

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
PLANNING BOARD  
REGULAR MEETING AND PUBLIC HEARING  
DECEMBER 21, 2023**

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**PRESENT:** Chairperson Eva Alligood, Boardmember William O'Reilly, Boardmember Richard Bass, Alternate Boardmember Thomas Speyer, Alternate Boardmember Richard Martin, Boardmember Ernesto Vigoreaux, Village Counsel Linda Whitehead, Building Inspector Charles Minozzi, Jr., Planning Consultant Patrick Cleary, and Planning Board Secretary Mary Ellen Ballantine

**I. WELCOME AND INTRODUCTION OF NEW BOARDMEMBER**

**Chairperson Alligood:** Welcome everyone to the planning board meeting of December 21st, 2023, our last planning board meeting of the year. Before we do the roll call I'd like to welcome our newest member so we know when we call his name we know who he is. We have Ernesto Vigoreaux, we're thrilled to have you join us with your planning expertise. I thought maybe you could just start by telling us a little bit about yourself so all of your fellow planning board members can get to know you as well.

**Boardmember Vigoreaux:** Sure. I've been living in Hastings for five years, over on Ridgedell. They call it the Tower Ridge neighborhood. I'm an urban planner by training – went to UCLA back in the '90s, planning school – and have been in real estate development and construction for over 20 years, primarily doing affordable housing development *but* doing also mixed-use projects. I work for a construction company called Apex Building Group and we're basically doing work all over the city.

I love Hastings, and my family does too, and excited to be here to contribute however I can to continuing to make the Village the beautiful place it is. Thank you for having me.

**Chairperson Alligood:** Wonderful. Thank you, Ernesto. Yes, we're lucky to have you volunteer your time. I don't know if you had mentioned that you were on the affordable housing committee for several years.

**Boardmember Vigoreaux:** I was in the affordable housing committee, thank you, for four years before the mayor called. And here I am. I love affordable housing, I think it's a great thing if it's done well – not just the affordable stuff but the affordability part of it – and I think if we could make some of it happen here that's great. So yes that's my love for development.

**Chairperson Alligood:** Great, and that's good to hear about all the background and expertise you have. So welcome, thank you for doing service on this board. We're happy to have you.

With that, unfortunately we don't have John Mondello here tonight. He is the boardmember who recently left the board for personal reasons. And I want to thank John. Hopefully he's listening or will watch the recording. But he's been on the board – he *was* on the board – for several years and we really appreciated his contributions to the deliberations and conversations we had here. So John, thank you. I'm sorry you're not here to receive the thank you in person.

So with that, I will ask Mary Ellen to please call the roll.

## II. ROLL CALL

**Chairperson Alligood:** Actually, it's quite fortunate we moved to having two alternates 'cause tonight we could really use both of you. So thank you for coming [laughter].

**Attorney Whitehead:** Same as last month.

**Chairperson Alligood:** Last month as well, and both of you have been on board before so you don't have a lot of learning curve to these conversations. So thank you.

## III. APPROVAL OF MEETING MINUTES

**Meeting of July 20, 2023**

**Meeting of September 21, 2023**

**Meeting of November 16, 2023**

**Chairperson Alligood:** We have several sets of minutes. I believe there's one set where we have the right combination of members who were actually here. But as Linda just pointed out, we can't adopt the minutes without the full quorum of folks that were at the meeting. Since these have been lingering all the way back to July, I'm going to propose we go ahead and adopt them. First, ask if anybody has comments on the minutes. I'll take them one by one, but I think it would be good for us to approve them and get that off our plate. So let me start with the July 20th minutes. Was anyone there, and does anyone have any comments? Ernesto, you were out of all of these.

**Alt. Boardmember Speyer:** I just had a procedural question going back to what Linda said. That we don't officially have to ... we're not required by law to approve the minutes. Is it the case that we haven't been posting the minutes for public access?

**Attorney Whitehead:** I realize they have not been posted because they were not approved.

**Alt. Boardmember Speyer:** Without approving them? Right. So I think there's a public interest in getting them. That's the only thing I'd bring out.

**Attorney Whitehead:** That's why I was going to say even if you don't approve them I was going to ask they be posted, marked "draft."

**Alt. Boardmember Speyer:** Yes, I think that's worth everybody knowing also. Thanks.

**Chairperson Alligood:** So maybe as a practice going forward, even if we don't adopt the minutes they can go up in draft form. But for tonight we're going to just take care of them, and thank you for that question. Do I have a motion to approve the minutes from July 20th? Can I do them altogether or should I do them one at a time?

**Attorney Whitehead:** You can do them all together. I just want to clarify that Bill raised a question about the September minutes.

**Boardmember O'Reilly:** I did.

**Attorney Whitehead:** We can remove that, it was not part of the meeting.

**Boardmember O'Reilly:** Right, it's a total aside.

**Attorney Whitehead:** It was those mics were very sensitive and picked up something that was not part of the meeting.

**Boardmember O'Reilly:** I'll make sure I don't make such comments during another meeting.

**Chairperson Alligood:** [Laughter] Okay, so that will be corrected.

**Attorney Whitehead:** So that's "as amended."

**Alt. Boardmember Martin:** If I wasn't there, normally I cannot vote on them. I can now vote.

**Attorney Whitehead:** You can vote just for the sake of voting.

**Chairperson Alligood:** Before we adopt all three sets, why don't I ask if anyone has comments on the minutes from September 21st or November 16th. Looks like we don't have any comments, so do I have a motion to approve all three sets of minutes?

On **MOTION** of Boardmember Bass, **SECONDED** by Boardmember Speyer, with a voice vote of all in favor the Minutes of the Regular Meeting and Public Hearings of July 20, 2023; September 21, 2023; and November 16, 2023 were approved as presented.

**Chairperson Alligood:** Okay, unanimous. So the minutes are approved. Good.

### III. OLD PUBLIC HEARINGS

Subdivision and Steep Slopes Approval – Application of Richard & Joe Abirizk for the creation of two conforming lots for two proposed single-family dwellings on their property located at the corner lot of Warren Street & Pearl Street, pursuant to the provisions of Section 295-115 & 295-147 of the Village Code. Said property is in R-10 Zoning District and is also known as SBL: 4.110-121-1.1 on the Village Tax Maps.

**\*\* [Deferred to future meeting ]**

View Preservation Advisory, Site Plan Approval & Steep Slopes Approval for the demolition of an existing 3-family building and construction of an 8-unit residential project with one commercial space on (4) existing tax lots located at 425 Warburton Avenue & 0 Ridge Street. Said property in MR-0/2R-3.5 Zoning Districts and is known as SBL 4.70-52-7,10,11 & 41 on the Village Tax Maps.

**\*\* [Deferred to future meeting ]**

### IV. NEW PUBLIC HEARING

Steep Slopes Approval – Application of Elizabeth Nilsen & Michael Baumwoll, as per Section 249-4, for the replacement and re-configuration of existing retaining walls and garden path on their property located at 24 Buena Vista Drive. Said property is located in the R-10 Zoning District and is known as SBL: 4.20-13-8 on

**the Village Tax Maps.**

**Chairperson Alligood:** Would the applicant like to present on the project?

**Donna Gutkin, landscape architect:** I'm representing Elizabeth Nilsen.

**Audience Member:** The microphone doesn't pick up unless you're really talking into it.

**Chairperson Alligood:** You moved the microphone, let's see if that works.

**Ms. Gutkin:** Okay, is this better? As you read, the application is for replacing an existing railroad-tie linear retaining wall with a precast wall, some small boulder walls. And in addition, it's a set of steps. It's in the steep slopes area. So it's a serpentine path and a set of steps to allow access to the rear of the property. Care is being taken. There will be no trees removed. We designed the serpentine path to minimize disturbances up there, so it's a matter of just cut and fill.

It's a pretty modest plan. And I have a couple of photos if anyone wants to have a look. Or prior to that, if you have questions on the plan I'm happy to address it.

