

BOARD OF TRUSTEES

VILLAGE OF HASTINGS-ON-HUDSON

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In the Matter of the Application of the

Village of Hastings-on-Hudson for Land

Acquisition Pursuant to the New York State

Eminent Domain Procedure Law

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BACKGROUND

1. The property locally known as Marinello Cove ("Cove") is a 3.18 acre underwater parcel on the Hastings-on-Hudson River Waterfront. It is designated on the tax map of the Village of Hastings-on-Hudson ("Village") as Sheet 13, Parcel 116. It is bounded on the north by MacEachron Waterfront Park, a Village owned park, consisting of 1.3 acres also located adjacent to the Hudson River. The Cove is bounded on the south by the Hudson Valley Health and Tennis Club; to the east, the property is bordered by River Street (a Village street) and Metro North Railroad property.

2. The Cove is a gap in the landfill that was deposited in the Hudson River to create land for water dependent industries on the Hudson River. Approximately 90% of the Cove is underwater, while the upland area consists of a narrow sandy beach and a strip of vegetation, immediately adjacent to Village-owned River Street. Since the mean high water level is 4.5 feet and the highest point of this property is approximately 7 feet,

most of the Cove is underwater at high tide. At low tide, approximately 75% of the Cove is above water, but the resulting mud flat is virtually unusable. The property is below the 100 depth-year flood plain level.

3. On or about August 23, 2000, the Village offered to purchase the property from its current owners in conformance with the requirements of the Environmental Domain Procedures Law.

4. The owners of the property have not accepted the Village's offer to purchase of the property.

5. On November 16, 1999, the Village Board of Trustees adopted a resolution endorsing the principles and goals of *A Community Vision for Comprehensive Planning and Strategic Action Plan* a comprehensive planning document prepared by the Planning Board. One of two critical goals described in the plan's "Basic Vision" is to re-establish the Village's connection to the Hudson River. The plan states that because the Hudson River is a unique and significant geographic feature of Hastings-on-Hudson, access to visibility, use and enjoyment of the waterfront [is] vital to the community. The plan also states that the waterfront must be reclaimed and developed as an integral part of the community. It suggests that land acquisition may be necessary to accomplish this goal.

6. The Village has undertaken a Local Waterfront Revitalization Program, ("LWRP") a steering committee has been created that has conducted an inventory and analysis of the property on the Village. The committee has explored, at length, the acquisition and enhancement of the Cove as an important water-dependent use opportunity. The study committee has also recommended the acquisition of the Cove by the Village as soon as possible to provide a launching area for small, non-motor water craft.

7. In the year 2000, the Village undertook a planning study of the Cove and the adjacent MacEachron Waterfront Park and Hudson Valley Health and Tennis Club. The goals of the study were to enhance the existing park, to improve public access to all three properties by linking them with a continuous path along the rivers edge, and to provide more opportunities for the use of the river for recreational purposes. The resulting plan produced in connection with the study envisions a floating dock accessible from the southern edge of the Cove, a boardwalk around the Cove to link the park, the Cove and the tennis club and a new tidal marshland. The floating dock would provide kayakers and canoers with a launching area for low tide conditions, and would allow boat launchings at high tide, as well as provide an area for fishing or enjoying the river view. The small tidal marsh area could provide habitat for bird, fish and other wild life not often seen in the Village and could become a valuable educational resource for the Village.

8. In the fall of 2000, the Regional Plan Association facilitated two public workshops to help define the community's vision for the redevelopment of the entire waterfront. The resulting plan highlights the Cove as an important river access point for launching of small boats, with a beach and restored tidal wetlands.

PUBLIC HEARING BEFORE BOARD OF TRUSTEES

9. A public hearing held pursuant to Environmental Domain Procedure Law was held on April 24, 2001 at 8:15 p.m., at the Hastings-on-Hudson Municipal Building, 7 Maple Avenue, Hastings-on-Hudson, New York.

10. Public notice of the hearing was published on five consecutive days from March 30, 2001 to April 3, 2001 in the Journal News. Public notice was also published in the River Towns Enterprise on March 30, 2001.

11. The Board of Trustees and 21 citizens were present at the public hearing.

12. Trustee Bruce Jennings, while absent from the hearing, submitted a letter in support of the acquisition of the Cove property. The letter was read into the record by Mayor Kinnally. Trustee Jennings cited the need to acquire the Cove to provide recreational access to the river for kayaks and canoeing. He noted that there was currently no alternative site in the community that could provide such access to the general public.

13. Trustees Jennings also noted that many planning studies have recommended increased access to the Hudson River for recreational purposes. His letter stated that acquisition of the property would provide a necessary link from MacEachron Waterfront Park to the north with the Hudson Valley Health and Tennis Club to the south, creating the potential for a waterfront esplanade.

14. Former Village Trustee Suzanne Smith also submitted a statement that was read into the record by Mayor Kinnally. Ms. Smith noted that the acquisition of the Cove would provide a public benefit as part of a waterfront park and riverside promenade.

15. In addition to letters submitted by Trustee Jennings and former Trustee Smith, 15 citizens spoke in favor of the acquisition by the Village of the Cove property.

16. No citizens spoke against the proposed acquisition of the property.

17. A letter dated December 20, 2000 from the Westchester County Department of Planning was read into the record. The letter noted that the County Planning Board supported the proposed condemnation action involving the Cove. It further stated that acquisition of the property A... should greatly improve access to the Hudson River, an objective set forth in *Patterns of Westchester, The Counties Long-Range Land Use Planning Document* The letter noted that the proposed acquisition of Marinello Cove would fulfill an objective of the Historic River Towns of Westchester=s

Growing Smarter Together Plan, which encouraged Acreative and recreative river front plans that clean up brown fields, preserve green space, and provide additional access from the land to the river and the river to the land.

18. Mr. Adam Brown, President of the Working Waterfront Association, a not for profit maritime environmental organization, spoke on behalf of the organization and the World Water Rescue Foundation. Mr. Brown fully supported the acquisition by the Village of the Cove.

19. Former Village Trustee James Keaney spoke in behalf of acquisition of the Cove property. He stated that the Village acquisition of the property would have a beneficial effect on MacEachron Waterfront Park by expanding it, and by allowing more people to utilize the park as well as providing the opportunity to launch small boats into the Hudson River.

20. At the conclusion of the April 24, 2001 meeting, the public hearing on the application was closed, except that the Board acknowledged it would accept written submissions from interested citizens until close of business on May 8, 2001.

21. No submissions were received from any interested party during the time period designated by the Board.

FINDINGS

22. The Board of Trustees of the Village of Hastings-on-Hudson hereby determines that it is necessary and appropriate to acquire, by condemnation, the following real property described as all lands thereupon lying and being in the Village of Hastings-on-Hudson, County of Westchester designated on the tax map of the Village as Sheet 13, Parcel 116, together with any and all rights, easements and hereditaments appurtenant to such lands ("Property");

23. The property should be acquired by the Village of Hastings-on-Hudson for the public use, benefit and purpose hereinafter set forth;

24. The public use, benefit and purpose to be served by the proposed acquisition of the property is to extend an existing one acre waterfront park, create a canoe and kayak launch, and to restore a tidal wetland.