Bass: The pressure can be applied politically. That intersection should have been fixed with the Ridge Hill money. That the DOT and their engineers allowed that intersection to be designed so they forgot the pedestrian is not our problem. It is their problem, and our elected officials should support that.

Trustee Lemons: I think that is a good tack to take, that we are not making a request here, we are just saying do what you should have done.

Mr. Bass: I would be more than happy to write your cover letter for the resolution.

Mayor Swiderski: Mr. Bass, we have a complete streets policy. Does that have any weight, the fact that we have a Village-passed policy? And could we deploy that in this argument?

Mr. Bass: I think we can. I like to throw everything I can against the wall to see what sticks. So yes, that could be incorporated. I am not sure how that addresses this intersection so I do not want to stretch the argument too thin. Then it is easier to be attacked.

Village Attorney Whitehead: It stresses incorporating pedestrians into your plan.

Trustee Walker: But particularly before something is built into the planning of it, but why not put it in anyway.

Mr. Bass: The Board wanted to come up a simple, workable solution that could be done almost immediately without a lot of discussion, without a lot of to-do. There are people who want to cross that street. There are 240 Hastings families that live on the other side of 9-A and the DOT and Ridge Hill have created an obstacle for crossing the street.

Trustee Walker: There is also a bus stop there.

Mr. Bass: There are two bus stops there, and it is very difficult for anyone using those bus stops to cross the street. If there is a Target and an additional retail, now is the time to do something simple and effective before we have the accident.

Trustee Walker: I agree. Regarding the widening of the sidewalk with Jersey barriers, I am wondering if there could not be something more temporary and less expensive installed, like plastic barriers that still provide a safe barrier. You had an idea, Fran.

Village Manager Frobel: I did, and in my report I talk about this. I gave you the history of the intersection because I was on that committee. The barriers are relatively inexpensive. Not the Jersey barriers. They are plastic and when you fill them with water they weigh about 1,200 pounds. We estimate you might even purchase 70 of them. Quite a few to do the entire length. It adds a lot of weight to a bridge that is already scheduled for rehabilitation. Again, that will be a question for the New York DOT. It is their jurisdiction. We will see if they want to use that kind of weight.

Trustee Walker: Is the bridge theirs?

Village Manager Frobel: Yes.

Trustee Walker: Because they are talking about rebuilding it, but it is their jurisdiction so they have to decide. But I do think it is a great idea because I think it will encourage more people to walk and it will create a much safer environment. We could get statistics about people who are using these bus stops as well.

Village Manager Frobel: I have to try to get that from Westchester County.

Trustee Armacost: Your memo says that it is \$500 per 72 inches of barrier. How many feet do you need?

Village Manager Frobel: You probably need from 60 to 70 of these barriers to cover it.

Trustee Armacost: So 60 times 500?

Village Manager Frobel: About that.

Mayor Swiderski: Assuming it is permitted.

Ms. Sawyer Cohen: My sense is we do not have a timeline on the bridge renovation. Is that correct?

Village Manager Frobel: It has been pushed back a couple of times. I am saying 2018. That is my last correspondence with the DOT. I know it has been moved in their capital project a couple of times. The priority was the bridge in Dobbs and Ardsley that jumped to the top.

Trustee Armacost: Are these barriers reusable? Can they be emptied and put somewhere else

Village Manager Frobel: They are plastic and will last forever unless someone hits them.

Trustee Walker: I wonder if the state does this in other locations. Some DOTs do temporary traffic calming measures with cones or barriers. I am not sure if our DOT is that advanced.

Village Attorney Whitehead: They do not think outside the box.

Trustee Walker: There are a surprising number of people in their pedestrian and bike departments who are forward thinking. I met with them a couple of times about other issues and found them to be quite amenable to these kinds of things. However, that is only one part of the DOT and it has to also meet their funding needs, not to mention the structural requirements of the bridge.

Trustee Stugis: Some of the work the Parks and Recs Commission has done lately might add a couple of clauses to add some weight to the resolution. They would specifically say that they have concluded in their strategic plan they are working on that the South County Trailway is effectively unavailable to our citizens because they cannot get there. That is one

"whereas" I would say. Another one is that some time in 2017 there is going to be a new park facility at the 9-A Saw Mill River Lofts complex. You want kids and people to be able to get that that without driving. You do not want to delay your resolution getting made, but those are a couple of weighty whereases we might want to add.

Mr. Bass: Between now and your next meeting if you want to add more whereas clauses, be out guest. We asked for the student enrollment at the schools to support that. We gave you what we have, so if you want to add some additional whereases we will not be offended.

Mayor Swiderski: It sounds like there is a consensus on the Board that this deserves consideration as a proclamation for the next Board meeting?

Trustee Armacost: I an in favor.

Trustee Lemons: Yes.

Mayor Swiderski: All right. It may not be exactly in this form, it likely be enhanced and not cut, and we look to have it on our agenda for the next Board meeting to be considered and then voted on.

Trustee Armacost: Can we mention that this particular working group has been unbelievably productive in a short period of time. So special thanks from me, and from all of us, for all of the hard work that you have done. For you and all of the team.

Mayor Swiderski: And I hope you find improvement on the intersections with the signage and repainting something that is satisfying to see that we do take action on committees' recommendations.

Ms. Sawyer Cohen: I see people on social media, unrelated to me, say this looks so great, I feel safer, my kids feel safer. So that was nice to see.

Village Manager Frobel: That is nice to hear, thank you.