**Chairperson Alligood:** Feel free to show us the photos to give us a view of the property.

**Ms. Gutkin:** That's the existing retaining wall. It's about 4 feet tall. There's not a lot of understory plantings on this slope. It's pretty barren, so these new plantings are a big addition to this property and to the steep slope. What is there, there's a lot of invasive plants which we will remove. There's also a stand of bamboo which we will remove as well. But it is my client's intention to maintain all the trees as is. These are pictures of the slope. As you can see, there's a little bit of a stand of bamboo. There's really not much in terms of vegetation there. This is mostly a planting project and access project.

**Chairperson Alligood:** Charles, was this sent to Doug Hahn, or was it needed?

**Bldg. Inspector Minozzi:** I'll check now. I don't think these went out because it's so minor.

**Chairperson Alligood:** Right. That's part of my question: does it need to be?

**Attorney Whitehead:** There's not like impervious surface so there's not a big drainage.

**Bldg. Inspector Minozzi:** We could set up an inspection, but we did not get a comment about it.

**Attorney Whitehead:** It's not really a drainage thing because it's not impervious.

**Chairperson Alligood:** Well, Patrick do you have any comments on this application?

**Village Planner Cleary:** No, this is a very straightforward application. Really there are no planning issues associated with it. As you heard, it's a planting plan and access plan. So this is a good solution to providing access to that portion of the property.

**Chairperson Alligood:** Does anyone on the board have questions or comments on what we just were presented with?

**Alt. Boardmember Speyer:** Just for the architect. From what you've observed on the site, is the slope stable? Is there any erosion on it or any existing conditions that need to be remedied?

**Ms. Gutkin:** Actually there's not. It's surprising to me there's no channels, there's no visible erosion.

**Alt. Boardmember Speyer:** The pictures made it look stable, yes.

**Ms. Gutkin:** It is stable. Like I do not see any erosion that's visible. And we've had quite a lot of rain last summer and there is nothing visible.

**Alt. Boardmember Speyer:** Thank you.

**Chairperson Alligood:** Anybody else?

**Boardmember O'Reilly:** The only question is why? It's a slope. You're not changing the slope, you're replacing a fence that already exists, and doing new plantings. So why is it here?

**Attorney Whitehead:** The pathway does require some grading.

**Bldg. Inspector Minozzi:** And the retaining wall's changed.

**Attorney Whitehead:** The retaining wall is going in a little bit different location. So there's a change.

**Boardmember O'Reilly:** Moving it back?

**Ms. Gutkin:** Some of it is a more curved design, whereas now it's straight. So some of it ... it's about 7 feet up the slope to where it exists now.

**Boardmember O'Reilly:** And the pathway's not on the slope?

**Ms. Gutkin:** There's no path now.

**Boardmember O'Reilly:** There's no path now, and the new path is not on the slope.

**Ms. Gutkin:** No, it is. It runs up ... the entire back of this property is a big slope.

**Chairperson Alligood:** Any other questions or comments?

**Alt. Boardmember Speyer:** Just one other one. What's at the top of the slope?

**Ms. Gutkin:** Currently, or in this plan?

**Alt. Boardmember Speyer:** Yes, currently.

**Ms. Gutkin:** Currently there's a fence and that's it. You know, there's nothing up there.

**Alt. Boardmember Speyer:** And no water running by there? My only other conceivable concern is that water has been quietly running horizontally across the top and it might start coming down.

**Ms. Gutkin:** I mean, we're not changing any elevations. So whatever's happening now will be maintained.

**Chairperson Alligood:** Does any member of the public have a question or want to speak on this application? If you want to speak please come up to the podium, say your name and address, and your question or comment.

**May Hsu, 81 Summit Drive:** I'm the neighbor directly north along the entire property line and even more so I know the exact conditions, the real context, of drainage. The only thing I say is I know perhaps there is no law about a buffer zone for landscape construction off the property line, but some of this is drawn ...

**Attorney Whitehead:** Could you speak to the board, please?

**Ms. Hsu:** Sorry. Some of the pathway and the small paths are drawn right up to the property line, or maybe 2 feet. Sometimes better practices are to pull it off, say, 5 feet or maybe even 10 feet buffer. Just a comment.

Then I am glad that there is a desire to remove the bamboo, even though it's not legislated in this municipality. It will become a problem, and this is optimum time to make it known to your clients that it's a very good project. So I think, besides that, I've heard that it was impressed upon the client that it may take more than the first year, which is good. I want to just reinforce that and hope it is fruitful; that it goes away. I have no comment much about the drainage because the client suffers if the drainage isn't done well (chuckle). And if any of the construction should impact any of the trees it will impact the house above there, which will also impact the client. That's all.

**Chairperson Alligood:** Thank you. And I agree getting rid of bamboo is difficult, and necessary if you don't want them to take over your entire yard.

**Attorney Whitehead:** And the neighbor's yard [laughter].

**Ms. Hsu:** Yes, it will. This property is quite close to the adjoining house, and the bamboo will go into foundations.

**Chairperson Alligood:** All right, thank you. With that, if the board is prepared we can go ahead and move forward with approval of this project. Do I have a motion to approve ...

**Attorney Whitehead:** Could I just add one thing? We know it was sent to Doug Hahn. I don't know if he's going to have many comments 'cause there's not really a drainage issue because there's not a lot of new impervious or anything here. But you could approve it subject to them addressing any comments he may have.

**Chairperson Alligood:** That makes sense. I would hate to hold it up.

**Bldg. Inspector Minozzi:** That's fine. I will be sure to forward any comments to the architect from Doug Hahn.

**Attorney Whitehead:** So just that one condition.

**Chairperson Alligood:** Okay. So do I have a motion to approve the steep slopes application for Elizabeth Nilsen and Michael Baumwoll for replacement and reconfiguration of the retaining walls and a new garden path at 24 Buena Vista Drive, with the stipulation that any comments the village engineer provides that they address? So all in favor?



On **MOTION** of Boardmember O'Reilly, **SECONDED** by Boardmember Martin, with a voice vote of all in favor the Board resolved to approve the steep slopes application of Elizabeth Nilsen & Michael Baumwoll for the replacement and re-configuration of existing retaining walls and garden path on their property located at 24 Buena Vista Drive, dependent on any comments from the Village Engineer and their compliance.

**Chairperson Alligood:** Passes unanimously, so congratulations.

**Boardmember Vigoreaux:** Question. Is there a practice to have like, for lack of a better word, an "access agreement" type, where before the work begins the neighbors kind of get notice or communication? I kind of heard Ms. articulate something about being right on the lot line. Is there some kind of collaboration or notice or something like that?

**Chairperson Alligood:** There's certain ... applications are subject to notice, which Linda can describe.

**Attorney Whitehead:** A notice was given for this, that's why the neighbor was here.

**Bldg. Inspector Minozzi:** Right. On a steep slopes application the notice is required to be given to the adjoining neighbors of the property ...

**Boardmember Vigoreaux:** Great.

**Bldg. Inspector Minozzi:** ... which was done.

**Chairperson Alligood:** And then to answer the second part of your question, it is an encouraged practice when members of the public, neighbors, come forward that the applicant have a conversation. And even with the kind of comments we got tonight those are not required things to address, but they're a friendly-neighbor kind of things to work out. And we found, actually, that people do follow that practice for the most part which is why it's good to show up. And in some cases the applicant proactively goes to neighbors and has a conversation, but if that's not the case this is the forum to raise issues just to work out.

**Boardmember Vigoreaux:** Right. I think just communicating as neighbors about what's going on. So I think they're both aware.

**Village Planner Cleary:** And also the building inspector is witnessing their concerns. So when he's out in the field issuing the building permit he's aware of your concerns.

**Boardmember Vigoreaux:** Okay, great. Thank you, no further questions.

**Chairperson Alligood:** So with that, we're going to move on. We only have one other agenda item this evening.

**Attorney Whitehead:** Discussion item, not a public hearing [laughter].

V. **DISCUSSION ITEM**

Proposed Local Law C of 2023 - A local law to amend Chapter 295 Zoning of the Village of Hastings-on-Hudson to add provisions for a multimedia production studio overlay district.

**Chairperson Alligood:** I will lay it out. I think members of the audience know what it is. But I will describe what it is, and then I'm going to ask Linda to explain where we are in the process because this is a long approval process with multiple steps and we want to be clear where we are and what the planning board is deliberating this evening.

