

RESOLUTIONS - BOARD OF TRUSTEES REGULAR MEETING OF NOV. 15, 2016

66:16 SEWER EASEMENT AGREEMENT FOR SAW MILL LOFTS

RESOLVED: that the Mayor and Board of Trustees authorize the Village Manager to sign the sewer easement for Saw Mill Lofts as attached.

ROLL CALL VOTE AYE NAY

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

69:16 NEGATIVE DECLARATION – DEMOLITION PERMIT TO ARCO ENVIRONMENTAL REMEDIATION, LLC FOR BUILDING 52, 1 RIVER STREET

WHEREAS, an application for a Demolition Permit dated January 7, 2016 together with a Short Environmental Assessment Form (EAF) by ARCO Environmental Remediation, LLC, dated Jan. 6, 2016, and additional supplemental documentation, has been filed with the Board of Trustees in connection with the application for permit to demolish Building 52, 1 River Street; and

WHEREAS, the Mayor and the Board of Trustees, the only involved agency, have reviewed the EAF, including Parts 2 and 3 provided herewith and prepared by the Village’s consultants, and additional supplemental documentation from ARCO, and have received comments from the Village’s environmental consultant, and have reviewed the criteria for significance set forth in 6NYCRR § 617.7(c), now therefore be it

RESOLVED: that the Mayor and Board of Trustees find that that the proposed action will not have a significant adverse impact on the environment and does not require an Environmental Impact Statement (EIS) for the reasons as set forth in the EAF attached hereto.

ROLL CALL VOTE AYE NAY

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

**70:16 DEMOLITION PERMIT TO ARCO ENVIRONMENTAL REMEDIATION, LLC,
FOR BUILDING 52, 1 RIVER STREET**

WHEREAS, on January 7, 2016 ARCO Environmental Remediation, LLC, the owner of property located at 1 River Street, submitted an Application for a Building Permit for the demolition of Building 52 at 1 River Street together with a Waterfront Application for Hearing pursuant to Section 295-80A(2) of the Village of Hastings-on-Hudson Code; and

WHEREAS, pursuant to Section 295-80A(2) the Board of Trustees held a public hearing on February 3, 2016 at which all members of the public wishing to be heard spoke, and extended a written comment period through February 26, 2016, and the Board having received additional comments since that time and considered all comments; and

WHEREAS, Section 295-80A(2) provides that such permit shall be not be granted without the approval of the Board of Trustees after a public hearing, which approval shall be subject to those conditions deemed by the Board of Trustees necessary to preserve, protect and improve the scenic value and recreational use of the Hudson River waterfront in the Village; and

WHEREAS, the Board of Trustees as Lead Agency under SEQRA adopted a Negative Declaration finding that the demolition as proposed will not result in any potential significant environmental impact; and

WHEREAS, the Board of Trustees has reviewed the issues relating to use of the waterfront and the scenic value as discussed in Part 3 of the EAF, and determined that it will be beneficial to the scenic value and future recreational and other use of the Hudson River waterfront, as well as the health and safety of the residents, to have Building 52 demolished; and

WHEREAS, upon authorization from the Board of Trustees for the issuance of the demolition permit, the Building Inspector shall review and require all documentation and conditions typically required in the issuance of a demolition permit, and this approval only authorizes the Building Inspector to proceed with its normal permit review.

NOW THEREFORE, BE IT

RESOLVED: that the Mayor and Board of Trustees authorize the Building Inspector to process the application of ARCO Environmental Remediation, LLC, for a demolition permit for Building 52, 1 River Street, and to issue such permit in the normal course of building department procedure.

ROLL CALL VOTE

AYE

NAY

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

71:16 AUTHORIZATION OF SETTLEMENT OF CLAIM – RIVER GLEN TENANTS CORP.

RESOLVED: that the Mayor and Board of Trustees authorize the Village Attorney to execute a settlement with River Glen Tenants Corp. in the amount of \$60,000.