Mr. Bass: The action was really appreciated because it is a visual cue for people to slow down. We are going to be bringing individual items that have been on the agenda for the Comp Plan or have been long discussed. We will bring the hose individually just like we did 9-A and Ravensdale. We are going to have a survey come out in the fall, we will have a community meeting. Out of that community meeting will come more holistic recommendations. So you will be seeing a lot of us over the next couple months.

3. Update on the Building 52 Demolition Permit Application

Village Attorney Whitehead: As we discussed at the last meeting, we have had some back and forth between the Village and ARCO and ARCO's consultants. We are waiting, and sending them out a document tomorrow. Then we are waiting for a document back from them that, hopefully, will confirm they are taking all our recommendations and incorporating them into their demolition plan. That really addresses what you said at the last meeting, the health and safety concerns. Assuming we get that from them, we could be prepared with a negative declaration for your consideration at the next meeting, but they have not always been quick.

Mayor Swiderski: In the past they were more responsive than they have been over the last six months. I am just saying that as a point of observation. It is some increasing concern. Whether it is responsiveness to the Shoreline Committee or on this issue or on access to the water tower, we are not getting the snappy response that, in the past, was typical. I am going to be addressing it more formally with them because, to date, our relationship has been based on responsiveness and that has decayed.

Trustee Walker: Can you just make phone calls?

Mayor Swiderski: We have.

Village Manager Frobel: I have been dealing with the contact to the site, and also their public relations person, and she does not respond when I ask very simple questions about would you meet with us on the estuary grant. Obviously, we are frustrated. It is simple courtesy saying, Yes, Mr. Manager, we got your e-mail and we have chosen to ignore you.

Village Attorney Whitehead: Instead of just ignoring you, telling you they are ignoring you.

Village Manager Frobel: I would feel better.

Mayor Swiderski: No. I think we start to formalize in e-mail and letter traffic that is dated, formally asking for timely response. To date, we have not had to do that. I do not like that.

Trustee Walker: It is keeping our committee from moving forward.

Village Attorney Whitehead: And the water tower, just getting the access to look got delayed.

Village Manager Frobel: We signed the agreement with Berger to begin the work, and as far as I know they do not have final permission to be on the site.

Village Attorney Whitehead: They cannot do their work.

Trustee Walker: And we do not want to push that into the winter.

Mayor Swiderski: No. This is now three different initiatives. Again, it is out of character. They have generally been responsive, and I have been on record saying that. I am now on record in saying something has shifted and it may be a heavily burdened crew. Who knows what it is? But this has gone on for more than three months.

Trustee Stugis: The same people as before?

Mayor Swiderski: No change in personnel, no change in management. I tend not to look into things. I do not want to assume the worst. It is not my character and personality. So I am going to assume something benign here, but with that said escalate into notification because we need to generate a trail in case we have to do something else.

Village Attorney Whitehead: It may be having Mark Chertok doing something to their attorney, saying these are the things we have been reaching out on. This is not acceptable, and we can talk to Mark about it.

Trustee Walker: These things are part of the consent decree.

Mayor Swiderski: Our interests have generally been aligned in the sense, and people do not believe this, that they seemed to be motivated to try to get through this process. To turn around on all the engineering studies, et cetera, we have been told by our engineering firm has been as timely as you could reasonably expect. They have not seemingly dragged their feet until now.

Trustee Walker: Related to that, I wanted to ask about the Shoreline Committee meeting with the DEC. We had hoped to meet with the DEC and BP together. We are not getting a response from BP, but we thought maybe we would reach out to the DEC and at least have a meeting with them to talk about the ROD and their interpretation of it. That might be helpful for us and our consultant.

Mayor Swiderski: It would also be helpful to get them on our side. Probably Mark is the best person to the latest contacts. There has been turnover there.

Mayor Swiderski: I am sorry that Resident Gonder left. I wanted to respond to a comment made on crooked politicians. I do not think it is 30 percent, I do not think it is 10 percent, I do not think it is one percent. I have not met anyone in public service at this layer of government who does it for anything other than blood, sweat and tears and for the good of the community. We are slandered by that assumption, I think, and it rankles. We face it here on the Board with what I took as a specious accusation of a conflict of interest that was clear on the surface not true. People casually toss those things around, and I get it. It is a bit of the public and popular culture, but it is unfair. You look at the sheer number of people who serve on boards of trustees and mayors in Westchester alone, and there is not documented corruption, outside of Yonkers. That is a big city with an old tradition of that. But by and large, public service is a calling that you want people drawn to and not fear for their reputations. I reject the cynicism, I reject the categorization, and enough said.

Trustee Walker: I might add that it discourages good people from running for public office if they think they are going to be dragged through the mud and falsely accused.

Mayor Swiderski: Exactly. That is my point. It diminishes the intentions of the people who do this. I have a thick skin, but on that one score it pisses me off. Excuse the language.

Trustee Armacost: On September 10, the Take Me to the River music festival is coming back after a one-year hiatus. It is all thanks to the brilliance of Liz Liebeskind who, despite having left Hastings as a resident, clearly left her heart here. There will be many amazing local businesses participating either as vendors or as raffle donors. We have a lot of amazing local musicians playing and it should be a fantastic event. We encourage everyone to come out and join in the fun.

Trustee Walker: I am so thrilled she is doing it. You have had something to do with it and thank you for your effort, but it is a big job. We are very appreciative.

EXECUTIVE SESSION

On MOTION of Trustee Walker, SECONDED by Trustee Armacost with a voice vote of all in favor, the Board scheduled an Executive Session immediately following the Regular Meeting to discuss matters of personnel having to do with staffing of boards and commissions.

ADJOURNMENT

On MOTION of Trustee Walker, SECONDED by Trustee Armacost with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 8:50 p.m.