So we have proposed local law C of 2023, which is a proposed local law to amend the zoning code to add provisions for the multimedia production studio overlay district and to map same on the Graham Windham site. This is the local law related to the Electric Owl proposal, which has been referred to us, the planning board, as required by Village code prior to the board of trustees public hearing which will be on, I believe, January 2nd. With that, Linda can you explain for the board what we should be focusing on in our discussion tonight?

**Attorney Whitehead:** Sure. So you're all pretty much familiar with the project at this point. And Ernesto, I see you have papers there so you've probably tried to get yourself caught up a little bit.

**Boardmember Vigoreaux:** Trying to, trying to catch up with you guys.

**Attorney Whitehead:** (Chuckle) And this has been ... this board has seen this project. And the board of trustees – who is the lead agency under SEQRA – has involved you and solicited your comment. So you've seen the project before. They have not yet made their SEQRA determination. They are looking at all the information, looking at the comments you've made, the public has made, the additional information submitted by the applicant. But the point where they are right now is, they also have to hold a public hearing on the actual proposed zoning text amendment. This is not a public hearing on the project overall. *You* will actually be doing that as you do site plan approval. But the board of trustees has to approve the zoning text, the zoning amendment, as well as completing the SEQRA process before they can do that.

The Village's code requires that when they schedule a public hearing on the zoning text they refer that text to your board and to the zoning board for you to review it and tell them if you recommend adopting it. In the case of the planning board – and I'll go through these in a minute – there are some specific things in the code that you are supposed to report back to them on in relation to the proposed zoning text amendment. Obviously this text would allow for the project; this is currently an R-20 zoning district. What this text does – and Pat can certainly address this, as well – is just a summary of the actual zoning amendment. It creates a new use called a "multimedia production studio" and it permits that use in the R-20 as an overlay district. So what an overlay district means is that it's not automatically permitted on an R-20 property. The board of trustees has to actually amend the zoning map to apply the overlay to that parcel.

Zoning is a discretionary action, so it gives the board of trustees more ability to control what properties this use will be permitted on. Different than, for example, if it were a site plan use: if they met the criteria it becomes a permitted use sort of as-of-right. An overlay is not. An overlay must be mapped onto the property by the board of trustees in a discretionary action. How did I do, Pat?

**Village Planner Cleary:** Very well.

**Attorney Whitehead:** [Laughter] And there's actually a memo that's on the project page, on the Village's Web site that Pat prepared about a year ago, that addresses the way he recommended the Village go about the zoning, with the overlay being the recommended option. There were a couple of different ways to do it. That's procedurally how this would work.

Then what the amendment does is, it sets forth certain criteria. First it goes through some of the purpose and the use. It talks about the Village Board having to approve the overlay. Then you would have to approve a site plan. It talks about material they have to submit to the board of trustees as part of the petition for applying the zoning. Then it has development standards and controls. This use can only be applied pursuant to this code amendment in an R-20 district on a property exceeding 10 acres in size with frontage on Broadway/Route-9. The idea is this is a use that needs a certain area. It needs a big lot, want it to be on a main road so access traffic isn't going through side roads. That's why those criteria are there. Then we set dimensional requirements: a minimum lot width; a maximum building height of 55 feet. That was developed in conjunction with discussions with the applicant talking about how the studios work and the height they need. They'll be happy to answer any questions the board may have on that. We set a maximum building coverage at 35 percent, development coverage at 40 percent.

An important issue to the Village was a significant setback along Broadway. It's a gateway, so we require a minimum front yard setback along Broadway of 150 feet. Added into there was also the same 150 feet along Tompkins. That is *if* at some point in the future the Village Board were to map this use, allow this overlay, on the Andrus children's school property. It fronts on Broadway and Tompkins, and Tompkins is also a main gateway to the Village. So it has nothing to do with Electric Owl 'cause they're not on Tompkins, but it was looking at the other properties and it was sort of protection for the future. So front yard setback of 150 along Broadway or Tompkins, 50 feet on any other street frontage. Important here because this property, the Graham school property, is actually a corner lot because a portion of it also fronts on Dudley. We had to provide another front yard setback for that. Rear yard setback of 50; side yard setback of 50.

There is a provision that allows the planning board authority to permit a reduction in a setback to accommodate one or more preexisting buildings or structures. For example, they are keeping one of the structures – or proposing to keep one of the structures, the Graham school structure – that's within the 150 feet of Broadway and use it. It's kind of an entrance feature; it's an attractive older building. So that's within the 150 feet, but under this provision, because it's a preexisting building, you can elect to have it stay there; then also where the proposed building or structure is proposed adjacent to a property that's not a developed residential lot. So if there were residences on an adjacent parcel you couldn't reduce that setback, but if there's no residences there you could reduce that setback. That's totally ... *you* will have to look at that. There is one area on their proposed plan where they do reduce it down a little. So really, when you get to site plan you're going to really focus on that and what the impact of that reduction is. But that's up to the planning board.

We set a maximum floor area ratio of 0.75. Required that any entrance gate or anything has to be at least 100 feet back from Broadway. Set a parking requirement. We got a lot of information from the applicant about parking at these types of facilities: they provided some studies, they provided IT information, other information about parking. There was some concern about the size of the garage – *this* board expressed concern about the size of the garage. We revised this to try to reduce the size of the garage. They only need that full demand at certain times, not all the time, so they are proposing to valet park at those times. That allows them to reduce the parking requirement by up to 25 percent. Again, this is something you'll look at in site plan but that allowed them to reduce the size of the garage.

Then we put in some performance standards, and these are to sort of control how the site works. One is that a maximum of two productions can be active on the property at any one time. They've talked to us, and they're here tonight and can explain to you sort of how it works. I think you heard it at the joint meeting with the board of trustees about how the operations work. But: "no more than two, no outdoor filming on the site unless they get a

film permit, a Village-issued film permit, subject to the ordinary and typical regulations for film productions within the Village." They have to conform to, "the sound limits in the code. Lighting shall conform to regulations for exterior lighting in your code." You'll certainly look at lighting and site plan process. Food preparation is going to be conducted within buildings. No food trucks will be brought on the site. There'll be no outdoor provision of food. Things like that.

Those are the provisions that are in the zoning ordinance, proposed zoning code, which was provided to all of you. And then of course the last piece is actually mapping the overlay onto the Graham Windham property to allow them to move forward. That's a summary of the actual zoning text amendment.

**Chairperson Alligood:** Linda, just to clarify because I think you used the word "discretionary." Is this discretionary action ...

**Attorney Whitehead:** On the board of trustees.

**Chairperson Alligood:** ... on the part of the board of trustees? I just want to be clear. Not taking any stance, I want to be clear on the discretionary action. So the Village board of trustees decided they wanted to consider (cross-talk) ...

**Attorney Whitehead:** To move this. They've been moving this forward. They could've said from day one we're not even gonna consider this, and they didn't do that.

**Chairperson Alligood:** Right. And they're considering language that's now been adopted – or not adopted – in language that is drafted and proposed to create this overlay district that would make it possible for the project to move forward; not *ensure* it will go forward or get approved. I just want to be clear to everyone in the audience and others listening in that's where we are and that is a discretionary action they have ...

**Attorney Whitehead:** Right. And as you said at the very beginning, there's a lot of steps to this process. So there's sort of two steps going on simultaneously right now. One is the SEQRA process, the environmental review process. The other is the proposed zoning text amendment. SEQRA has to be completed. The board of trustees, who's the lead agency, has to either adopt a negative declaration they've determined that the project will not result in any potential significant adverse environmental impacts *or* they have to require an environmental impact statement and go through that process and adopt findings at the end of that; finding essentially the same thing before they adopt the zoning. So those two steps – them completing SEQRA, them adopting the zoning – happen in that order. Then it will come to you for site plan approval where you'll get into some of the details of the site plan.

We've looked at a lot of them already because SEQRA is tied to a lot of them. But you've looked at them on a larger scale in terms of environmental impacts under SEQRA. The code lists a couple of specific things. What the code says is that "when the board of trustees refers the code amendment, you have to recommend the adoption or rejection of any such proposed amendment and state reasons" – and then it gives a list of things you use for those reasons. I can tell you this was on the zoning board agenda last week. The zoning board is not required to look at all these same reasons. They get one sentence (chuckle). But the zoning board, with some very minor comments, that didn't really matter to them. They were sort of suggestions. But they did recommend adoption of the zoning ordinance. Now it's before you.

