

**Village of Buchanan  
Mayor & Board of Trustees  
Board Meeting  
November 4, 2015**

**PRESENT:**

Mayor Theresa Knickerbocker

Trustees Nicolas Zachary, Richard A. Funchion, Duane M. Jackson and Cesare Pasquale

Village Board Secretary Susan F. Matthews

Village Administrator Kevin Hay

Village Attorney Stephanie V. Porteus

Village Planner Marilyn Timpone-Mohamed

Representatives from Spectra/Algonquin Gas

Representatives from Buchanan Engine

Bill Balter of Wilder Balter

Glenn Griffin, property owner

**1. PLEDGE OF ALLEGIANCE:**

Mayor Knickerbocker opened the meeting at 7:30 PM, welcomed everyone, informed them of the fire regulations and led the Pledge of Allegiance.

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**2. APPROVE MINUTES**

August 18, 2015 Workshop Meeting: Trustee Zachary had a question on the ban and bond and Mayor Knickerbocker explained the difference. A MOTION to approve these minutes as presented was made by Trustee Jackson, seconded by Trustee Zachary with all in favor.

October 6, 2015 Board Meeting: A MOTION to approve these minutes as presented was made by Trustee Funchion, seconded by Trustee Zachary with all in favor and Mayor Knickerbocker abstaining as she was not present.

**3. PRESENTATION TO BUCHANAN ENGINE COMPANY FROM SPECTRA ENERGY:**

Mayor Knickerbocker announced that she had very good news. She was able to secure a grant for our first responders, the Fire Department. This will allow them to buy a needed piece of equipment. The company that we got the money from is Spectra, the company that is putting the new extension to the gas line in our area. We have seen a lot of tree removal and preparation. The pipeline on the Westchester side will start in Verplanck. It will come across by the cemetery continuing behind the school and playground and connect to the existing pipe line. There have been two pipelines here since 1954. What is now going to happen is that the new line is a 42 inch one. It will connect by Bleakley Avenue. The 26 inch line will be replaced. The 30 inch line is going to stay active. The Mayor commented that she was very fortunate to go to them and ask for this grant. They are here this evening. Our friends and neighbors in Verplanck are also getting a check to purchase an ATV. The Mayor asked the representatives from Spectra and the Fire Department to come to the front of the room where they introduced themselves.

Representing Spectra were: Tim O'Brien, Director of Projects; Christian DiPalermo, Government Relations; Mark Londo, Spectra Government Affairs for the Northeast; Brad Franzese, Area Manager for Operations.

Representing Buchanan Engine Company: Chief Stewart Bayer; Reed Outhouse, Second Assistant Chief; Tom Grant, Deputy Chief & Trustee.

Fire Chief Bayer said that they appreciate this grant. It is a piece of equipment that will come in most useful. He noted that over the years they have had numerous calls into areas not accessible to their normal vehicles. There have been kids injured while riding their bikes and other people ride ATVs back there. They have had brush fires back there. They want to protect both the interests of the residents of the Village and Spectra's. It is also a piece of equipment that will be put into service as a County vehicle available to any department requesting its use. He showed pictures of a similar vehicle. It will have a water tank and will be capable of removing patients with a Stokes basket. It will have tools for tree removal and fighting brush fires. It is something the Fire Department always wanted to purchase but did not have the money for. This will be a great help to them. They appreciate it very much.

Tim O'Brien from Spectra said that they and Algonquin Gas are very proud of 60 years of safe operation in Buchanan. He is very proud of their relationship with the emergency response team. They have need for emergency response both from the execution of the project through the operation of it. Brad Franzese is their Area Manager for Operations. He will be periodically working with the emergency response personnel to coordinate. They appreciate this opportunity. Mayor Knickerbocker advised that there will be training with different departments coming together. It will be done here.

The people from Spectra presented Buchanan Engine with a check for \$25,000. Photographs were taken. Mayor Knickerbocker thanked Spectra for their generous donation. She noted that the Fire Chief has given Spectra two commemorative plates from Buchanan Engine Company's recent 75<sup>th</sup> Anniversary.

**4. RECOGNITION: PLANNING BOARD MEMBER BENEDETTO MARTINELLI**

Mayor Knickerbocker asked Ben Martinelli to come to the front of the room. He served as Chairman of our Planning Board for many years. He decided it was time to retire. The Mayor presented him with a Certificate of Appreciation which she read. She thanked him for his 17 years of service to the Planning Board including 5 years as its Chairman. Mr. Martinelli said that he lives on 91 Tate Avenue and is the guy with the green grass on the side. He joked about painting his grass green. He thanked the Mayor and the Village Board for the opportunity to serve. He gave special thanks to the Village Attorney, Village Planner, the Village Engineer and all the people who helped him. He wishes luck to the current and new members of the Planning Board. He commented that they will need it. He thanked those who supported him and hopes that he and the board he served with left the Village in a better condition than they found it.

Mayor Knickerbocker commented that the nice parts of her job are when you can give someone recognition and get money for the Village.

Mayor Knickerbocker announced that Rich Zotto was not able to make this meeting. He served the Village for 30 years, most recently as our Highway Foreman. He retired as of last Friday. She thanked him for his service.

**5. COMMENTS FROM THE FLOOR: (agenda items only)**

None

**6. NEW BUSINESS:**

**a. PUBLIC HEARING: ZONING CHANGE FOR SENIOR MULTI-FAMILY PROJECT**

Mayor Knickerbocker announced that first we are going to have the Village Attorney and Village Planner explain what we are going to look at for this zoning amendment. There will be a 5 minute limit on comments and those wishing to speak should address the Board, giving their name and address. The comments will be directed mostly toward the impact of the project.

At 7:43 PM, a MOTION to open the Public Hearing was made by Trustee Funchion, seconded by Trustee Jackson with all in favor.

Bill Balter said that it was the third time they have been here. He will not go into a lot of details. They are here tonight because they believe they have made the change in response to a lot of the input they have gotten from the public and the Board. He commented that as he has said, throughout the process they are trying to make this something that works best for Buchanan and still works for what they are trying to do. The only action they are looking for tonight is for the Village Board to refer it to the County which is a requirement of the process. He thinks that regardless of what they do, we have to keep the Public Hearing open so he believes that they will be here again next month. The proposed development is still 2 buildings, 66 units in total. Age restrictions are 62 and over. The change that they made is that there is a concern that even though the development is open to the public that Buchanan residents will not have apartments available to them because of the required marketing to the County. Mr. Balter commented that he still holds that would not have happened. They will now have 15% “non-affordable” and not having anything to do with the County program. He advised that they would be in no way bound by the County, meaning that they could market them however they want to. 15% would be 10 units. 56 units would be “affordable” based on County requirements and 10 units with no restrictions whatsoever. Mayor Knickerbocker commented that is a new development since the last time they met. Mr. Balter offered to answer any questions.

Mayor Knickerbocker commented that they have had many meetings. She is curious what the change is because her understanding from several of the previous meetings has been that they could not mix “affordable” and market rate together. Mr. Balter advised that what he cannot do is have a development with local preference. Any development that has fair and affordable housing cannot have preference for Buchanan residents. There cannot be any preference in the development whatsoever. That is one of the main requirements of the settlement with Westchester County. He said that it did not occur to him at the time but that he subsequently determined that by having no preference on that 15% of the units you are going to get local people because they are the ones who will know about it. He could not limit it to that but thinks that in fact it will be local people. The Mayor wanted to confirm that he is still proposing two buildings and that these units would be in them. Mr. Balter confirmed that was correct. The Mayor asked what the proposed market rate value would be for a one-bedroom. Mr. Balter thinks that in general the rents will be \$200-\$300 more than the “affordable” units. He thinks that the market rate may be higher than that but these are mixed in among units that are less expensive so the market rate cannot be that much higher. He noted that these units range from the high \$900 for a one-bedroom to \$1150 or \$1160 for the most expensive. That includes heat and hot water. He estimates that the market rate units would be about \$200-\$300 more than that. 15% have two bedrooms. They are a couple of hundred dollars more than that. Trustee Zachary wanted to know if for the units that are slated to be market rate is that figure open for discussion and is it flexible. He wanted to know if there is something that determines that or locks it in. Mr. Balter said that there is not but during the planning process if the Village wanted them to do something, it is only 10 units. If we wanted them to be at the same rate as the “affordable” units,

that would be fine. Mr. Balter's assumption was that the Village did not want any restrictions because when you have rent restrictions they come with income restrictions. He commented that the biggest impediment to local people getting into "affordable" housing is that people may not be able to afford a unit that is for example, \$1800 per month. But sometimes they are over income on a unit that is limited. He said that is something that can be worked out with the Board. What we might want to do is to have the units be a certain rent but the income limits higher so that local people could get the benefit of the lower rent but if they make more money than the program allows because there is no program here we could allow the income to be higher. Trustee Zachary commented then we could control the marketing and that if people had higher incomes than the Fair and Affordable they could still be eligible for the units. Mr. Balter advised that you cannot control the marketing. What we can do is not have any preference and any County input on what happens. The result is that we would get exactly what we are looking for. If the rents are based on 60% of the area medium income, in the County program the inventory would be limited to people making 60%. He said that what we might do is to have the rents at 60% but have the income go up to 120%. The reason that people are over income is that you have for example, each one of them individually not over income but if they are married, together they would be. He said that in the case of a 62 and over development that would less likely be an issue. In a two person household the husband and wife might be over income. They would have the benefit of a lower home which is great because it is designed to age in place without having a problem with income. Trustee Zachary commented that we will not have an income calculation for those. Mr. Balter said that we could choose to not do that at all. If we said that we do not care about the income, we just care about the rent, that is easier for him. He commented that they actually prefer that. There is zero government involvement in those units so we can decide on whatever we want to do.

Mayor Knickerbocker commented that the reason she wanted Mr. Balter to review this is because we have people who might not have heard what is going on. Not only that but as the changes come along, she does not know until the meeting because what he just said she had heard talked about but no one had told her directly what they were. Mr. Balter noted that it was in the draft law submitted to the Board. The Mayor said that she wants to be more transparent with the public and everyone. There has to be more communication here.

Mayor Knickerbocker said that the Board is going to talk about the proposed legislation that has to be addressed with this project. the public can Then comment. She said that the Village Attorney and Village Planner Timpone-Mohamed will explain this to everyone.

Village Attorney Porteus said that it is important for people to realize that as the Board does that what we have before us is an application to ask the Village Board to amend the zoning to allow by special use permit a Senior multi-family housing development in the M1 zone. That is what the Board is here for, to amend the zoning. She thinks that the applicant, the sponsor, the owner,

have tried to provide a certain level of comfort by talking about what they hope to build and how they will deal with impacts as they arise through planning to give the Board and the public some level of comfort in that they understand that there are some impacts and that they will be addressed. She said that it is important to note that there is no site plan. This is not a site plan review because there is no site plan in front of the Board. She advised the Board that what they are limited to doing when they are changing the zoning is to ask if we want to amend the Code to allow this particular building, not this one specifically because there is no site plan, but a project like this in the M1 Zone. They need to consider things like if there is there a need for Senior housing in the Village. If there is, do we think that multi-family Senior housing in the M1 Zone would be beneficial? Would that be a decent place to put it? What type of housing might we want there? How many units per acre? What about age restrictions? Is 62 a suitable age for our Senior multi-family housing? She thinks that all these things have been considered but may have gotten lost in the months of discussions. Should there be a restriction on income or “affordable housing” units versus or not? The sponsor has now told the Board that originally it was to have been 100%. “affordable” but in response to some of the concerns from the Board and public now no more than 85% of the units could be. She said that the Board could look at things like is there a fear that allowing this type of project in the M1 Zone would somehow bring a flood of these into the Village. All those things should be addressed, and she believes are addressed, in the local law. She advised that the goal tonight is for the Board to pin this down to something we can live with or are happy with so we can move the process along and send this down to County Planning as we are required to do. There is a 30 day period for them to comment. Only then can this come to a vote. She advised that tonight is not going to be a vote to change the planning. Tonight is for the Board to look at the local law and discuss it, to determine if this something that the Village wants and needs, and if this something that we want to do. She again said that this is not a site plan. We are not talking about a specific project. She hoped that made it clearer.