ROLL CALL VOTE AYE NAY

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

72:16 FREE HOLIDAY PARKING

RESOLVED: that the Mayor and Board of Trustees approve free holiday parking from Friday, Dec. 2, 2016 through Monday, Jan. 2, 2017 for three hours in the Boulanger Lot and for two hours at the following locations: Steinschneider Lot, Post Office Lot, Warburton Avenue (North Street to Bridge), Main Street, Whitman Street, Spring Street, Southside Avenue, and Maple Avenue (Spring Street to Municipal Building Driveway).

ROLL CALL VOTE AYE NAY

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

73:16 ADOPTION OF LOCAL LAW NO. 4 of 2016 TO ESTABLISH BENCHMARKING REQUIREMENTS FOR CERTAIN MUNICIPAL BUILDINGS

RESOLVED: that the Mayor and Board of Trustees hereby adopt Local Law No. 4 of 2016 to establish benchmarking requirements for certain municipal buildings.

Be it enacted by the Board of Trustees of the Village of Hastings-on-Hudson as follows:

SECTION 1: The Code of the Village of Hastings-on-Hudson is hereby amended by adding a new Chapter 190, entitled “MUNICIPAL BUILDING ENERGY BENCHMARKING,” to read as follows:

§190-1. PURPOSE.

Buildings are the single largest user of energy in the State of New York. The poorest performing

buildings typically use several times the energy of the highest performing buildings—for the exact same building use. As such, this Local Law will use Building Energy Benchmarking to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Village of Hastings-on-Hudson.

Collecting, reporting, and sharing Building Energy Benchmarking data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide. Equipped with this information, the Village of Hastings-on-Hudson is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement.

§190-2. DEFINITIONS

A. “Benchmarking Information” shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

B. “Building Energy Benchmarking” shall mean the process of measuring a building’s Energy use, tracking that use over time, and comparing performance to similar buildings.

C. “Administrator” shall mean the head of the Department.

D. “Covered Municipal Building” shall mean a building or facility that is owned or occupied by the Village of Hastings-on-Hudson that is 1,000 square feet or larger in size.

E. “Department” shall mean the Building Department of the Village of Hastings-on-Hudson.

F. “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

G. “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

H. “Energy Use Intensity (EUI)” shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.

I. “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

J. “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

K. “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

L. “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

§190-3. APPLICABILITY

A. This Chapter is applicable to all Covered Municipal Buildings as defined in Section 190-2 above.

B. The Administrator may exempt a particular Covered Municipal Building from the benchmarking requirement if the Administrator determines that it has characteristics that make benchmarking impractical.

§190-4. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

A. No later than December 31, 2016, and no later than May 1 every year thereafter, the Administrator or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

B. For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Administrator or his or her designee from the Department shall begin inputting data in the following year.

§190-5. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

A. The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year, no later than December 31, 2016 and by September 1 of each year thereafter for Covered Municipal Buildings; and

B. The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(1) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(2) For each Covered Municipal Building individually:

(a) The status of compliance with the requirements of this Local Law; and

(b) The building address, primary use type, and gross floor area; and

(c) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(d) A comparison of the annual summary statistics (as required above) across calendar years for all years since annual reporting under this Chapter has been required for said building.

§190-6. MAINTENANCE OF RECORDS

The Department shall maintain records as necessary for carrying out the purposes of this Local Law, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

§190-7. ENFORCEMENT AND ADMINISTRATION

A. The Administrator or his or her designee from the Department shall be the Chief Enforcement Officer of this Chapter.

B. The Chief Enforcement Officer designated hereunder may promulgate regulations necessary for the administration of the requirements of this Chapter.

C. Within thirty days after each anniversary date of the effective date of this Chapter, the Chief Enforcement Officer shall submit a report to the Board of Trustees including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Administrator determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Chapter.

SECTION 2: SEVERABILITY

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

SECTION 3. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

ROLL CALL VOTE

AYE

NAY

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

74:16 ACCEPTANCE OF PROPOSAL FOR CONSULTING SERVICES FOR REVIEW OF ARTIS SENIOR LIVING PROJECT

RESOLVED: that the Mayor and Board of Trustees accept the proposal of The Chazen Companies, Poughkeepsie, New York, for planning and environmental review consulting services for a proposed amendment and related approvals for Artis Senior Living, such services to be paid from an escrow account established and maintained by the applicant.

ROLL CALL VOTE

AYE

NAY

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