So Pat, before I go through the questions did you want to add anything there?

**Village Planner Cleary:** No, and it's confusing because the site plan's in front of you, as well. So the site plan really is informing your judgment with regards to the zoning that would accommodate the site plan. It's being done because this is such an unusual use. This is not a typical use that you're familiar with. So we didn't have any familiarity with the film studio until they showed up in the Village and we've been trying to learn about that as we went along. So that's why the site plan is useful to understand in the context of the zoning text amendment. (Cross-talk) tripped up, and we're not at the site plan stage (chuckle). We're just at the ...

**Chairperson Alligood:** No, we are not at the site plan ...

**Attorney Whitehead:** You'll have plenty of ... you know. And again, you have looked at some of the site plan issues as you made recommendations to the board of trustees as part of the SEQRA process, but not at the detail level.

**Chairperson Alligood:** Right. And if the project ... if this goes forward and the project comes before us at the site plan approval stage there are a lot of things we can – and we do, typically, in this kind of large project – weigh in on and go back and forth with the applicant to work out if we have concerns. And there are things we should be, rightfully, looking at.

**Village Planner Cleary:** And I just wanted to give you just a bit of clarification with regard to the SEQRA process. The Village board has been dealing with that. They're the lead agency. The code that's been proposed incorporates specific studies that must be done that are also required for SEQRA. So it's duplicative, in a sense, and requiring the applicant to do traffic studies, fiscal impact studies. They're mandatory studies that must be done. So the Village board will determine if those studies are suitable and adequate. If they're not, the

potential of pos dec'ing what the application occupies, they prepare an environmental impact statement. The other alternative is that the board finds those studies suitable, they address the issues of concern, and they can move toward a neg dec. They haven't made that decision yet, they're still evaluating all that material.

**Attorney Whitehead:** And those things included they had to submit a conceptual site plan, which you've all seen: traffic study, a fiscal impact study, visual impact, graphic information. And they've actually provided more of that as neighbors have raised questions and issues from different locations. So they continue to provide visual impact information and a landscape plan. They've got a conceptual plan, which is what they need at this level. But that's a perfect example of something that *you're* going to go into in much more detail if and when it gets to site plan.

**Alt. Boardmember Martin:** Can I ask a question, since it's in the performance standards? And for, really, my own (off-mic) ...

**Audience member:** I'm sorry, the microphone.

**Alt. Boardmember Martin:** Oh. For my own edification, why no food trucks?

**Attorney Whitehead:** It's a matter of activity on the site, and it wasn't an issue for them. They are proposing ... there is a cafeteria, I think, in the lower level of the administration building and they're proposing to do all their food preparation and service within that building. So it was an issue of activity on the site, and traffic.

**Village Planner Cleary:** The applicant can speak to this better, Richard, but basically what Electric Owl is selling us is the uniqueness of this facility, where everything's there. So there aren't lots of truck trips every day to bring in lights and material and so forth; it's all on the site and the productions basically rent that stuff. When we started thinking about that we started thinking where do they eat lunch, how is that gonna operate? So the notion of food was, will there be 15 food trucks coming to the site every day? And we didn't want that to occur. The applicant had no issue with that. There are on-site cafeterias. So the whole idea of that was it's self-contained and it's not creating those sort of secondary impacts.

**Boardmember Bass:** Could we have a discussion before we have the applicant speak?

**Attorney Whitehead:** I think the applicant isn't intending to do a presentation tonight unless you want them to. I think they're here mostly to answer questions, and they have their consultants and principals here to answer any question. You know, you've seen their presentation. We did have them do a presentation at the zoning board last week 'cause *they*

hadn't seen it, so I don't know ...

**Chairperson Alligood:** Go ahead, Richard.

**Boardmember Bass:** So in non-linear fashion, there's a number of ways to skin this cat in terms of permitting this use on this site. And on the advice of our planner, we chose this overlay, which is interesting in that if Electric Owl doesn't succeed the underlying zoning still is in place; this doesn't replace it. And this particular use can't be located anywhere else unless it goes through, you know, part two or part three. That was one thing. We then have standards for location of the buildings, but we also create a relief mechanism from those standards that would be discussed in site plan review. This is a standard (cross-talk) ...

**Attorney Whitehead:** Only for the setback, not on the standards.

**Boardmember Bass:** Only for the setback. This is a standard planning practice.

**Chairperson Alligood:** Also parking, right?

**Attorney Whitehead:** Well, the 25 percent is automatic if they provide valet.

**Boardmember Bass:** Okay, I may be stating the obvious but we're creating standards and then giving a mechanism to give relief to those standards based on evidence provided to the planning board. I found it interesting that in the zoning we only limit two productions at a time. They're gonna be internal unless Buddy or someone's doing bed checks. How will we know that all four buildings aren't being used? I don't find that, neither here nor there. I'm agnostic about the number of productions, but I just found that interesting in terms of enforcement.

**Attorney Whitehead:** So I want to clarify. You talk about the number of buildings. One production could potentially use all six studios.

**Boardmember Bass:** Right, but you could (cross-talk) ...

**Attorney Whitehead:** So it's not the number of studios being used. And again, it had to do with the level of activity on the site because each production generates its own traffic.

**Boardmember Bass:** I understand, but you could have six productions because you have six buildings. And I found it interesting that we're now relying on enforcement to do a bed check to see, oh, they're keeping their word, they're only doing two. I hope they're bloody successful and have lots of production, but I found that interesting in the zoning resolution



that we're now making that an enforcement. I'm not sure how you do that unless you go down there and knock on doors.

**Village Planner Cleary:** Yeah, I'm guessing we'll have some thoughtful mechanism to confirm that whenever production starts there's a certification by the building inspector and so forth. But yeah, Buddy would have to knock on the doors.

**Boardmember Bass:** Yeah, I just ...

**Village Planner Cleary:** It's a challenge.

**Boardmember Bass:** I find an enforcement issue neither here nor there. Again, I'm agnostic as to whether it's two or three or six. I don't really care because that has to be disclosed in the EIF. And I believe we spoke about having a follow-up analysis a year after operation to see that the traffic projections actually are correct, which I thought was a good thing. Those are just ... I wanted to formula that in my own head.

**Bldg. Inspector Minozzi:** One thing though, Richard, is that if we do notice things are ramping up more than normal that would be a trigger for us to say, "Hello ...

**Attorney Whitehead:** Investigate (chuckle).

**Bldg. Inspector Minozzi:** ... what's goin' on?" You know, "We're here to do a check." So just by activity alone, and it's a very open and not a hidden site. And we're always around. So it's something that can be policed relatively easily.

**Boardmember Bass:** Again, I fully understand that. As a planner, my concern is the impacts on the public domain. What happens in sight. They can be bloody busy, I don't particularly care. It's not an impact on my community. So that's where I'm coming from. I don't need to bed-check them.

**Attorney Whitehead:** Well, there will be no beds [laughter].

**Boardmember Bass:** Again, I make these type of proposals in other jurisdictions and ...

**Attorney Whitehead:** Yes, I know.

**Attorney Whitehead:** Performance standards are always a little tricky in terms of enforcement.

**Boardmember Bass:** Okay, I'm done.

**Attorney Whitehead:** Well, understood.

**Boardmember Bass:** Thank you.

**Attorney Whitehead:** And on the zoning I want to say one other thing because we've heard comments in various ways: concerns about what else could happen on this site if Electric Owl went away. The zoning is very clear. When the overlay is applied, *this* is the only use it permits.

**Boardmember O'Reilly:** With Electric Owl do you mean, or with just the movie studio?

**Attorney Whitehead:** The movie studio.

**Boardmember O'Reilly:** That's my question. If Electric Owl goes, the only other legitimate use to which that piece can be given is to a movie studio similar. But it doesn't revert ...

**Attorney Whitehead:** Or something permitted under the R-20.

**Chairperson Alligood:** This zoning remains so it can still go forward (cross-talk) ...

**Attorney Whitehead:** Right. So there's been comments about what other commercial uses could end up there if they went away. No other commercial use can end up there. No other commercial use is permitted under this zoning or the underlying zoning.