Mayor Knickerbocker commented that as she has said all along and many times, her concerns are our services: our ambulance, our police and our Fire Department. We have a small community and we have one police officer on duty at any time. We have a volunteer ambulance corps and a volunteer fire department. She is concerned that it might stress our services. We have fantastic services now. Her other concern is the project itself. We do not have the type of density that is being proposed. We have an average of 5 residential units per square acre. This project is looking to have a larger density than our zoning requires. It is looking at 9 units per acre. It is not the character of our Village, having a multi-family type unit. Now with the environmental, it has come to her that with all the trees that have been taken down with this Spectra project, we would be going to another open space area where we would be eliminating trees and open space for another project. She commented that those have been her concerns all along. She does not think anyone on the Board or in the Village is against affordable housing. This is not something we are used to seeing or having in our Village. Most of our homes are individual residences instead of big multi-families. The Mayor said that her biggest concern is the services. She asked

the Board if they wanted to start going through this proposed law. She asked if everyone has had an opportunity to look at it and if there are items of concern or that they would like to change.

Trustee Zachary had a question on section 2 at the bottom of the page where it says that for Senior multifamily housing no more than three persons can occupy a unit. The way it is worded he thinks it could allow three unrelated people. He does not think that should be allowed. If it was a couple living in the apartment and they had a caretaker, he thinks that is okay. He feels that these one and two bedroom apartments should be for singles and couples unless the third person is a caretaker. He wants the wording changed to define that. Another of his questions concerning the number of units was already addressed in the proposed draft. Village Attorney Porteus asked if he wanted to differentiate between one and two bedrooms. Trustee Zachary thinks that if it is a one-bedroom that it would be a single or a couple. With two-bedrooms, you could have two siblings sharing an apartment. While you cannot have any permanent residents there, there is no restriction on weekend guests so you could have the second bedroom for that. He commented that he does not know how the caretaker situation works. He wanted to know since it is allowed if the caretaker would have to sleep on the couch. Mr. Balter advised that they manage a lot of Senior housing. He said that there are times in a two-bedroom where you might get for example two widows who are not related who would share an apartment. So he would not want to have Trustee Zachary's restriction included. Concerning caretakers, they very often do not live in the home. When they do, they might live in the second bedroom or on a pull out couch. It is not the norm. He advised that whatever the Board does, it has to comply with the Federal Fair Housing Law. He is not sure what restrictions can be made on related people. Trustee Zachary commented that two unrelated people are fine because you might have married couples or unmarried couples. So you have to allow two unrelated people. But he thinks that a third unrelated person is too much. Mr. Balter agreed that if it is limited to two unrelated people and a caretaker, it would be perfect.

Mayor Knickerbocker commented that because we do not have copies she will read it. In summary it says that the proposed development must be located in the M1 Zone. The site must be located next to an RN Zone. An R Zone is residential. No Senior multi-family housing development may be located within 500 feet of another one. The proposed development is designed to complement and retain the existing residential character and architecture of the adjacent R Zone in the Village of Buchanan. The Mayor noted that she has a problem with that. The proposed development includes suitable and adequate on-site facilities for Seniors including recreation and common rooms. Individual residential units and all common interior and exterior areas meet all New York State guidelines for accessibility. The housing units are designed for habitation by independent, able-bodied residents and the development does not include medical facilities, assisted living services or other provisions for the infirm. The Mayor noted that there are other requirements in addition. The minimum lot area is 7 acres. Minimum lot width is 100 and minimum depth 200. Minimum setbacks: front = 50 feet, side = 50 feet, rear = 100 feet.

Maximum height = 3 stories, 35 feet. Maximum dwelling units per acre = 9. Minimum required open space = 25% of lot area. Maximum lot coverage = 40%. Required off-street parking = 1 space per unit plus 10 visitor spaces. Accessory uses such as laundry are defined. She read that if affirmatively further fair housing, units under guidelines adopted by Westchester County are proposed not more than 85% of the total number of residential units shall be offered to persons of low to moderate income as defined by Westchester County which shall be maintained over time by a plan offered by and instituted by the project sponsor and continued by all subsequent owners of the development. There will be no income limits or restrictions on the remaining 15% of the residential units.

Mayor Knickerbocker commented that this is a big decision for the Board to make. It is a change to the character of the Village. We have to decide on this law to send it down to the County. She asked if any other Board member would like to comment. She noted that we will not be closing the Public Hearing tonight. It will continue.

Trustee Zachary commented that if you listen to what the Mayor read, there are a lot of conditions on this zoning change. He noted that we have been going through this for 3 years, fairly intensely for the past year. One of the concerns that has come up is does this open up the Village to a rash of similar developments. He has examined the zoning map to look for other parcels. This zoning amendment is crafted in such a way that you are not going to find other parcels to fit this criterion. We are not looking to start a rash of developments. It is carefully crafted and as it is worded with the change he requested earlier regarding the number of people, he feels it is something we should send down to the County for review. In response to the concern about the trees and environment, he thinks that a residential use there will have less environmental impact than a commercial use. As currently zoned, gas stations, repair shops are allowed and by special use permit warehouses and some other things. He thinks that the commercial use would pose more threat to the environment. The Board has discussed various aspects of this development which will really be the jurisdiction of the Planning Board. But in order to formulate this and to see how we feel about it, we had to get into some of these other aspects besides just the straightforward zoning change. We looked at the potential things that could happen with this development. One of the biggest things to him was that the area around the clay pond would be developed for public use right along Bleakley Avenue. The property ends before Bleakley Avenue. He commented that as is typical with properties in the Village, the Village owns a certain number of feet from the curb. Over there the Village has a little strip that abuts the property. The developer has pledged to create a public space around the pond, a gazebo and a walkway. He thinks that environmentally right across from Lent's Cove Park which the Board has talked about trying to get grant money to improve and possibly expand. He commented that it is a very beautiful. If you just go over there and walk, it is a very beautiful spot right there by the park. He commented that there are things happening at the other end. Peekskill has developed a river side walk up to the Peekskill side of Lent's Cove. There are

some proposals for development of an entertainment center with restaurants and family activities where the old Cove Restaurant was. He thinks that if developed properly, this could be one of the nicer places to live in the Village. He does not agree with the environmental issue or the development issue.

Mayor Knickerbocker said just so everyone knows where this property is, when you come to the end of Bleakley Avenue, Entergy is straight ahead. The property would start to the right. There is a clay hole that has historic value. The old timers can tell you about it. From the right of Bleakley Avenue, you take the right onto Broadway. Almost across from Lent's Cove is the property that is in question here. It has a lot of wetlands and has steep slopes. She would like to see the height of the building which is given as 35 feet. The Mayor noted that right over the ridge is the garbage incinerating plant which just developed their property. She commented that would be the view, not to mention the smell. The Mayor commented that we have not seen the site plan so she does not know. Mr. Balter said that he has shown that the buildings would be well below the sight line. They are not being constructed in the wetlands and are pretty much staying off the vast majority of the steep slopes. The Mayor commented that the Board has only seen conceptual so it was hard to figure out where things are.

Trustee Zachary wanted to point out that when it goes to the Planning Board they have a lot of homework to do and nobody is looking for it to get rushed through. He commented that we want the Planning Board to look at everything that needs to be looked at - environmental impact, aesthetics, public access and so forth. We expect our Planning Board to do a thorough review and vet out everything. This is just to open the door for the Planning Board to do a very diligent review. That is our expectation.

Village Attorney Porteus asked the Board if they were agreeing to send it down to the County. Mayor Knickerbocker asked the Board if they were happy with the way it is. She would like to look at it further because she is not happy with what she noted in in her opening comments concerning Number 4 on the second page (*attached*). She commented that if you are doing a multi-family, it is not exactly retaining the residential character and architecture of the adjacent R Zone. Village Attorney Porteus thinks that it is the way the Mayor is reading it. She advised that the building that will be developed there will not be a steel framed building with no windows. It is going to be aesthetically like the character of a residential. She commented that it does not mean the way that the Mayor is reading it, that putting this in there will change the character. That is not what this is saying. She also advised that the 35 feet that the Mayor referred to will be in there. There is no choice. We are passing a local law that the building will be 35 feet or less or it will not be built. She said that there are some things that we recognize through here that our Planning Board will be bound by and so would any builder or project that comes in. She commented that the Mayor ran through for the public the frontage, the side and the height. She advised that other than the density, it is fully compliant. There are no changes

from anybody else in the M1. They are not asking for anything that any other property in the M1 does not abide by.

Mayor Knickerbocker commented that she does not know if the whole Board has had time to absorb this before this is sent to the County. Mr. Balter advised that the 239 requirement to send it to the County is to do the same thing the Village Board is doing, to consider it. He said that if we do not do it tonight what happens is that it will continue to the next Board meeting. That means he, the Board and the public will be here for a minimum of not just tonight but for two more times in addition to that. He commented that he has been before the Board now for a couple of years. He said that doing a referral to the Planning Board is a very standard thing for them to give the Village Board their comments to consider at the next Village Board meeting. The Mayor commented that going back she thinks that we would have had an easier time dealing with this if we had a site plan instead of something conceptual. She thinks that has made it really difficult for everyone to conceptualize it. She noted that Mr. Balter has mentioned the time. She commented that each time there was a different tweak or something else happening to the plans. She does not think it has remained consistent. The Board has been asking different questions. Now Mr. Balter has come before the Board saying that now there is 85%. This is a new development. She commented that it almost seems as though every meeting is a new development. In addition, Mr. Balter has asked for a couple of postponements which she said was fine because he was away and there are things that come up. She noted that Mr. Balter has commented on how long it has taken. She commented that there has been a process that has changed and morphed and gone in different ways. Mr. Balter commented that he appreciates the Mayor's honesty and for telling him from the beginning and every time since that she does not support this development. He would like to see what the other Board members think.

Trustee Funchion does not agree at all with the first paragraph of Section 1. He commented that initially, before Mr. Balter was involved, it was brought before the Board that with this piece of property, taxes were being paid and the person who owned it was not getting anything back other than just paying taxes. He came to the Board to discuss what things could he do with this property to make money that would be good for the Village. We talked about Senior housing. But this says that the Village Board recognizes that there is an increase in societal need in the Village of Buchanan. Trustee Funchion does not agree with that. It continues to say "and its surrounding communities to provide specific housing for persons over the age of 62." Trustee Funchion commented that this criterion has changed so much. He addressed the Village Attorney. He said that his understanding was that what was to happen tonight was that the community was going to get an opportunity to voice their opinions on this particular development. He did not know that something has to go to the County for up to four weeks before we can vote on whether we want this or not. He is mixed up about the bureaucracy here. He wanted to know why the County has to approve whether we want something or not. Mr. Balter said that it is not about approval. They give comments. You do it on pretty much

everything of this type. It is not because of their application. Village Attorney Porteus advised that it is a legal requirement. It has to go to the County for comment if you are changing your zoning. Trustee Funchion wanted to know if that will have any effect on whether this proposed development is here or not. The Village Attorney advised that they might have comments. If the Board chooses to accept them, great. If we choose not to then we will talk about it. It does not mean that if they say that they love everything that we have to accept it or vote on it. If you do not like the project or zoning change, you do not have to vote yes. Every project and every zoning change has to be sent to the County. It is not unique to this. She commented that concerning Trustee Funchion's comments on Section 1, she wishes that he had called her and they could have talked about it. She advised that in every change or local law you have to have a purpose where you have to describe to the public and everyone why you are doing this. She advised that in this one that was her language as to why the Board would be changing our zoning to allow this. The assumption is that if you are going to vote yes to change it, it is because the Board sees a need for it. Trustee Funchion commented that it seems to be putting the horse before the cart. He wanted to know why there should not be a Public Hearing first and then the vote; and if it is a favorable vote it then goes down to the County. The Village Attorney advised that the Board cannot vote on it until we have given the County a chance to comment. Trustee Funchion commented that then it does not matter what we think.