**Audience member:** (Off-mic) change the zoning?

**Attorney Whitehead:** It's not changing ... yes, that would require another zoning amendment, the whole process.

**Boardmember O'Reilly:** For a different ...

**Attorney Whitehead:** The only thing that's permitted in this zoning change ...

**Boardmember O'Reilly:** Is this.

**Attorney Whitehead:** ... is a production ... movie, multimedia production (cross-talk) ...

**Boardmember O'Reilly:** But not Electric Owl only.

**Attorney Whitehead:** No.

**Chairperson Alligood:** No. No, no, no, no.

**Boardmember O'Reilly:** Okay. Can I ask a couple of little informational questions?

**Chairperson Alligood:** Yes, you can.

**Boardmember O'Reilly:** On floor area ratio, the point – what is it, 0.7?

**Attorney Whitehead:** 7.5.

**Boardmember O'Reilly:** Or however it was calculated. On a site which has multiple buildings, how do you determine floor area ratio? Is it average, or is it ...

**Attorney Whitehead:** No, you add them all up.

**Village Planner Cleary:** You add it up.

**Boardmember O'Reilly:** Add 'em all up, and divide.

**Boardmember Bass:** Right.

**Attorney Whitehead:** And they, in doing their calculation, I think ... you want to say it? I think they came out to 0.7 ...

**Mr. Null:** We calculated ...

**Chairperson Alligood:** Can you tell us who you are?

**William Null, partner – Cuddy & Feder:** Good evening. I'm here on behalf of Electric Owl. To address the calculation of how did we get to 0.75, we calculated the existing buildings' FAR and used the methodology the ordinance had developed for single-family. So if a ceiling was over 14 feet high above the floor it was counted twice. The studios were counted twice since they're a 40-foot clear-span. We counted the parking structure as well, even though many ordinances don't count it. And there's an atrium space in the existing administrative building that's more than double-floor height, and we counted that 25-hundred-or-so square feet also as double on the FAR. We added it all together based on the land area and came up with about 0.71 as the calculation for what would be there with the proposed improvements we are suggesting.

**Attorney Whitehead:** And the reasoning for counting the height ceiling areas twice is because FAR is about bulk. So that's why you count those areas twice. The FAR – the way of measuring it and the definitions and such in your code – were really developed thinking about single-family, not commercial uses. So they've taken a conservative approach to applying it for this commercial use.

**Boardmember Bass:** Bill, the short answer is you have to be really good with a calculator.

**Boardmember O'Reilly:** Sounds like it, or a cell phone I guess. What was the other question? – I know I'm not going to think of it now. I have another question, I'll think of it later.

**Chairperson Alligood:** Okay, we'll come back to you. Does anybody else have questions or comments?

**Boardmember O'Reilly:** Oh, thought of it.

[Laughter]

Soon as somebody turns away from me I'll remember it. Are we gonna have an issue around valet parking if they decide they need valet parking? Where are they gonna go?

**Attorney Whitehead:** Into their garage. It's just allowing them to put more cars in the garage.

**Mr. Null:** What it is, actually each of the floors of the garage are connected grade for ramps, instead of what a lot of structured parking garages have are internal ramps. So this is flat, level parking area. What was calculated was if you stack the cars how many could you fit in. And that's the valet methodology. So it's on-site in the parking structure, not elsewhere. And that's really the reason that we needed as many vehicles to be able to be accommodated on-site is because it's not convenient to take them off and then bus people back in. And it has more impact off-site that way than if we can accommodate them on-site. But we were able (cross-talk) ...

**Attorney Whitehead:** An example of ... you typically say you won't park them all for Christmas. But here you really have to park for the heaviest usage time because there is no other place to go.

**Boardmember Bass:** Bill, the valet parking usually adds about one-third more parking

spaces than self-parking.

**Mr. Null:** And that's what enabled us to lose, to remove, a bay of parking, essentially, and reduce the footprint of a parking structure.

**Boardmember O'Reilly:** You're saying valets park better than the rest of us?

**Chairperson Alligood:** They can do it differently.

**Boardmember Bass:** It's 200 square foot of parking space for a valet, 300 for self-parking. So you have that savings.

**Alt. Boardmember Speyer:** To Richard's question about the two productions restriction, is there a relief mechanism for that? It does seem to me, too, a potential enforcement issue. But also like a bit of a shot in the dark right now because if you read the application they have productions of different sizes. So simply saying two productions may be vague, and we may be restricting them more than we want to or than is acceptable. Is there really ...

**Attorney Whitehead:** They have accepted it. They actually proposed it [laughter].

**Mr. Null:** We actually proposed it.

**Attorney Whitehead:** They proposed it, so they are not looking to do more than two at once.

**Michael Hahn, principal – Electric Owl:** Just to add to that, this issue. Naturally, two productions are the most we can host logistically at the studio at one time. So it's sort of a built-in mechanism, as a studio operator, that we can only host two productions. Six productions would be so unruly that we ... it just would never happen.

**Alt. Boardmember Speyer:** If it's fine with you, it's (cross-talk) ...

**Mr. M. Hahn:** So yeah, it's fine with us to limit ourselves to two productions, we're okay with that. And whatever enforcement you want to do is fine with us. So just thought I'd say that and hopefully that helps with the issue. Thank you.

**Chairperson Alligood:** Thanks. Anybody else?

So we're going to go through this differently. We're not doing the public hearing yet, or public comments. It's not a public hearing. We will get to the public momentarily, but Linda

do you want to run through it?

**Attorney Whitehead:** Okay, so let's just run through these. And again, you're overall recommending adoption or rejection of the proposed amendment, with reasons; so why you think it's good or bad. And then these are some things to look at in considering those reasons.

The first is: *"Whether the proposed amendment or other change is consistent or, inconsistent with the comprehensive plan."* One thing, and this is actually in their purpose section, it was in the document they submitted. And of course we do have Richard who was on the prior comprehensive plan and the current comprehensive plan committee. The comprehensive plan talks about using these large tracts, looking for new uses for them that could generate tax revenues for the Village. So this is really doing that, this use. I think that's something – they've said, I think, it's something – if you want to speak to the comp plan.

**Boardmember Bass:** No, that's okay. They can carry their own water.

[Laughter]

**Attorney Whitehead:** So there's a whole large tracts section of the current comprehensive plan that talks about looking for things other than single-family residential that would generate tax revenue.

**Boardmember O'Reilly:** Seems fine. Are we going to comment on these things as we go through, or say yes or no?

**Alt. Boardmember Speyer:** Just one other comment. Are we allowed to recognize that we're going through a new comprehensive plan process? Because I assume it's as consistent if not more consistent with a newly-discussed plan.

**Attorney Whitehead:** Well, the new plan isn't final yet, it's not even in draft yet. So I think it's hard. You have to look at your current comp plan.

**Alt. Boardmember Speyer:** We'll look at what we have.

**Village Planner Cleary:** And the mission, Tom, is if the Village board believed there was jeopardy in considering applications while the current comprehensive plan was being developed they would have adopted a moratorium on everything. They did not do that, so that's the mission: you can consider things while we're considering the new comprehensive plan.

**Alt. Boardmember Speyer:** Right. I think it's fair to say (cross-talk) ...

**Attorney Whitehead:** And this is in your code, but in fact any zoning amendments have to be consistent with your comprehensive plan.

**Chairperson Alligood:** I just want to ... because I know there's a lot of members of the audience here who just want to understand, we're going through this process of looking at these different stipulations we're going to discuss. And we will open it up. Even though this isn't a public hearing we will hear comments, brief comments. And we'll get to that. Just so you know, we're just doing our process up here, and we'll get to you.

**Attorney Whitehead:** The next one is: *"Whether, and how, the proposed amendment or other change is consistent or inconsistent with the aims and principles embodied in the zoning chapter, the zoning code, as to the particular district or districts and set forth in 295-2 and 295-3,"* which are the purposes and objectives/provisions of your code. So the purposes section talks about – it actually refers to – the comprehensive plan, and talks about promoting and protecting health, safety and general welfare of the community: *"Regulate, control and restrict the type, intensity, density and location of land and building use in relation to, but not limited to, such matters as height, number of stories, size of buildings and structures, percentage of lot that may be occupied, size of lots, courts,, other open spaces, density of population, limits of the use of buildings, structures and land for trade, industry, residents and other purposes."* So that's really what we've been doing all along (chuckle) as we go through the SEQRA process. Those are the things we've been looking at.

Then the objectives in the code – try to do this quickly: *"Guide future development in accordance with the comprehensive plan ..."* – again, reference back to the comp plan – *"... promote the beneficial and convenient relationship among residential, commercial, industrial and public areas of the Village. Consider suitability of each area for such uses, trends, development and changing modes in living, having due regard for the use of land, building, development, social, cultural and economic activity both within the Village and with respect to the Village and relationship of the Village to areas outside of it. Secure safety from fire, flood, panic" – oh, 'panic' – "and other dangers."* (chuckle). *"Provide adequate light, air and privacy, and to preserve solar access. To prevent overcrowding of the land and undue congestion of population. Promote the most beneficial relationship between the use of land and buildings and circulation of traffic throughout the Village with particular regard to the avoidance of congestion of streets. Provisions of safe and convenient vehicular and pedestrian and traffic movements appropriate to various uses of land and buildings throughout the Village."*

*"To facilitate and support the adequate provision and maintenance of roads, driveways,*

*traffic and transportation facilities, water, schools, parks and other public requirements and facilities." There's a lot of these, sorry. "To protect, maintain, conserve and enhance the value of land, buildings, and social, economic, aesthetic and environmental stability and viability of all parts of the Village. Prevent the pollution of watercourses and wetlands." There are none on this site so I'm not gonna read the rest of that one. "To preserve and maintain the natural beauty of the physiography, geology and plant material of the Village. To preserve significant views and vistas of natural and manmade beauty or interest. To protect the Village against unsightly, obtrusive or obnoxious land uses and operations. To enhance the aesthetic aspect of the natural and manmade elements of the Village and to ensure appropriate development with regard to those elements."*

*"To redevelop and revitalize the riverfront." Again, not relevant. "To promote the preservation, maintenance and enhancement of the existing historic character of the Village and to encourage development of uses that would add to or be in harmony with that character through such facilities as building and structure design, color and texture, signs, lighting, landscaping and other site plan elements. To assist in the provision of adequate and suitably located areas for recreation activities, the preservation of appropriate open spaces, and to bring about the gradual conformity of the uses of land and building throughout the Village to the adopted comprehensive zoning plan, and to minimize conflicts among the uses of land and buildings."*

So again, a lot of these things are what are being looked at in SEQRA. And again, you're looking at is the proposed zoning text consistent with all of those things. So we've set criteria for the size of the buildings and the height of the buildings and the setbacks and all those things to protect the things discussed here. They've done traffic studies, the Village has hired a traffic consultant to review their traffic studies to make sure we're comfortable with traffic impact. So I don't know if anybody has any questions about any of these. I know I read a lot and it's kind of repetitive, but they're general zoning type of ...

**Boardmember Bass:** Right. The cynical side of me says you can drive (cross-talk) ...

**Attorney Whitehead:** The cynical planner side.

**Boardmember Bass:** The cynical planner side of me. You can drive a Mack truck through those generalities, but that's why they're written.

**Attorney Whitehead:** They've objectives, they are generalities.

**Boardmember Bass:** So just to set the stage, that would cover a lot of uses. So it does cover this proposed use. So yes, check that one as a "yes."



**Chairperson Alligood:** Thank you, Richard.

**Boardmember O'Reilly:** Sounds reasonable. The most contentious part is always the traffic studies.

**Attorney Whitehead:** There's been a lot of effort put into the traffic studies here, and their traffic consultant is here with them tonight if anybody has questions for him.

The next is: *"Which areas and establishments of the Village will be directly affected by the amendment or change, and in what way will they be affected."* So again I think there's, through the SEQRA process, been a lot of looking at what the impacts would be on the adjacent areas, particularly with the visual impact studies that have been done and the traffic studies. Next is: *"The indirect implications of the amendment or change in its effect on other laws and regulations."* I'm not sure there are any. Pat? This is planner-ese.

**Boardmember O'Reilly:** Yeah, it is.

**Attorney Whitehead:** Planners, you know [laughter]. I do legalese, I need the planners to do planner-ese (chuckle).

**Alt. Boardmember Speyer:** Is this the first time we've done an overlay like this?

**Chairperson Alligood:** No, 9-A – you know, the property as you're leaving as you're going towards Dobbs Ferry on 9-A – on the left-hand side of the development – (background noise) that have housing in them.

**Boardmember O'Reilly:** Ginsburg.

**Attorney Whitehead:** Yes, Ginsburg.

**Chairperson Alligood:** Ginsburg Development.

**Alt. Boardmember Speyer:** Oh, yeah, yeah, sure, sure. I'm just saying a potential indirect effect would be we're setting a precedent, a new precedent, for doing overlay zones.

**Attorney Whitehead:** You actually have other ... view preservation is an overlay. On this area the gateway cluster is an overlay that applies in this area. If you're going to do a residential subdivision it has to be clustered.

**Bldg. Inspector Minozzi:** And the townhouses right down the street are also overlay district.

**Village Planner Cleary:** And the wireless provider is an overlay.

**Bldg. Inspector Minozzi:** That's correct, very close to it as well.

**Chairperson Alligood:** The benefit to it, approaching it this way, is that you don't have to completely change the (cross-talk) ...

**Alt. Boardmember Speyer:** I get it. I asked about it first thing. I get it.

**Attorney Whitehead:** And then going on, with respect specifically to amendments to the map, which in this case is applying the overlay to this lot: *"Whether and how the proposed amendment or other change is consistent or inconsistent with the comprehensive plan."* It anticipates you may not be doing both at the same time, where there's some repetition. *"Whether the use is permitted by the proposed amendment or other change would be appropriate in the area concerned."* Again, I think that's something that's been the whole source of the review so far. *"Whether adequate public schools or other facilities or services exist or can be created to serve the needs of any additional development likely to be constructed as a result of the amendment or change."* Obviously schools benefit because they'll be getting tax dollars with no burden. *"Other facilities and services have been studied."*

**Mr. Null:** And schools will benefit particularly because this has been tax exempt for over a hundred years.

**Attorney Whitehead:** Yeah, this property has not paid taxes in forever.

**Mr. Null:** Yeah. So to the comprehensive plan's point about having a productive use in an area where you measure the impacts, this is one that'll produce significant real estate taxes, no school impact, et cetera.

**Attorney Whitehead:** So those are some of the things the code says you should consider in reaching your recommendation.

**Boardmember O'Reilly:** One of the things that was mentioned in the presentation – because I remember our question – was about the involvement of, potentially, student tours and knowledge of what goes in the studio. Which is an interesting use of the space. I mean,

it's not gonna happen all the time. Not suggesting there be daily tours, but I think that was an interesting addition.

**Mr. Null:** That is something I believe Electric Owl is doing in Atlanta and is part of their connection to the community.

**Mr. M. Hahn:** Happy to speak to that for a moment. We do have a very robust internship program, and we take students locally. We've been doing this since 2015 at all of our studios. It's important to us, it's part of our DNA. The attraction a studio has has a lot of potential to inspire children and people that are in school. We really take that seriously and we'll have that same internship program here. We've placed people in jobs locally and around our studios and in Los Angeles, in the industry. So it's something that we ... it's part of what we do. So just thought I'd say that with that question. I appreciate that question very much.

**Boardmember Vigoreaux:** Can I ask ...

**Chairperson Alligood:** Yes, Ernesto. Go.

**Boardmember Vigoreaux:** Thank you, Mr. Hahn. Very interesting, obviously, monitoring the precedent set rather it be Silver Cup or whether it be Lionsgate down the way. Can you talk a little bit more about like the job placement and job hiring? I understand the initiative here, based on the 220-11 comprehensive plan, is to try and promote ... increase the property tax base. However I'm wondering if there's other benefits to the Village, whether it be internships becoming jobs, whether it be supporting local hiring for Village residents or –

**Mr. Null:** Sure.

**Boardmember Vigoreaux:** – I'm just making stuff up – or purchasing local goods to support your cafeteria, your in-house cafeteria, instead of the gas-guzzling food trucks.