Marilyn Timpone-Mohamed, the Village Planner, advised that the referral to the County is something that is required by the County to apprise the regional planning council, the Westchester County Planning Board, of changes in zoning in specific municipalities within its jurisdiction. It is sent to them for their comments and also so that they know what zoning changes are being made in the County because it affects certain County plans. They have recommendations that they will make. Those recommendations are advisory only. They are not approving or disapproving anything. They will say things like for example the project will benefit from the addition of a bike rack because many people cycle now. They will talk about certain things like ADA accessibility. It has bearing on their planning requirements but it does not have a yes or no influence on the Village Board's vote. So it does not preclude the Board's approval or disapproval of this law. She commented that quite the contrary, it is meant to bring out issues that may not have been brought out before. She said that the Village Board is still the only agent of change in our Village. It is a legislative action that only the Village Board has the jurisdiction to make.

Mayor Knickerbocker commented that Mr. Balter is correct. She is only one person on the Board. She would like to hear from the rest of our Board members. She commented that Mr. Balter called a month ago and said that he would like the Mayor to get behind this project. The Mayor said that she cannot because she does not see this as a benefit to the Village. She commented that at that time in their discussion Mr. Balter said something about what about 44 units? She commented that everything is constantly changing. Mr. Balter said that what he

actually said was that the development could be smaller. It affects the impact fees that the development would be able to pay. It affects the ability to keep the units that are essentially subsidized by us that have no affordability, these 15% units. He said that the Mayor made it very clear again that there is nothing she supports. He thinks that he heard that even if it was 20 units she would not support it. He commented that he got the message loud and clear so he stopped trying to convince the Mayor of something to see if there was a place that she would do it and he went to something that he thought might get him a consensus from the majority of the Board. That is what we are here to find out. He commented that concerning the 239 approvals, it is a very ministerial thing. Once you have it before you, it is one of the first things that you do. He commented that if the Village Board were to do that, it has nothing to do with what the public can say tonight or having input, the Board having input or being able to change it or the Board being able to approve it or not approve it. It is simply allowing the County to comment as required by law. He requests that if the majority of the Board thinks it is reasonable, to let them do that.

Trustee Jackson wanted to know if it goes to our Planning Board and the County Planning Board at the same time. The Village Attorney advised that it does not. This will not go to the Village Planning Board. It goes to the County. They will or will not have suggestions and/or comments. The Village Board will look at them. Then the Village Board, and only that Board, will vote on whether or not to change the zoning. Trustee Jackson commented that would be without the scope of the project being in place. The Village Attorney advised that was correct. If this were to be changed it would allow the project sponsor to come before the Planning Board with a site plan. They cannot go there now because they do not have a legal right. So the Village Board would be giving them the legal right to do that but not the right for this particular project in any way, shape or form they choose. That would be within the confines of the law that we passed. Then our Planning Board would vet out impacts and ways to mitigate impacts. What the Village Board is doing tonight is changing the zoning to allow an application.

Trustee Zachary commented that the Planning Board is also especially important. They could look at it and say that they will not approve 66 units. They have to approve the site plan and review every aspect of it. The zoning change opens the door for a site plan process to start at the Planning Board.

Trustee Pasquale thinks at this point that we should go forward. He commented that honestly, at this point he is tired of hearing all this. He said let us send it down to the County Planning Board. They might have some additional insight. He noted that as has been said, sending it there does not mean it is approved. It has to go the Planning Board. He commented let us think that they and their consultants are going to make sure that this is mitigated fully and addressed properly. But let us get one thing off the drawing board. He says to send it down. Mayor Knickerbocker said that she is not sure that we are ready to do that at this moment.

Trustee Funchion commented that he understands what they are trying to do; that it has to be looked at by the County; that legally must be. He wanted to know why should this not be a half page that maybe says just that Mr. Balter wants to develop a site of 7 acres of 66 units of Senior housing. He wanted to know why all this other stuff is in there. He is looking at some of these things such as what the Mayor pointed out where it says that the Senior multi-family housing project is designed to complement and maintain the existing character and architecture of the adjacent R Zone. Trustee Funchion said that he could not be more in disagreement with that. He commented that an apartment house does not blend in with a village that is predominantly one-family homes and some two-families. He understands that Trustee Pasquale wants to move it forward but he finds too much in there that he does not agree with. He feels that moving it forward is saying that we want to build this. He commented what are the comments from the County and let it come back here and the Board will massage it and then hear from the public. Trustee Pasquale said that is his understanding of what will happen. Trustee Funchion said if it goes down to the County he does not agree with this. He guesses that this is maybe the 15<sup>th</sup> or 16<sup>th</sup> time we have had a meeting on this. The statistics and everything in it has changed. Before Mr. Balter was here, there was another individual who was coming with different things. Each time it has changed around. Trustee Funchion commented yes, let us go forward and get to that point. He does not know the legalese that has to be put in there, the sufficient amount of information for the County to come back and give their comments. He does not know that. He questioned how does the County know if it blends in with the architecture of the Village, for example?

Village Attorney Porteus advised that what that is saying is that any development that comes in whether it is Mr. Balter's or anyone else that wants to design one of these in the M1 Zone, it has to blend in with the architecture. What it is doing is preserving. It is not saying do you think that Senior multi-family housing blends in with current housing in the Village. It goes beyond that. If for example somebody comes in before the Planning Board and wants to put up a big steel frame building with no windows, that does not blend in in any way with the residential use. What this is trying to do is preserve the architectural character once a project is already before the Planning Board so that once it is they can look at this and be guided by it. It is not asking if you agree that a project itself blends in. The law has changed because this is the law and now the project comes in and the Planning Board looks at each one of these. That is why there are so many. You want the Planning Board to say that it has to fit in. You want them to look at and say that it has to be in an M1 Zone, that it has to border a residential zone. All these are constraints to this and to guide the Planning Board or the approval authority. Trustee Funchion said that we are not voting on this tonight. The Village Attorney advised that we are not but if we have some serious concerns with this, if Trustee Funchion does not like Number 4 and the Board agrees, it should be taken out. She commented that in her opinion, she thinks that we

would want a project that comes before the Planning Board to blend in with the architecture of the Village as much as possible.

The Village Planner advised that that list that they are looking at is a list of rules. It is not a discussion of what his project is like because the Board does not have a project in front of it. All we have is a set of zoning. Zoning is a set of rules that governs anything that will get built in that M1 zone that is Senior housing. So it must be across the street or next to an R Zone. It must create architecture similar to what we have in the Village. It must be on 7 acres. Those are rules. They are not comments on Mr. Balter's project. She thinks that is where there is a little confusion. The County is basically looking at the rules. The County is basically looking at the rules and the changes to the general use in the M1 Zone and seeing if it is an appropriate change of use. They will give their comments. It is in no way a statement on the Board's part saying that Mr. Balter's project does those things. The only body that can say that is the Planning Board if this were to be approved. These are the rules that they would go by. That is why the constraints are put in there. If those rules are not put in then Mr. Balter can build this any way he wants if he comes back with a project.

Trustee Funchion said that he understands that. He is more concerned with the statement of the purpose and objective. He referred to the paragraph which states that the Village Board has taken a hard look. He commented that this project was brought to us. We did not seek it. It goes against the reality of what we experienced. We did not go out looking for a piece of property to have developed for Senior housing. The individual who owns the property came to us. Trustee Funchion commented that if he is at the County looking at this document, it looks like this is what all the Trustees did and wanted. It is what the property owner wanted.

Mr. Balter commented that that section is not about their property. It is what the Village did in its 2005 Comprehensive Master Plan. Trustee Funchion understands and agrees. Returning to the first paragraph, he still wants that taken out.

Trustee Zachary noted that one of the lines in there is that the Senior population forms a stable part of the community. He commented that is so true. They are the most stable part of this community. Seniors are reliable good citizens. He thinks it is crazy to take that out.

Mayor Knickerbocker said they received this on Friday. She personally is not ready to send this down yet. She has some questions. Trustee Funchion has some questions. The Village Attorney said that if she understands correctly, we have Trustee Zachary's change that he requested about the unrelated and the caregiver. There is Trustee Funchion's deletion of the first paragraph. Trustee Funchion commented that having been advised by the Planner that these are rules, let us get it moving.

Trustee Jackson commented that he is going to take a different approach at this time that may vary from what got us here. He commented that when he came on this Board two and a half years ago and this project came up, they talked about how Senior housing was a good idea for the Village. It was a matter of how we got there. Now that we are here one of the things that disturbs him in this project and the point of how we proceed at this particular stage is that he recalls that before he came on the Board there was a regime here in the Village that dictated policy, spread propaganda, told half-truths and that maligned people. He showed a letter and commented that this letter that he received is an indication that that process, that bullying, that Gestapo tactic is still with us today. It is dismaying that we have a democratic process. He said he has sworn an oath to the State of New York and United States Constitution to do his due diligence in upholding those principals. Yet we have these comments in an anonymous letter sent to him. He commented that to him, an anonymous letter is a letter from a coward who has not come forth to state their opinion. This comes out in the middle of the night and you wake up and it is on your porch. He commented that it smacks of Nazi-ism. He quoted from the letter. It said, "How will over 100 more residents affect our police and ambulance services? Will this open the door to more affordable housing units in the Village? How will this affect the value of your home? Why are the apartments being advertised in 9 counties including New York City? Why are they being advertised to least likely applicants? Why is there no guarantee for Buchanan residents to get an apartment? What deal was offered to the Buchanan Fire Department from the developer? And the biggest question of all, why are most of the Village Board members for this project." Trustee Jackson takes exception to this letter and thinks it is disgraceful. It has been brought to light by those who do not have the courage to sign their names. He commented that there are lies and misinformation concocted in this letter. He said that he may vote. He does not want the County involved in this to the extent that it has come about. He commented that when we started this process we were talking about residential properties for Seniors with no affordable housing element in it. His comments at that time were if it was aesthetically correct for this Village. He has been a homeowner here for 22 years. Is it going to change that character? He does not know. He has seen a model drawing but honestly he does not know. He does not like the bureaucracy that we find ourselves in today, that this is the process. He commented that if that process would have been clearly delineated to him at the beginning, he would certainly have had some qualms about it. We took this project on as a benefit to the community. Then we got dragged into a settlement with HUD. Those are problems. By the same token, he said he is not going to be beaten down into agreeing that the process should not go forward because there are other players in this like our Planning Board. Now he knows the requirement to go down to the County for their review. He commented but to sit up here and say that we are going to stop democracy because you do not agree with him and are going to use Gestapo tactics to intimidate him or members of this Board. He commented that we dealt with that 18 years ago with a prior administration that ran this Village. He asked are we going to go back. It is a lot to think about. The process is convoluted. But it is not just our decision whether this goes forward or not. He commented that we can say let it go forward to

review and see what the County says. Let it go to our Planning Department and see what they say. He commented that he will not go softly into the night. Not without challenge to those who would sit here with the lies and insinuations that he or members of this Board are going to personally gain something from this project. He has not made up his mind but the process is the process and it is not just the Trustees here. It is the wheels of government. He said that as the members of the public come up to make their comments, as they look to each other as neighbors and residents, is this the perfect development? He thinks not. He would prefer a lovely set of town houses as he has said before because that is the hallmark of what we have. He said if there is going to be a vote tonight on a recommendation to send it down to the County, he agrees with Trustee Pasquale. Move the process on. Mr. Griffin is a private land owner. This is not Village land. If he wants to try to put up a commercial building, he will be back before the Board trying to ask for those changes. At this point we need to take a look at this whole process.

Mayor Knickerbocker commented that democracy is alive and well in the Village of Buchanan. That is why we have Public Hearings so that we can get input from the Board and the residents. We are more than happy to hear the comments. She summarized the Board's position. Trustee Jackson is for sending it. Trustee Funchion is for sending it with the first paragraph taken out. Mayor Knickerbocker is not in favor. Trustee Zachary is in favor of sending it. Trustee Pasquale is in favor of sending it. The Mayor directed that it will be sent to the County. Village Attorney Porteus will make the changes and send to the Village Planner for the referral.

Mayor Knickerbocker told the audience that they will have 5 minutes to speak. They should come up to the microphone once. She said we are not having people coming back so they should give their comments once. That way everyone gets a chance to speak.

John Mattis, Tate Avenue, commented that he thinks that everybody in this room until tonight thought this was going to be a Public Hearing on a special permit for Mr. Balter. Now we find that it is a zoning change. We are being told that this is not for a specific property. He wanted to know if that is so why Mr. Balter is talking about his property. If this is generic, why are we discussing his property? Why is he making another deal with the Board? Mr. Mattis commented that if it is generic, then it is generic. If it is about Mr. Balter's property, then it is about his property. Mr. Mattis wanted to know if this was not supposed to be a special permit and then it was changed at the last minute. He thinks that most people thought that. They may have all been wrong but that is what he thinks they believed. He commented that Trustee Zachary is almost threatening that it could be developed into some commercial thing that we do not like. Mr. Mattis commented that has been commercial forever. It could have been developed commercial since 1979 and would have been. So from 1979 to 2015 nobody has found a suitable use. He commented that the reason why is because it is a clay hole, a steep slopes and a wetlands. Mr. Mattis commented that Mr. Balter is going to have to build on steep slopes. He wanted to know if the Planning Board is going to give him carte blanche to build on steep slopes.

That is a very big concern. It is a very difficult property which is why it has never been developed. Trustee Zachary commented that the Planning Board is more responsible than that. They are not going to allow him to put something in place without reviewing it. Mr. Mattis wanted to know if it was a special permit. Village Attorney Porteus advised always, from the very first minute. Mr. Mattis wanted to know how many times it has changed. The Village Attorney advised that it has never changed. She commented that he has spoken about this four or five times in past meetings and he did not know what he was talking about. Mr. Mattis commented everybody in the audience has always thought it was a special permit. The Village Attorney commented as to how he can speak for everybody in the audience. This has been the same language from the very beginning. Mr. Mattis commented that then it never should have been discussed as a specific. It is supposed to be a generality. The Village Attorney commented that this is a change in zoning in the M1. Mr. Mattis said that it should not be a discussion about a particular developer. It is supposed to be generic. That was stated by someone here tonight. He wanted to know why they were always discussing a particular developer. The Village Attorney advised this was a concept that a developer brought. She said that what this Board understands is if they change this zoning to allow by special permit use, they have to come before the Planning Board and ask for a special permit. If they change this law the Village Board is giving the Planning Board the authority. Mr. Mattis said he would prefer that the Village Board retains that authority and that could be stated. Trustee Zachary believes that the way our laws are written, the special permit is issued by the Planning Board not the Village Board. He asked if Mr. Mattis had been on the Town of Cortlandt Planning Board. Mr. Mattis advised it was the Zoning Board.

Former Mayor Sean Murray, Gallagher Street, commented that back when this project first came before the Village Board there were several uses that were suggested. One was recreation. One was multi-family. The applicant wanted to have a waste transfer station which we flatly denied. Former mayor Murray commented that he has always been for Senior housing. He knows that there is a need for it in the area. Butterfield in Cold Spring has just been slated as a luxury Senior housing complex. There is a market for it. He believes that many of the Board members have done research and found that there is a market for it. The research he did in the past showed that there is a waiting list in Springvale. He commented that one of the reasons that he is always for market value is because the majority of residents can participate. Even though Mr. Balter has decided to set aside 10 units, it is still only 10 units. This is the Village's property. Former mayor Murray thinks it should be able to be used by all the Village residents. He commented that one of the things that has changed in recent weeks is that the Fitzpatrick nuclear plant is slated to close in 2017. That is an Entergy plant. They have said that they will close the Pilgrim plant because of the gas prices. This Spectra gas line is using up the last of our commercial real estate. Sometime in the future Indian Point will close. By changing the M1 Zone to residential use the Board is limiting our ability to grow the tax base through industrial use. The gas pipe line used up almost all of our industrial use property that could be developed.

He commented that Spectra can say all they want that you can develop around it. But he noted that as he said at the Public Hearings, he asked how many they had approved and they replied none. He commented so you can kiss that goodbye. He commented that by giving away the rest of our industrial land, the Board is destroying our tax base. By putting in these affordable housing units, we are getting \$20,000-\$24,000 in increased revenue to our tax base. He commented that it is a mere bag of shells. He does not feel it is worth the Village residents having to give away their land for.

Former mayor Murray commented on sending this to the County for review. He commented that if for one second any Board member thinks that the County is going to disagree with the way that law is written they are sadly mistaken. He commented that there is no way that they will put any other limits or caveats onto that law. When they send it back, they might say to put in an extra parking space or change where the sidewalk is. But that project will go through. They will approve it. He commented that by the Village Board sending it down there, they are saying to all of the Village residents that they are approving multi-family housing for that lot. He commented to make no mistake about that. He commented that they can put it off on the Planning Board and blame them for it but the sole purpose of it resting with the elected officials is because they have to change the laws that will affect and benefit the residents of the Village. Right now, this project does not benefit them today and will harm them in the future by taking away their ability to grow their tax base through industrial purposes.

Mayor Knickerbocker advised that there is a 30 day turn around. She is sure that it will be shorter than that.

Kathy Stewart, Lindsey Avenue, commented about the caregivers in these apartments. She said that a care giver who is there for 12 hours and a second one who is there for 12 hours constitutes 24 hours of care. You do not need any extra space. But if you have a care giver that is a live in, they need to have their own bedroom space. She advised that must be considered when discussing who should be in those apartments and care givers.

Vicky Goldberg, Tate Avenue, commented that she has been an owner for 28 years. She is concerned about the impact on our support systems. Because this area has been historically commercial she wants to know what is in that soil. She thinks that the soil needs to be tested before anything is considered because if it is contaminated it becomes a whole other issue.

Diane Tangen, 240 Catherine Street, commented that she has lived here as a home owner and tax payer for 51 years. She came here at age 26 and now she is a Senior Citizen. She commented that she has heard a few degrading remarks about Senior Citizens and perhaps they should leave here. She commented that Senior Citizens are a very desirable population. They pay their bills including rent. They are not a population that brings a lot of problems to a community. They are

great volunteers. She commented that they are probably the greatest volunteers in our society. She commented that she is way beyond 62 years of age and knows people personally who volunteer in our hospitals in our community, our area and at the VA. They volunteer at the library, in soup kitchens, fire houses and ambulance corps. They belong to service organizations and volunteer in churches and synagogues. She and her husband deliver Meals On Wheels in Croton. They do a meal once a month for the Salvation Army. She commented if one day the Seniors did not show up for their volunteering what would happen to this country is a lot. She commented that if Senior Citizens did not work the polls yesterday, we probably would not have had a vote in this country. They work. They drive. They play golf and tennis. They belong to health clubs and walk and exercise. She thinks that the Board is saying such a negative impact that Seniors would have on this community. Concerning the services, she did not hear the Fire Department say anything terribly negative. One of their officers spoke at the last Public Hearing. He talked about this being a burden to our community. She does not hear any statistics about what calls anybody gets or why anybody would think they would get a tremendous amount of calls in a Senior project. Concerning people who want to live here, she commented that we are so afraid to get people from 9 counties away. She thinks that as to who wants to live here, it is the people who already live here who want to live here. Within the last few years, people who went to school with her son have either built or bought houses here in Buchanan. A house in her neighborhood was recently sold to a family who already lives in Buchanan who wanted a bigger house. The people who sold that house moved to Furnace Woods. The people who want to live in this area come from Peekskill, the Town of Cortlandt and the Village of Buchanan. She commented that if she were on the Board she would vote for this project because she thinks there is a need for Senior housing. She said that the part she has not heard tonight is what Mr. Balter would do for our downtown if he gets the opportunity to build this project. She was very interested in that. She commented that this came out at previous meetings. She was on the Master Plan Committee. She commented that Mr. Balter said that he was willing to improve the property from Route 9A into the Circle on Tate Avenue and White Street. She said that even brought the things from the Master Plan where they talked about building town houses in that area that would complement the Village Circle. She likes that idea. That is one of the reasons why she is for this project.

Eric Singer, Captain of the Cortlandt Community Volunteer Ambulance Corps, commented that his Board of Directors has had conversations about this. They are totally neutral. Their agency will make sure that their ambulances get to that building if it is built. He is not going to talk about that building being produced. He wants to clarify some things that were said in the past couple of meetings. He commented that no one from their ambulance corps. was there but yet there were a lot of people who could fix and overcome their EMS issues which they do not have. He is a little bit upset because it was made to appear that they are not covering their calls and that things are not getting done right. That is not the case and they are very much misinformed. Concerning their call stats, so far this year they are up to 1,060 calls in their district which takes

in part of Croton, Montrose and Buchanan. Out of those calls they had to call in mutual aid 50 times. That is less than 5%. He explained that the way that works is that if they cannot get an ambulance to a person fast enough because their ambulance is on the road, their mutual aid agencies – Peekskill, Mohegan, Verplanck and Croton – will send their ambulance to help them. CCVAC has taken it one step further. They have contracted through the County a mutual aid with a commercial ambulance that sits at Hudson Valley Hospital to do their transports. They are there a majority of the time doing nothing. When CCVAC cannot get out a second rig or get it covered, they come right in and take care of the call. They are professional, well trained EMTs. CCVAC went out 45 times between Peekskill, Verplanck and Croton to help them cover calls. He commented that they regularly cover each other's calls when needed. Mr. Singer looked at calls to Springvale. There are 525 apartments similar to what might be built here. Right now, CCVAC has had 180 calls, about 35% of their call volume. He is not including the Springvale Inn or the nursing home. It is just the apartments. He commented that if 66 units were built and looked at 35% that is 25 calls. That is 2 extra calls per month for them. He commented that the problem is that if someone is ill and has to go to the hospital two or three times per month, those numbers will go up. This is just a general comparison of the numbers the Board was interested in knowing.

Trustee Zachary wanted to confirm that projecting the numbers from Springvale to this proposed development would be 2 extra calls per month. Mr. Singer advised that was 25 calls per year without somebody having a major illness and having to be taken to the hospital 3 or 4 times.