**Mr. M. Hahn:** That's a very good question. Like I said, we have a very robust internship program and we try to help people that are interested in the industry. We work with our productions with people of note that come in that have reputations in the industry to speak to children. We're planning on working with the Graham Windham School and other local schools. Obviously this village appreciates the arts in a way that is not typical in a lot of villages. We've already had outreach and discussions with local groups. The local chamber we've talked with how we can use a studio to promote local business. So all that's in process.

One of the things about being in Georgia is it's a state that relies on the tax credit there to exist. So our posture has always been towards the community to support the industry. And we plan on carrying that on here, maybe more than some local studios already do. So that's important to us and we love doing it. Again, that's part of what we do is we're outward-facing and we want to support the Village. We want to support businesses here, we want to support students and people that are interested in the industry.

**Mr. Null:** You also align on sustainability.

**Mr. M. Hahn:** That's right, and we haven't thought that out. But in Atlanta we built the world's first LEED gold certified film studio. And we plan on making this facility the most green studio in the world. That, again, we liked being here because it aligns. We have synergy with the Village in that respect so it all fits together for us in Hastings.

**Boardmember Vigoreaux:** Thank you.

**Chairperson Alligood:** Okay, process-wise we are going to (cross-talk) ...

**Attorney Whitehead:** Do you want to take public comment first?

**Chairperson Alligood:** That's what I was going to say. I just want to make sure everyone understands where we're going to land at the end of this evening. We're going to make a recommendation to the board of trustees on whether to adopt this zoning overlay.

**Attorney Whitehead:** If you have specific comments on any piece of it you could also make those comments.

**Boardmember O'Reilly:** Is public comment the same as responding to the issues which you've just outlined?

**Chairperson Alligood:** I'm going to define what I'm going to say. This isn't a public hearing, but as I said there's a lot of interest in this project. We appreciate you coming out. There are a lot of you, so I'm going to ask that people come and limit your comments so your neighbors can also make comments. And if you ... this is something we did last time. If you agree with something that somebody else said then please say you agree with it rather than repeating the whole thing. So just parameters, 'cause everybody here wants a chance to speak. When we have a large audience we try to make sure it's a smooth process.

So we're going to hear your comments and then we're going to come back to our deliberation here. Any other questions, Bill, about the (cross-talk) ...

**Boardmember O'Reilly:** No. You said "if you agree with someone." I agree.

**Chairperson Alligood:** Please just "second" that or however you want to say it for the sake of all of us here. It's important to hear your voices but also have a process that works for everyone. With that, do I have a member of the audience that would like to come up and speak? And of course, Jim, you know the drill. Please say your name and your address.

**Jim Metzger, 427 Warburton Avenue:** As many of you know, I'm in favor of this project. And whatever we can do as a village to move this forward I'm in favor of as long as it's done carefully and with correct oversight. I was a member of the original comprehensive plan committee. John Shapiro, who was our planning consultant, was asked how do we attract the proper commercial industry into the Village. We were talking about the waterfront, Graham Windham, possibly Andrus. And he said really hard to go out and say, I want you to come and be here. Sometimes you have to wait for lightning to strike. This, to me, was a lightning strike. No additional school taxes.

**Attorney Whitehead:** Schoolchildren.

**Mr. Metzger:** I'm sorry? Well, no children, meaning *we* won't be paying any additional school taxes. I think the traffic is gonna be a lot less than what else has been proposed for this site. Some of you may know the previous developer was looking to put 250 units of housing in here. There was a brief period of time when the Village was considering that, then the developer pulled that proposal. So think about what *that* would mean in terms of traffic.

A lot of people talk about, Well, what if the project doesn't pan out, it goes out of business. Any project can go out of business. I think to plan on something failing is probably not a good way to plan. And the way this overlay zone is written, if they do decide, for whatever reason, they're not gonna be here in the future it reverts back to the single-family zoning and we get to start the process all over again. So I don't see a negative in that.

To Richard's comments, I also found it a little unusual that they were limiting the number of productions that could be versus limiting the number of people that could be on-site at any given time. By that, I'm thinking I know any number of people in Hastings and Irvington and Dobbs who have small film productions going on and they're always looking for a site. I've actually talked with the applicant very briefly about it. I don't understand why we might have a problem if there were three very small productions going on and then one large production. But the way the zone is being written now they wouldn't be able to do that and it would deny the small filmmakers in our area to potentially go there if they have a studio

that's not being used. So I'd like the board to consider looking at an either/or situation: two larger productions or a number of smaller productions, but looking at the number of people that might be involved in using the site. I think that would be a big benefit for the Village, and I know a lot of people who would really like that possibility.

I'm hoping we move forward on this, again with careful planning. I'd like to see the project go through. We really could use a big commercial infusion of cash. I think it's something that's very important to the Village. Yonkers has been getting the benefit of this for years and nobody's been complaining about the traffic from that. I don't understand why everybody's complaining about the traffic from this. Thank you.

**Chairperson Alligood:** Okay, thank you. Does somebody else want to speak?

**Ida Susser, 100 Pinecrest Drive:** I understand where Jim is coming from. I was here before and I've read it pretty carefully. I'm not in disagreement with Jim, but I do have a lot more cautions that I'd like to raise and that I think are really, really crucial. Talking about the comprehensive plan, these were large lots, they're not little houses, because there was the idea of the green coming in through the beginning of the Village. This is like an area where you're presenting the beauty and the environment of Hastings; a thing I'd like to emphasize is maintaining ... people talk about the visibility. I've looked at the plan, and they counted the trees but there's many things to think about. You've seen the wetlands, but the one whole slope that goes along the stream – not down to the Aqueduct but down the other side, under the parking lot – is a very steep slope. Today you were questioning one little house with one little steep slope. They've got this huge steep slope. It must be – I don't know size – 300 yards, and there's a stream and a wetlands at the bottom of that slope which is not in any of your pictures. But that's a stream that goes into the Hudson. So I'm very concerned about, you know, the climate vulnerability assessment.

And I'm extremely concerned that they talk about 271 trees. I don't know, I've looked and looked. Maybe they can tell us where these trees are. They show pictures with like ghost trees down the slope, but I can't figure out which exact trees are gonna come down. You said "detail," but this is huge because it's old-growth trees. Biden is about to ban the cutting down in any national forest of old-growth trees. I would think Hastings would care about its old-growth trees. We have trees that are a hundred years old even in my garden, and certainly all around Hastings in the forest. And those old-growth trees, there's no measure in the measure of trees; there's no consideration. There's a thing that we chop down 271 and then we're planting 429. Well, this sounds nice. However, the ones you're planting are gonna be 4 inches in diameter, and the ones you're chopping down are between 30- and 50 inches in diameter. The larger the diameter the older the trees. These little ones. Then it says "full canopy." Well, you don't have a full canopy. Twenty years before you do or – I

don't know – we need an assessment. So when we're talking about visibility from the Aqueduct or from anywhere else that's an issue because the trees are not gonna be there we don't know *which* trees. I don't know – there's nothing in the report that says which/where trees.

The other thing is, there's no consideration of the erosion on the steep slopes of chopping down these old trees. These are very erosion (sic), they're all steep slopes. How can you have hearings for each house and not have it on this consideration? And it's during Hurricane Sandy or even during thunderstorms, that little stream at the bottom of that slope which is right on there – the boundary of that private land – that stream turns into a river, a torrential river. So talk about erosion. And the trees fall down in every thunderstorm, these very huge trees. So I think what I would like to see – and I haven't seen this level of environmental ... I've talked to someone who does environmental measures. He says that in many places they actually count ... and Biden, I have the article, is calling for in every national forest you have to count the old-growth trees. The old-growth trees; you don't just count trees. There's no study of the old-growth trees in this neighborhood that they're chopping down. There's no study of the mature trees that could hold that erosion, there's no mention of the wetlands at the bottom of the slope, nothing. And it's there, it's a long one. Really I don't know sizes, but it's a long wetlands. There's a stream that comes onto public property at the end and under the Aqueduct. So none of this is mentioned anywhere.