Mr. Singer commented that in the Village of Buchanan they are up to 180 calls this year. He commented that it appears from what has been said at previous meetings that everyone is concerned about cardiac arrest. He commented that we all are. They have an outreach program that Kathy Stewart started. They have defibrillators in the Village Hall, the pool, the Methodist Church, the library and the Town pool. They teach free CPR classes. Every Little League coach has to take a CPR class, AED and sports AED. He noted that they had 4 CPR calls this year. CPR calls are important. They will get there. They have the defibrillators. He commented that it could happen at this proposed complex that somebody goes into cardiac arrest and needs CPR. That is not a big concern for CCVAC. Their concern is one of safety. He said that if they go to a call at that complex and it is an incident with an overdose or a psych patient, they cannot enter the scene unless a police officer enters first. If they do not have a police officer go in first, they do not go in as a matter of safety. They train hard on that, on how to restrain people, all the training. But they need that police officer to make sure that they are safe. He advised that all the police officers have their frequency on their radios and call them ahead of time. They also carry oxygen and defibrillators.

Mr. Singer said that if you are an EMT with their agency, you are under their medical control. If you are an EMT with their mutual aid and you "tone out", you come in and are under CCVAC's

medical control. If you are an EMT but not a part of their organization, legally you cannot get on their ambulance and treat a patient. It is not under the medical control policies of the New York State Department of Health. In order to do that they must be part of a first response agency which some people are not. The mutual aid EMTs know that. He commented that CCVAC has an awesome relationship with the Fire Department. He thanked the Village Board for getting them that grant because that will help a lot. CCVAC has equipment that they will donate to them to help them set that up. Mr. Singer advised that the Fire Department's job is to assist the ambulance corps. They come in and check what is needed. The two agencies have an amazing relationship. But it cannot be jeopardized if they are not under CCVAC's medical control.

Mr. Singer said that concerning paramedics, there had been discussion about their getting "toned out" all the time and not getting crews. He said that is not true. They have paid staff. All the tax district money the Town of Cortlandt gives them goes to payroll. They have EMTs in the building. They are the Cortlandt Regional Paramedics. They are hired and paid by them and staffed in CCVAC's building. They are the highest quality and very professional. They have compassion. So you will get the best service in the community. Mr. Singer commented that just because they "tone out" 3 times does not mean that they are not covering their calls. "Tone out" means when District Control dispatches them. The paramedic gets to the scene within 7 minutes. CCVAC has equipment in their trucks so the paramedic can text them. Mr. Singer advised that they keep dispatching to see if they can get extra help to give an extra hand on the scene. He commented that in Buchanan that is great because they come and CCVAC has extra manpower. They do not have a problem. They have a lift system and other equipment, so that is not an issue. They are not having problems covering their calls.

Mr. Singer commented that it was brought up that anybody could be a driver. That is not correct. Not with a \$250,000 piece of equipment. He advised that anyone wishing to become a driver goes through a 6 month probation and an extensive driving program. He commented that if you get into an accident with the ambulance somebody is going to die or get seriously hurt. He commented that it is not like the old days where anybody could get in and drive the ambulance. They have a program that they follow strictly and they have a very clean record.

Mr. Singer commented that what was brought up concerning billing was totally misinformed. They bill the insurance company. They give 30% of all of their billing money to the Town of Cortlandt's paramedic program. That allows them to buy more fly cars, more expensive equipment, medications and to get more staffing and manpower. Because of their money, we now have an extra paramedic here at all time. He advised that there is no such thing as "soft billing". If somebody gets billed and they have a financial hardship, they have to call the number on the bill and by law, there are legal ways that the billing company will work with them to either help them pay it or help get rid of the bill. But they have to follow the proper law. He advised that each ambulance is now \$250,000. Training is expensive. All their equipment and

all that they do adds up to a lot of money. They do bill but they give the best care in the area. He said that if there are any other questions about what was said at the previous meetings to please ask him. People are invited to go through the Ambulance Corps and see what they do.

Mayor Knickerbocker thanked Mr. Singer for coming. She is pleased that they have such a close relationship with all the mutual aids because that benefits us. She advised Mr. Singer that they will be talking with him concerning setting up a CPR program here at Village Hall for the Village residents.

Carol Russo, 4 Donahue Court, commented that she has lived here 31 years. She is a little confused. She wanted to know if anyone can live in these proposed residences that are under the age of 62 and are children allowed. Trustee Zachary advised they [ie. neither] were allowed. Ms. Russo wanted to know they would they insure that. Mayor Knickerbocker read that all household members must be at least 62 years of age unless they are caretakers, and no person may be under the age of 19. Ms. Russo wanted to know did that mean that someone could be between the ages of 19 and 62. Trustee Zachary advised they could not unless they were a caretaker. Ms. Russo wanted to confirm that someone could bring a teenage relative in as a care giver. She wanted to know how we confirm that someone is a qualified caretaker. Mr. Balter advised that whether it is his company or another, there is an on-site management. The development is not owned by the individuals who live there. It is the company that owns the development. So they would be in violation of the zoning and basically would not let it happen. It is not self-policing because the Village has a code enforcement officer, a Building Inspector, who can enforce it. He commented that in his experience having 34 properties and about 3400 apartments, this has historically not been a problem in any property that he has seen.

Ms. Russo wanted to know if anyone did an assessment on the impact to our taxes. She commented that when she joined this community, she paid less than \$5,000 per year. She thinks that her taxes are currently running almost \$13,000 per year. She is concerned that her taxes will go up and she cannot afford that. She wanted to know if anyone has done a study on whether the property values will decline. Hers has already declined as a result of the economy. She sees the Village of Buchanan becoming less desirable. That is impacting her property values. She is concerned that this development will impact them. She is all for Senior housing. She has parents who are Seniors. Her in-laws are struggling. They do not live in this community. She questions if she thinks we have a need to source our Senior housing situation, whether it is the Village of Buchanan or our neighboring villages or parts of Westchester County, why can we not solve it in a different way where we are not opening this up to 9 counties that are not part of our community. She referred to Ms. Tangen's comments and said that she also values our Seniors. She thinks that if we have a problem and need to help the Seniors that we should help our Seniors. She wanted to know how we can assess our own needs and provide what we need to help our community.

Ms. Russo commented that she found Trustee Jackson's tone offensive. She commented that she did not come here to be lectured and screamed at. She does not know what was behind his anger. She agrees with the list of questions in that letter, several of which she said she asked tonight. She thinks we have a right to hear answers to them. She does not know what went on because she has not been much involved. She commented that she has been here 31 years but they have not seen much of her. She is here tonight because she has a concern. She did not show up earlier when she heard it was Senior housing because she is all for Senior housing. But it has morphed into something that seems much bigger and more expansive. It seems too loosely managed and will allow for something that we do not want in this community.

Trustee Jackson told Ms. Russo that he is sorry if he sounded too loud for her. He wanted to make sure that everyone clearly understood him even in the back of the room. Mayor Knickerbocker commented that we do love our Seniors. They are the best. All the Seniors in this area are good people.

Rob Budde, Cortlandt Street, does not think this project is right for the Village. One of the reasons he moved out of Yonkers was the big, bulk housing. He moved to Buchanan because of the small, quiet community. He would like to see it stay that way.

Joe Ryan, Lake Drive, commented that Trustee Jackson was very dynamic tonight. Mr. Ryan said that has been here since 1969. He commented that he is glad that the captain of the ambulance corps feels secure and that they have got it all covered because Mr. Ryan remembers the days when he was driving the ambulance for Verplanck, which he still does. He is one of the Seniors who volunteer. He is an exterior firefighter and drives fire ambulances. He is concerned. He hopes that they do get a lot of volunteers because we know that it is going to put more strain. He commented that many of his first calls were to Springvale because at that time Verplanck was the only ambulance. He still has that concern, commenting that the captain is more "boots on the ground" than he is. Mr. Ryan commented that he had not realized former mayor Murray's very good point concerning the impact on our industry. He commented that the law of unaccepted consequences seemed to take place because if this project, which he has some serious questions about, goes through we will have a bunch of voters sitting there who will have some needs. He commented that if you read any AARP reports and any HUD reports for Senior housing that might not be the best location for Senior housing. He commented that suppose that all of a sudden five years down the road our community is faced with this voting bloc of people who have some concerns and needs because we have not set up the kind of environment where a Senior would find it easy to get to our downtown, we might have to provide more services than we had really planned on if it was just single family housing.

Trustee Zachary wanted to point out that over the 20 plus years he has been here, we have had developments like Lake Drive, Donahue Court and some town houses on Route 9A. When you

do individual houses, we do primarily want that character of single family, family owned houses. But when you cluster houses in something like this, the impact on services is lower per unit. Concerning services, this would be a property that takes care of its own plowing and sanitation. The impact on services would be minimal. One thing that was discussed and one of the first things Trustee Zachary asked for was if this place would be made walk-able. He noted that as Ms. Tangen mentioned there is intent, aside from the public space at the pond, to improve the walkability and extend the sidewalks along Route 9A so that you could walk from the Lent's Cove area on a sidewalk to the Village Circle. That is part of what we would hope to have. Mr. Ryan noted that we have had a site plan. Trustee Zachary commented that with these projects there is impact money made available from the County. Some of the things that we brought up include that sidewalk. There is the intent to do those things. He thinks that this Board has spent a year talking about those things. It does get turned over to the Planning Board. That is their jurisdiction. But that is some of what is being looked for. Village Attorney Porteus advised that it is in the local law. The walk way is going to connect to our system.

Trustee Zachary commented that concerning the whole 9 counties thing, he has the statistics from the development done in North Salem with 64 units. It shows to 290 applicants from the 5 boroughs of New York City. Of those, 3 took apartments in North Salem.

Robert Lupica, Cortlandt Street, does not think it is about Mr. Balter. It is about what he is presenting to the Village. He does not think that it is right for us. He sympathizes with the lady who spoke the last time about watching someone overdose. He did not know if that was in the Village or next door to us or something that she saw at one time. He commented that should be the Master Plan. He thinks that former mayor Murray is right. We should keep that for industrial. He wanted to know if the Board has done due diligence and looked at any industrial, anything else besides this project. He asked if they had numbers on what would be a good fit for this community. He believes that due diligence means that the Board is looking at the industrial and commercial parts, and the residential parts. He wanted to know what parts they have looked at. Village Attorney Porteus said that he is asking a hypothetical question. The Board has somebody who has asked for a zoning change. The Board is not being asked to study other things than that. Mr. Lupica commented that his question is what if we say that it is good for industrial or an office building, something other than residential. He commented that Trustee Zachary said that he did due diligence. Mr. Lupica wanted to know what due diligence was done. The Village Attorney advised that what is acceptable and as of right use and by special permit in that zone is already in there. Mr. Lupica wanted to know what factual information Trustee Zachary has.

Trustee Zachary commented that he does not know what factual information Mr. Lupica is referring to. He advised that he has walked the property. He is looking at the park across the street. He commented that there are people in the Village who do not even know that we have a

park there. It is a nice park. It is a park that the Board is hoping to do some improvements to. We are anticipating that at some point Indian Point is going to close which he feels will make that area more desirable. He is seeing a lot of improvements coming from Peekskill. He believes that a residential use there would be more in character with the park and preserve that park.

Mr. Lupica wanted to know if he has any factual numbers as to the taxes would be this or that for certain industries. He commented that we had in front of us a hotel and the administration decided that we did not want that because we did not want the undesirables. He commented to look at what that hotel is doing now right down the street. It is doing phenomenally. We could have had that hotel. It could have been a great use for that property. He remarked but we put up a wall so those undesirables could not drive down that street. He commented that was what was said when it was shot down at the Planning meeting. He is asking the Board what could be a better fit than “affordable” housing. He commented that Jeremy Basso wants 3,000 square feet of office space and cannot find it. He has gone to Ossining to get it. Mr. Lupica commented that we have one resident who wants to bring a business to us and we do not have the space. He asked what about the downtown area, mixed use. He thinks that we could do Seniors and “Millennials”; 62 and over at market rate. He thinks it would be a great place for Seniors to live. They can walk to town and all the way around. He thinks we need to do something with the downtown not the woods. He wants to know why we want to change the zoning. He believes that once we do and we go to HUD, we lose that property for 30-50 years and never get it back. The Village Attorney advised that it is private property. Mr. Lupica wanted to know if Mr. Balter is getting money from HUD. Mr. Balter advised that he is not. Village Attorney Porteus reiterated that this is private property and that Mr. Lupica was asking questions about doing this and that all over the Village. The Village does not own that property. The Village cannot say let’s put up an office building. Mr. Lupica commented on foreclosures being done. He commented that he knows some people who own those places who would like to do something. The Village Attorney commented then why do they not come in with an application to the Village with something. Mr. Lupica reiterated that he wants to know if we are looking at anything else, if there is something with a better tax rate.

Trustee Zachary commented that Mr. Lupica’s friend could have come before the Village for office space 4 years ago and this application might not be here now. He commented that right now, we have an applicant before the Board. We have been reviewing this for quite a while. This is what has come to the Board. The Board did not go out and seek proposals for this property. Mr. Lupica commented but they want to change the zoning for this. He again asked if it would not be better to have a hotel or an office park there. Trustee Zachary feels that a permanent residential there would be better. Mr. Lupica asked why not owner occupied, market rate residences.

Lauren Attinelly, 4 Pheasant Run, commented that she has lived in the Village for 22 years. She is a Long Islander so she is not a person who has lived here her whole life. She has very much enjoyed Buchanan but she is starting to be nervous seeing all the houses for sale that are not selling, disturbing our land with Spectra and now coyotes in our streets and safety for our kids; and now this. She is all for Senior housing. She hears things like HUD. She asked Mr. Balter if he has a deadline to meet by the end of the year to have this reviewed by the County in order to meet HUD. Mayor Knickerbocker advised there is a deadline and next year there is another.

Mr. Balter advised that the deadline that would apply to this property is actually December 2016. He wanted to clarify that this is not HUD housing. It is a privately owned. His company will own it just as they own about 35 similar properties. It is not HUD housing. There is a HUD settlement with Westchester County that confuses a lot of people. This property is privately owned by his company, Wilder-Balter Partners. He is Bill Balter. They have developed properties in Westchester County ranging from homes at Hudson National, Jacobs Hill in Cortlandt which is Senior housing similar to this, Round Top and the houses around the Hollowbrook Golf Club which they sold to the Toll Brothers. He commented that they would love this to be a luxury town house site if it was such a site but it is not. They would be proud to own this but it is not HUD housing.

Mayor Knickerbocker advised that the County has requirements to meet before the end of the year. This year it is 750 and next year she believes it is an additional 100. She asked Mr. Balter if this would be counted in those numbers. Mr. Balter believes the number for this year is 600. He is proposing developments in Lewisboro and Chappaqua. They are currently building one in Larchmont. He believes that this year the County expects to be over 630 units with the requirement being that they have 600. By next year it would be 750 which this would be a part of.

Mayor Knickerbocker wanted to know if the impact fees would come from the County or from him. Mr. Balter thinks that when we go through the planning process with the Village, there will be discussion about the impacts and appropriate fees. He commented that he has suggested that he believes there would be significant fees available which would essentially come through their funding, some of which comes from private sources and some from Westchester County.

Ms. Attinelly commented that since it is a commercial zoned area with no property on it, she assumes the taxes paid there are less than what we would get if it is turned residential with this property on it. Mayor Knickerbocker advised that currently we receive about \$3,000. The estimated tax would become \$36,000. Mr. Balter thinks that we currently receive \$3,600 and that it would go up to about \$40,000.

Ms. Antinelly commented that she heard talk about the services but did not hear about the Seniors' program. She assumes that these people would be welcomed to the Buchanan Seniors and if so that would be a larger number partaking meaning that our budget would have to go up. Trustee Zachary commented that some may already be Buchanan Seniors. Ms. Antinelly commented that if they are already Buchanan Seniors does that mean that they would try to sell their houses which would be another house that we have up for sale in the Village. She sees many For Sale signs and nothing is moving. She commented that is more upsetting to her than anything else because if we are becoming undesirable then her property value is definitely going down. She said that she moved here in 1992 or 1993. They did well then and she does not want to see things go down. She commented that she is more concerned that it seems to her that there is a lot of disparity among the Board members and if this is really about a zoning change, she has been to other zoning changes before and this does not feel like that to her.

Trustee Zachary commented that it has been a pleasure to work with this Board. He feels that we have agreed on most things. He has a lot of respect for all the members of this Board. He commented that we have found something here that we disagree on. He said that the Board has worked together very well and will continue to do so no matter what happens here. The bulk of what they do is because we all care about the Village. He commented that this is an unusual thing for them.

Trustee Funchion commented that we are all concerned about the property values. He totally agrees with her. The nuclear incident in Japan did not help. Neither did Three Mile Island. He moved here in 1977 before Three Mile Island. He commented that like it or not, it is a fact that a nuclear power plant is here. It affects our property values. However he said that the points Ms. Antinelly brought up are very good ones. He thinks that there are a lot of the properties for sale all over Westchester County. It is a kind of an impact from the 2008-2009 near-depressions. Now people are retiring and moving out. A lot of time, retirees can sit on their property and think that they can wait for the prices they expect to get. He commented that he hopes that everyone knows that this Board, especially himself, is extremely interested in property values and does not want to see them go down. We hired a full-time Building Inspector and that is one of the reasons he was all in favor of doing that. He commented that our new Building Inspector is fantastic. Bit by bit he is going to bring the houses up to Code. If we have any houses that are multiple families in a one-family house, all those things affect property values. He said he is more behind Ms. Antinelly on property values.

Laura Wends, 202 First Street, commented that she and her husband searched for houses everywhere. They found Buchanan, this quaint little village. She is originally from Queens which is very different. Her husband is born and raised in Yonkers. She loves her neighbors and their property here. They have two young children whom they want to continue to raise here. She feels that we should try to focus on other things. She commented that we have so many

properties in our downtown. Her mother asked her what it is here. Ms. Wend told her a barbershop. She heard that years ago we used to have an ice cream shop. She would like the focus to be on something like that instead of delaying and delaying this project. She feels like there is something more we can put back into our Village. She does not know how we are going to benefit from this project. She does not think it is such a great idea.

Police Chief Brian Tubbs commented that he wanted to talk to the Board about this project. He commented that he is not going to address the Senior housing or the affordability. He believes that cluster housing in the Village is not a good fit for the Village of Buchanan. When he started in the Village as a police officer in 1982 the majority of the time there was one officer on patrol. Since that time the Village has added 6 streets, 3 small apartment or condo complexes and houses have been built on almost every available parcel of property on the interior streets of the Village. Today in 2015 we still have one officer on patrol. We have not changed. He commented that when you look to add 66 additional families into the Village, no matter how you look at it if the project goes through police services are going to be watered down. It means additional police calls. It will mean much less time for the officer to spend on patrol time on all of our streets. That means much less time for the officer to be running radar on our streets and watching the Stop signs on our streets. He commented that means there will that much less time for the officers making our community safe and providing all the services we have become accustomed to. He commented that with 66 additional families there will be a need for additional police services. The odds increase but sometimes the residents are going to have to wait for an officer. There are times when they are going to be tied up elsewhere. He commented that if for example you are talking about Noon on a Thursday and your neighbor's dog is barking, it is not a big deal. You will wait. But if a resident is going to be waiting for any of the thousands of other possible police calls that could be serious in nature, it is a very big deal. He understands that the odds of that happening are extremely small. But those odds do increase when you add 66 additional families. He commented that if this cluster housing is built and sometime down the road the residents realize that what he is telling us here now is true and we want to get back to the level of service from before this building was built, we will have to hire more cops. That means that to get back to the level of service we have today we will have to pay more taxes to hire those additional officers. He commented in the end if this project would have a huge impact on the Police Department remains to be seen. But he really does believe that this project will have an impact on the services they provide to the community. He said that no matter what the Board decides our Police Department will do the best job they can to make sure that they provide the best services they can to the Village of Buchanan.

Trustee Zachary commented that he has the last 3 months' reports that give the total number of calls. In July there were 76; in August, 91; in September, 81. It is an average of 3 per day. He also has the statistics from Jacobs Hill. Chief Tubbs advised that the State Police do not respond to every call and we do. So those numbers do not relate to the Village of Buchanan because they

do not respond to every call while our Police Department does. We respond to every dog barking call and every medical call. Every time a resident calls, we send a car and the Troopers and the County Police do not. Trustee Zachary commented every call including ambulance calls which we were told were about 2 per month. It seems to him like a small number of additional calls. He commented that he understands the concern and is not taking it lightly. He said that we had talked about the possibility of a sixth officer largely paid through overtime savings. The Chief advised that the calls do not address the entirety of what they do and provide and it would be taking away from that by adding 66 additional families. It would mean less preventative patrol time on the Village streets. He commented that you can go to Montrose and look in front of the Montrose Deli any evening and see kids hanging out. We do not have that because his officers are out there making sure that does not happen here in front of our businesses. He has two officers certified in putting in baby seats. You would be taking away time from that. There are also dark housing checks, radar, Stop signs, quality of life patrol and efforts that they put in our community. He said that you cannot just look at a number of calls and say they can handle an extra 2 calls. Chief Tubbs said they can but they are taking away from other things and services our Police Department provides and that our residents have come to expect and is the reason that some people moved into our Village. You would be telling them that you are not giving them as much because you are opening our Village to get another \$36,000 in taxes and that if they want to hire another cop or two cops that they will be paying more than the Village will be getting in taxes for that piece of property. He commented that there is a lot more to policing in the Village of Buchanan and a community like ours than just the number of calls.

Carol Russo wanted to know if HUD is not involved then why will there be a lottery system across 9 counties to populate this residence. Mr. Balter advised that there is a settlement between the Federal government and Westchester County which is why when people say HUD they think about the Federal government. It requires certain things in how Mr. Balter's company markets this. Those requirements are in a marketing plan which is enforced by Westchester County. It means that they have to market to the general public including those least likely to apply. That means that they have to advertise to places where, Mr. Balter commented if it were his money and he were spending it to try to get the biggest bang for his buck, he might not advertise because there is almost no likelihood that he would get those people. He noted that a while ago they had a couple of hundred applicants from New York City for the North Salem project. They had 3 people actually wanting to live there. They are the least likely people to apply. Because you would normally not do it in the marketing, they are required to do it. HUD is not marketing it. HUD is not providing money to this. It is Westchester County and it is privately owned by Mr. Balter's company. They have to follow certain rules.

Ms. Russo commented that she respects the statistics about 2 increases but we do not know the health of the population who would actually come to reside there. She commented that while that might be a projection, you have to take a number for what it is worth. It is only as good as

the information it was based on and you do not know the population in that building and how it will age and what health conditions they will develop. She commented that there is no criterion that says you have to be a healthy individual to populate that space.

Ms. Russo commented that she has been listening to the Village Attorney and watching her body language and words. To Ms. Russo, they do not speak of independence. What she hears is someone who has already formed an opinion on if this project should go forward. What she does not hear is someone giving legal advice to the Village Board. Ms. Russo commented that the Village Attorney should be limited to that.

Reed Outhouse, 241 Westchester Avenue, noted that he was speaking now as a member of the Fire Department. He wanted to reiterate what the representatives from CCVAC said about the great working relationship the Fire Department has with CCVAC and the Police Department. That relationship will continue as we go forward. He commented that it is all about serving the residents. He commented that he has been coming to these meetings for a long time. He is glad to see the civic engagement and the number of people here because for most of the meetings he has come to there are three people here. He would like to suggest that as we go forward there be a little more respect and decorum. He commented that sitting in the back of the room as some people were speaking he overhears others in the audience making remarks. He said to let us be grown-ups. Let us treat people with respect. We may have different opinions which is fine. But there is no need for some of the comments he has been hearing while others are speaking.

Trustee Funchion addressed the comments about the Village Attorney. He said that this Board does not all agree on everything but he thinks that our Village Attorney has been always been impartial. She has always given very good legal advice. So he takes issue with the comments that were made. He said that having worked intimately on this Board, he knows that she always tries to cover every side and give them proper legal advice. She does not have an opinion and does not give one on whether they should do "A" or "B" or C. That is a fact and he stands on that.

Mayor Knickerbocker commented that this is probably one of the biggest decisions this Board has to make. It is a very touchy situation. It is a critical decision. What we vote can change the character of the Village. She commented that most times, the Board gets along because they are doing something positive for the Village like buying new equipment or doing road work. They are doing good things for the Village. She commented that with this they are very much having their own opinions. They are not always seeing eye to eye. You do not want everyone to agree on everything. She commented that she has worked with the Village Attorney for many years. She has given the Board very good advice and done a good job for the Village. Village Administrator Hay and Village Attorney Porteus are part of our community and they both love

this community. The Mayor said that if she thought differently with the Village Attorney she would call her out on that. She commented that as Mayor, she is not afraid to do that.

Liz Faiella, Craft Lane, commented that she is against this project. She has two small children. There is one police officer in this town. Everything is going up, crime, drugs and everything. She feels that if you put a new building there, the police officers are not going to be in the community in our Village. They will be at those Senior housing buildings. She feels that as a community, we cannot have that. She commented that she came to Buchanan to live in a small quiet town. She does not want to see our services affected by that. She hopes that the Board will take that into consideration. Mayor Knickerbocker commented that as the Police Chief said, our police officers respond to a lot of different calls and that \$40,000 in tax money does not add up to another police officer.

Robert Lupica commented that he has not heard who in the Village we are talking about that is going to move to this community. The Mayor does not know. Mr. Lupica wanted to know if anybody has done any research to find out who wants it. Wouldn't we want to have a list saying that "x" amount of people want to move there? Are we just creating something for outsiders? He commented that if the Board is looking to approve something, do we not have to know who wants to go there and would that not be the first place we started? He wanted to know if anybody knows how many people want to move into that complex. He wanted to know if we do not even know if we have residents who want to go there why the Board is even voting on this. The Mayor commented that we might have 1 or 2 who expressed an interest. Mr. Lupica wanted to know if 2 justifies bringing in 66 units?

Chief Tubbs wanted to comment on one thing that Captain Singer of CCVAC touched on earlier. If they have a disturbed person, whether it is a psychological problem, a drug call or something like that, CCVAC cannot enter the building until one of the police officers show up. He is not saying that every time they get a call like that that the police officer will be tied up at this housing complex. But if there is any delay in treatment because they are, we could have a tragedy and we need to minimize that as much as possible.

Eileen Absenger, 138 Tate Avenue, commented that she has not heard anything from the Planner. Ms. Absenger wanted to know if she has been requested to be here for a particular reason but Ms. Absenger has been in Planning Board meetings with her and thinks that her wealth of information and how she disseminates information is excellent. She commented that we know why the Village Attorney is here but the Planner has not been asked any questions. Ms. Absenger wanted to support former mayor Sean Murray. She thinks it has been short sighted. He has always been someone who has always tried to expand the scope. She commented that when you think of the County, you think of government and Big Brother. She commented that if you do not think that they do not have their sights on something, you are

mistaken. She feels that every time former mayor Murray speaks here, he expands the mind. She commented that she also thought about what Ms. Russo commented about chronic illness in the people who would be coming.

Ms. Absenger commented that you cannot compare Buchanan to North Salem. It is a very different demographic. From Buchanan, you can walk to the Peekskill train station. So when you talk about people coming from down County, there is no reason why they should not come up here because there is the train and the bus. She does not know how available that is in North Salem. She commented that this was done the other day with the Building Inspector when the Board compared Codes and pricing to Pelham. They are oranges and apples. She wants to keep North Salem out of this because you cannot compare them. She is not in favor of this project because of the impact on taxes. She does not believe it offsets our tax base in a proper way. She thinks the property should remain commercial because we will get a bigger bang for the buck. She suggested that perhaps Mr. Griffin has to look at a different realtor in getting that as industrial. She does not think it is a big impact. She commented that even if you had an office building. She commented that there is a park across the way. Even if it was made into a walking path, people in offices and schools go walking. There are other means. She does not disagree with Mr. Lupica that even if we have not looked into this that the Village could assist Mr. Griffin in some way to get something other than this project there. She thinks that the taxes in New York State are not friendly to retirees. She commented that if you think about retiring and going some place more affordable, you are going to leave New York which is why you see a lot of houses for sale. Foreclosures are back up again because the economy is not good. She commented that this is a low to mod income area. They are not getting the prices people thought they would get. There is a bidding war and it is low. She commented to let us not use North Salem as a reference point.

Kathy Stewart, Lindsey Avenue, commented that she has lived here for 55 years. She is here to speak as a resident of the Village not as the President of the Ambulance Corps. She addressed Mr. Balter saying that she has heard that he manages or has something to do with Round Top in Montrose. She does not know a lot about Round Top but she knows that every person that she knows of who applied to get in there was turned down because they did not win the lottery or because of their income requirements. She commented that you have to make so little money that no one could not meet the requirement to get into the building. She does not feel that it is run like she would like to see a multi-family complex run. She commented that there are a lot of social issues in that complex. She understands that this project is going to be Senior housing. Her concerns are that it is not very well run. There are a lot of issues there. She commented that when she saw the income numbers it locked out so many people who live in the Village and the Town of Cortlandt who could not afford to move in there. Now he is trying to do the same thing here in the Village. She commented that low to mod income housing still puts people way out of the picture. Most of the Seniors who come in here are on Social Security. Some are just on

Social Security and cannot afford half the rent. She commented that you can speak to the amount and types of calls you get there. She does not want to speak to that because she is not speaking now as President of CCVAC but as a Village resident. As a resident, she is concerned that the people in this Village will not get a shot to even live there.

Eric Singer commented that for Round Top, CCVAC does approximately 50-60 calls per year. At this point in time, their crews are directed to not enter until they get State Police to make sure that they are safe. There are a lot of drug related, seizure type calls. It is a big task on CCVAC's system on how they run Round Top. Glenn Griffin wanted to know the age group of the drug related calls. Mr. Singer advised between 20-40. Mr. Griffin noted that the people who would be living in the proposed project would be 62 and older. Mr. Singer advised that he was asked what the call statistics were for Round Top.

Mayor Knickerbocker thanked everyone for coming out. She commented this is your Village. Everyone has every right to speak their opinions on what changes are going to happen and affect you. The Board will continue the Public Hearing. The Mayor wants to hear everyone out. The Board wants to hear the public's thoughts.

Jeremy Basso, Bannon Avenue, wanted to know if the Board is sending this to the County for comment. He commented that there was a little haste that has been going on for a period of time and the Board wants to get it off their desk and give it to the County for comment. He commented that while he has not participated in this until today, his concern is that there seems to be quite a bit of confusion with what the Board is presenting to the County. He is not sure that what the Board has prepared is something that the Board has agreed on to present. It seems to him that there is a bit of urgency from Mr. Balter. Mr. Basso commented that Mr. Balter is obviously a very successful man who understands that there is a tremendous value for this play. It concerns Mr. Basso that there appears to be a lack of control with what exactly it is that the Board is sending there and the command of the material has not earned his confidence in the Board's ability to send it yet. He is not sure they even understand what they are sending. Mayor Knickerbocker commented that the Board just received this on Friday. She is not comfortable sending it yet. Her personal opinion is that she is not ready to send this. She thinks we need more time to absorb it. But most of the Board is feeling differently and that it should be sent.

Trustee Zachary commented that they had the original draft of this several months ago. This is fairly similar to that. There are some little tweaks. He thinks that the Board has more than enough time to do their homework.

Lauren Antinelly commented that Mr. Griffin has asked the Board to change the zoning which she understands. She respects his trying to make something happen. She commented that if we are going to look at zoning changes in the Village then let us make some changes in the Circle

because that is commercial property. She said to make it all residential. Put all the Senior town houses there. She commented that she is hearing that it is time to make another Master Plan and that that is something that some on the Board are trying to do. She applauds them for trying to bring about some change. She questions if this is the right change. She does not know. Mayor Knickerbocker commented that the Master Plan should be updated every 5-10 years. She is in the process of getting a committee together. Anyone who is interested should contact her. We want to get everybody's view on what the future of our Village should look like.

Walter Neurichter, 182 Fourth Street, commented that the Village is divided on this. He wanted to know if there was a legal way that a questionnaire could be sent to all the residents because there are a lot of people who cannot get to these meetings. That way everybody has their say. Everybody can say yes or no. The Board would then have a tally and can take it from there. Mayor Knickerbocker directed the Village Administrator to get that out with the next Newsletter and to have a cutoff date for replies.

Steve Fonseca, Cortlandt Street, commented that this is his second time at these meetings. He commented that the Board has to represent the Village but they also have to represent what the people here want. He commented that as he listened from where he was sitting that no one in this room seems to want this. He does not. He commented that he grew up Yonkers where he saw how an area changed very quickly and became decimated where everyone moved out. Even the older people became scared of where they lived because of people moving in who should not have been there. He is not sure that the Board should be or should want to be going after this project because it seems to him that people do not really want it. The Board represents the town but they also represent what the people want. Mayor Knickerbocker commented that these Board members represent everyone in the Village. She said that Mr. Fonseca has made a very good point. She noted that even though some people have left, she could ask for a brief informal show of hands from the audience of who is for this project. She then asked for a show of hands of who is against this project. [The majority of hands raised were against it.] The Mayor commented that we have many more residents so maybe people will talk to one another. She commented that maybe if we do the questionnaire, we will get a better feel for what people in the Village are thinking.

At 10:10 PM, a MOTION to adjourn the Public Hearing to the next Village Board meeting on December 1 was made by Trustee Funchion, seconded by Trustee Jackson with all in favor.

Mayor Knickerbocker thanked everyone for coming. The Board took a brief recess.

**b. 15-47 RESOLUTION APPOINTING A PLANNING BOARD MEMBER.**

Mayor Knickerbocker read the Resolution (*copy attached*).

Mayor Knickerbocker appointed Michael Wenz because he has a construction background. The Village Board welcomed him to the Planning Board. The Mayor thanked him for accepting the position.

This is a mayoral appointment with no resolution necessary.

**c. 15-48 RESOLUTION AUTHORIZING THE PURCHASE OF A VILLAGE VEHICLE.**

Mayor Knickerbocker read the Resolution (*copy attached*).

Mayor Knickerbocker advised that we have been looking into purchasing a bucket truck for many years. We looked into purchasing a used truck and have found that if the bucket truck did not have a lot of mileage that it had a lot of hours and use on it so we would potentially be buying someone else's problem.

A MOTION to adopt this Resolution as presented was made by Trustee Funchion, seconded by Trustee Zachary with all in favor.

**d. 15-49 RESOLUTION AWARDED VILLAGE HALL WINDOW REPLACEMENT PROJECT**

Mayor Knickerbocker read the Resolution (*copy attached*).

Trustee Zachary commented that there is a big variation in bid prices. He asked if they are all the bids for comparable windows. Village Administrator Hay advised that they are. These are all commercial grade windows. There are 50 double hung and 6 picture windows. Trustee Zachary asked if all the caulking and trim is included. Village Administrator Hay advised that it was and that disposal of the old ones is also included. Mayor Knickerbocker noted that the current windows have been here since 1976. Some do not open, some do not and some are dangerous.

A MOTION to adopt this Resolution as presented was made by Trustee Funchion, seconded by Trustee Pasquale with all in favor.

**e. 15-50 RESOLUTION AWARDED VILLAGE HALL BRICK RE-POINTING PROJECT**

Mayor Knickerbocker read the Resolution (*copy attached*).

Mayor Knickerbocker advised that we are doing this because a lot of the brick is in tough shape. Especially on the back corner, the weathering over the years now requires that we need to do this to preserve the brick. She noted that it did not come cheap. Trustee Zachary asked if the companies gave a sample. Village Administrator Hay advised that both companies had a brick sample.

A MOTION to adopt this Resolution as presented was made by Trustee Funchion, seconded by Trustee Zachary with all in favor.

**f. 15-51 RESOLUTION AWARDING VILLAGE POOL ROOF REPLACEMENT**

Mayor Knickerbocker read the Resolution (*copy attached*).

Mayor Knickerbocker wanted to confirm that all bids were for 30 year shingles. The Administrator advised that they were. The Building Inspector reviewed all of them. They are similar in bid. Trustee Zachary wanted to know if there is any structural work that has to be done under the shingles. The Administrator advised that costs for ½ inch and ¾ inch plywood and allowances for any structural work that may have to be done are included. The Mayor advised that if there has been leaking there will be some spots that have to be replaced.

Trustee Jackson wanted to know if we are getting rid of the skylights. The Administrator advised that the skylights will be re-flashed and repaired. They left an allowance which he believed was \$35 per skylight if we decided that we wanted to cover them over and be done with them. The Mayor commented that is another place where it can leak. Trustee Jackson wanted to confirm that keeping the skylights is within the scope of the bid. The Administrator advised that it was. It would be \$35 more each if we wanted to close them off. Trustee Zachary wanted to know when that decision will be made or do they have to look at them. He also wanted to know if they are fixed skylights. The Administrator advised that they are fixed. Mayor commented that she does not know how old they are. Trustee Jackson thinks they should close it off. Trustee Zachary wanted to know if they are essential for any lighting and if we got rid of them would we have to add any lighting. The Administrator thinks the important part is the ones in the locker rooms that add natural light. The Mayor advised that we had priced replacing them and it was about \$10,000 more. Trustee Jackson was in favor of closing them. The Mayor noted that the building is only used two months out of the year. She asked for the other Board members' thoughts. Trustee Zachary thinks they are dispensable but that the Building Inspector and Recreation Supervisor should weigh in. Eileen Absenger, Tate Avenue, commented that at a previous meeting the Board said that we were not going to replace them. The Mayor advised that we are not. But the question is whether to take them out or not. This bid includes leaving them in and re-flashing them. What the Board is now talking about is whether to take them out and put plywood in there. Trustee Zachary noted that there would then be some work needed

inside like sheet rock. The Mayor noted that the Recreation Supervisor had talked about ventilation. Trustee Zachary commented that if they are ventilating now it is because the flashing is that bad. The Mayor explained that what the Recreation Supervisor was talking about was adding ventilation because there is none. Trustee Zachary thinks the way to go would be an exhaust roof fan. Ventilation is a separate issue. The Mayor does not think it should be put on the roof. The ventilation should be on the side of the building. She would not touch anything on the roof. She commented that whatever you have there is just another place to leak. She thinks that they will probably do the roof ridge so there will be roof vents. Trustee Zachary thinks that we need to look at ventilation because the skylights are not doing it. Trustee Jackson asked if we need to rebid it or can we do a change order. The Administrator advised that we can do an exhaust fan separately. We can put a provision in there if we want to close the skylights.

A MOTION to adopt this Resolution as presented was made by Trustee Funchion, seconded by Trustee Jackson with all in favor.

## **7. INFORMATION FROM OFFICERS & DEPARTMENTS:**

a) Justice Court Report – September 2015  
Received and filed.

b) Zoning Board Minutes – September 9, 2015  
Received and filed.

c) Wastewater Report – September 2015  
Received and filed.

d) Fire Inspector's Report – October 2015  
Received and filed.

e) Attorney's Report:

Village Attorney Porteus reported that the AAA site plan has finally been approved. On the original site plan one of the slopes continually got disturbed. They have been before the Planning Board for a year or two. The GeoTech and landscape design is finally done. She believes that the work might be commencing now. They are going to stabilize the slope and put up a slope wall and some fencing. Mayor Knickerbocker commented that it is a beautiful thing. She asked about the property next door. The Village Attorney advised that she heard that they will be coming in to the Planning Board with an application to merge the lots but they have not done so yet. That will be for the additional truck and dumpster parking and storage. The Mayor noted that right now they do not have approvals for using the other lot.

f) Administrator's Report:

Village Administrator Hay reported that the Village paving project was begun today. They are milling on Greentown Road. Concrete work and curbing throughout the Village will begin next Monday. With the LED light project, they are coming out to do visual assessments. If residents see anybody looking at the lights that is probably what they are doing. Mayor Knickerbocker commented that they talked about for any future road projects that when we put the roads out to bid that they have to be finished by a certain time. She noted that we are very lucky this year that it is so warm in the first week of November.

g) Mayor's Report:

Mayor Knickerbocker had nothing additional to report.

h) Trustee's Report:

Trustee Funchion reported that he spent the last month going to meetings with the Police Benevolent Association on their contract. Negotiations are moving slowly.

Trustee Funchion wanted to make a point that our new Building Inspector is excellent. He is very professional and excellent on his job. He is a great addition to this Village. Trustee Funchion commented that if he is correct, the Building Inspector even noticed that when Con Ed was digging in the Village they had not gotten a permit. The permit was \$18,000. Trustee Funchion commented that the Building Inspector is on the ball. We are very lucky to have him. If anyone in the Village has any questions about whether or not their property is conforming, he is very professional in the way he handles things. He works with the individual property owner.

Trustee Funchion reminded that Veteran's Day is next Wednesday. There will be a ceremony at the Town of Cortlandt at Noon at the Morabito Center. Anyone who is available please come out and show support for the veterans.

Trustee Funchion wished everyone in the Village a Happy Thanksgiving with their families. Being together is important. It is a wonderful holiday and is the one holiday that everybody in the country celebrates together.

Trustee Jackson thanked the Historical Society committee for the great job in hosting the Open House. They had 105 children from the Buchanan/Verplanck School come to Village Hall. It was a very good presentation. The kids wrote letters of appreciation and thank you. They were taught a little about the historical nature of the building that is now Village Hall and some of the different things that happened in the Village as related to Indian Point Park which was here

before the nuclear power plant. The kids had a great time. He asked the Administrator to put on the Buchanan Channel screen an invitation for anyone who is interested to join the Historical Society.

Trustee Jackson reported on the drains in the Village. If anyone sees something in front of them, do not throw anything in them because it goes down to the lake.

Trustee Jackson thanked the Buchanan Engine Company for all their work especially on Halloween. They were out there and visible. The kids had a great time trick or treating. H commented that one of the hallmarks of the Village we have is that the kids can come out and have a good time with that.

Trustee Jackson wanted to address what he spoke about earlier concerning the anonymous letter that went out. It was distressing to him that we would have such a letter go out anonymously. We have a democracy. We can agree to disagree but when we talk about demonizing Board members or making innuendoes about what may or may not be occurring it does a disservice to the way we do business here. He thought that was in our past. He now hopes that it now really is as we go forward. It smacks of a certain amount of ugliness that he frankly does not like. Trustee Jackson hopes that in the future this situation will be resolved one day whether we decide to go forward with it or not and that we can disagree in a civil manner. He believes that the Mayor and all the Board members have the best interest of the Village at heart. He would like to commend our Village Attorney for the work that she has done with the Village. He noted that in the short time that he has been on the Board, her favorite saying is that “It is up to you guys. These are your options and this is what you have to do.” He thanked her very much for what she brings to the Board and her objectivity and her commitment to make sure things are explained in a very legal and comprehensible way.

Trustee Zachary thanked Mayor Knickerbocker and congratulated her for arranging the grant from Spectra. It was her work that got that for us. It is a very worthwhile thing and he thanked her.

Trustee Pasquale wished everyone a Happy Thanksgiving and to enjoy it with their families.

Mayor Knickerbocker wished everyone a Happy Thanksgiving.

## **8. COMMENTS FROM THE FLOOR:**

Former Mayor Sean Murray, 225 Gallagher Street, commented that a lot of onus is being put on the Planning Board with this resolution for the zoning change being passed. He commented that once you have a permitted use by zoning, the Planning Board cannot circumvent what is in the

Code. So if the Village Board changes the Code to say multi-family, the Planning Board cannot say they do not want a multi-family there. Once the Village Board says that it is okay the Planning Board cannot deny that applicant's right to use that land as it is zoned. He wanted to note for any Board members who might not be familiar with the differentiation between the Planning Board, the Zoning Board and the zoning laws that even though the Planning Board has to go through the planning process which includes lighting, setbacks and egress and things like that, if the Village Board thinks that the Planning Board is going to deny this the applicant can sue the Village. They can have an Article 78 against the Village Board and they will win because it would be a permitted use with that zoning.

Former Mayor Murray advised that when they talk about AAA wanting to put together their lots, the Village had an agreement that we signed in 2011 or 2012 that contingent upon their getting approval for the steep slopes they would demolish that house on White Street. He wanted to know why that house is still standing. He knows that there were some legal issues with the person who actually put their signature on the document. But there was a meeting of the minds between the Village of Buchanan – specifically then Mayor Murray and the Village Attorney - that the house would be removed by AAA contingent upon their site plan approval which included the steep slopes. So that house should be gone.

Former mayor Murray commented that they are illegally occupying the adjacent property. They took the rocks down and bulldozed everything to park their cars. He commented that at the time it was his opinion that the site should be returned to the original configuration before the Village of Buchanan allows the applicant to put in the application to use that land. They should start from scratch. It has been a fight for 3 years. They have been occupying that land as commercial totally illegally. He commented that there is no reason why it should be allowed to continue to occur. It is his recommendation, which he hopes the Village Board and the Building Department agree with him on, that the land should be returned to its original configuration. He advised that we have all the notes and documentation of what it was before because of the proposed waste transfer station. There should be no reason for an interpretation of what it used to look like. Once it is returned to its original configuration the Village can then accept any application for the use of that land. Mayor Knickerbocker thanked him for clarifying all this. She commented that former mayor Murray has the background. She commented that as he pointed out, once the Village Board approves that zoning change that is it. We are going to get that housing. So this Board has a very big decision to make. If we make that decision, it is a done deal.

**9. BOARD MEMBER REBUTTALS:**

None

**10. ADJOURNMENT:**

At 10:50 PM, a MOTION to adjourn this meeting was made by Trustee Jackson, seconded by Trustee Zachary with all in favor.