Actually it says they are replacing 4,680 inches in diameter of trees that were chopped down – those are the ones to chop down – inches diameter with 1,655 inches of tiny little trees that they're replanting. This, to me, is not the same. I'd like to see an environmental evaluation which measures the carbon capture, the flood damage prevention and the time it will take to replace, as well as the erosion that will be caused by the chopping down of all that area. And you talk about visibility. I love beautiful places, but this is a climate sustainability question. Hastings is *always* flooding. You know the Saw Mill floods. People don't see streams, but I do. I know it's there. I don't think the information they have provided indicates, as I said, why or where they're cutting down trees. Sometimes it says we're cutting down, yes, for design, yes for design. But there's many other places ...

**Chairperson Alligood:** Thank you. We have ...

**Ms. Susser:** You need that extra, extra environmental study, and we haven't done it.

**Chairperson Alligood:** Thank you. Anybody else?

**Howard Dallinga, 1 David Lane – Yonkers:** We have property in Hastings. We do pay some Hastings property tax. Anyway, there's three different boards we're dealing with at this

time. There's a zoning board, a planning board, and a board of trustees. To whom we express our concerns that they'll be heard?

**Chairperson Alligood:** Well, you're welcome to come to all the bodies that ... the reason why different bodies are deliberating is we all have different walls within the process. So we invite you to come, you're welcome tonight to express your concerns, and that'll be taken into consideration in our process. And you're welcome, on January 2nd, to go before – show up for – the public hearing at the board of trustees. The zoning board was last week, but there'll be (cross-talk) ...

**Attorney Whitehead:** And the zoning board doesn't have ... they're done. That was their only rule.

**Chairperson Alligood:** So it's just the two bodies.

**Attorney Whitehead:** The board of trustees roll is to complete the environmental review process and consider adoption of the zoning amendment. If they do that then it comes back and this board reviews the details of the site plan.

**Mr. Dallinga:** Well, all I'll say is ...

**Attorney Whitehead:** The initial decision-making is board of trustees.

**Mr. Dallinga:** I'll have to say that downtown Yonkers has the Lionsgate studio, and I hope some of you have gone by and seen what that looks like. Do you want that monstrosity bordering Dudley Street and Broadway? That impacts us on the south and north end, which is all Hastings. Apparently that's all good for them, it's not so good for the rest of us. The traffic, all that traffic that's gonna be coming through, that impacts people in the south, not so much people in the north. And they're choppin' down the trees. You got Lenoir right there. All this has a big impact on Lenoir, on us. So I just want to put that out there and that addressed.

**Chairperson Alligood:** Thank you.

**Mr. Dallinga:** Okay, thank *you*.

**Chairperson Alligood:** Anybody else?

**Dave Skolnik, 47 Hillside:** I want to just say that whatever the context of what I say I don't begrudge any of the gentlemen who are bringing this project. And I'll acknowledge that my



friend Jim has perhaps some more informed, but other, points of view on this. But I will tell you that my main objection is this process. People are getting tired of hearing me talk about process, but I will compliment you in a way. This is the first – to my mind the first – meeting that actually attempted to tackle this distinction of zoning and talking it at all into any detail about the comp plan. But you're right, these gentlemen have been before you, they've been before the board of trustees, been in front of zoning. And as you know, I've been to these meetings and raised more than once that this whole issue of zoning is very confusing. I'm glad you made an effort to describe it now.

It always struck me that you were attacking the zoning. I mean, basically I wrote down this has always been a site plan study, a site plan meeting. As far as the way, the details, that you inevitably got into – and right from the start the confusion – about because it's so unique that you're dealing with zoning as you were talking about earlier today. Well, it makes a certain logical sense. But for me, and for probably three or seventy other people, that distinction is very hard to maintain. The general question ... I mean, it may be a good project. It clearly has the potential for not generating more burden on the schools, not creating the individual housing. But here's the thing. You have ... I haven't heard anything specific about revenue, for example. There are these general comments to the idea that these will be – I don't know if you call it – "revenue-positive," where we won't be burdened with the usual things that come with people. I haven't heard it. I haven't really heard, gotten numbers, as to what the projections actually are.

There's something that I wrote down here towards the end, and I will be mindful that there might be other people. Jim Metzger, whom I respect for the work he did on the comprehensive plan so I'll generally defer to him on the interpretation of it. Though I know that Richard was on it – and I know that even though I wasn't on the committee I was pretty much at every one of the meetings then, as I have been at every one of the meetings that have gone on this time around – we have a little bit of a different situation, though. We didn't have Kathy Hochul in 2011. We didn't have this state, if it's not a mandate. It's basically a mandate to increase population in the Village. And we've of course been talking about ... the affordable housing committee has been extremely active of late in trying to come up with these plans. The point is it might be good that we're creating housing at this location, but that housing is gonna have to go somewhere.

**Chairperson Alligood:** That legislation wasn't passed, just so you know.

**Attorney Whitehead:** There is no mandate right now.

**Chairperson Alligood:** There's no mandate, just so you know, to correct the record. Ernesto knows that was hopeless.

**Mr. Skolnik:** I know very well what was passed. I know, and I know what's coming next because it ...

**Attorney Whitehead:** Well, if you do could you tell us.

**Mr. Skolnik:** Yes, I will.

**Attorney Whitehead:** None of us are sure what's coming next (chuckle).

**Mr. Skolnik:** That's not going away.

**Chairperson Alligood:** Anyway, this project doesn't involve housing. I just wanted to make that point.

**Mr. Skolnik:** I understand it did before the gap between Gotham originally proposing to buy this and then looking at the whatever documentation. Suddenly there's nothing more about Gotham, and then the beginning of this plan.

**Chairperson Alligood:** Okay, I just want to make sure – for the sake of staying focused on what we're here for – tonight we're commenting on this particular application at this point in time because it's not ... to refer to other applications, they're not relevant to tonight. So if you could stay ...

**Mr. Skolnik:** I will. And I will just mention the thing that comes to mind. I was down at the site a couple of days ago, on Dudley Street. And I don't remember if I walked a little bit or drove slowly. And I was looking at a little bit of the plan and looking at what I was seeing as I looked to the northwest. For me, as somebody who's just on the street, I have no standing in any of this. But presumably the people from Yonkers have somewhat more standing than I do. But I was there, and what I'm seeing is a certain ... it's interrupted, but I'm still seeing a vista, I'm seeing space. The same way we talk about view preservation. You know, it's not unimpeded but it's definitely got ... what you're gonna have, even as much as they've tried to do this, is a mass. And it's gonna be a mass that's masked by a couple of trees. And if we're lucky the evergreens will stay green. But the psychology of it to engage my participation in convincing me that there's nothing there because it's covered by trees doesn't really work. So I do think there is ... to the extent that you're concerned about anything that goes there – concerned about the visual and the interaction – I think that's important to consider.

**Chairperson Alligood:** Thank you. Anybody else?

**Grace Levine, 1 David Lane:** We're concerned about the ... I know you mentioned the traffic study. Because we have 250 residents and we're not sure that it's taken into consideration us getting in and out is gonna be difficult to make that left onto North Broadway. They just paved and everything, but there's not an additional lane for turning. We're concerned because we have 237 people, cars, there now. Thirteen visitor spots, and most days people have visitors coming; a lot of deliveries; FedEx, Amazon, postal delivery, food delivery. So some days there's 250 cars on the site between the garages, the carports, and the actual visitor spots. Especially this time of year when the holidays come.

So we're concerned about they're gonna have another 250 cars, plus they have the new studio. On Executive Boulevard there's another huge studio that's built behind the water tower. That's gonna be more cars, and it's very crowded already on Executive. If you go like when the school buses are there – and the hospital has a shift, but some people get out at 3 – it's like impossible to get down that hill. Sometimes you got to wait like two or three lights. So we're just wondering how many cars are gonna be – or trucks are gonna be – entering in and out. And, you know, what impact that's gonna have on us. It's could be very noisy. I've lived there for 40 years, since I was younger, and I really love that beauty of all the trees. And it's peaceful, you got the preserve. And we're concerned also about the preserve being affected because people may not want to even go there if it's not peaceful like it is now. So that's my concern.

**Chairperson Alligood:** Thank you.

**Ms. G. Levine:** I hope you're gonna address that 'cause they did say they did a study and we're not really sure because I've been going to the different meetings. I went last week, and I went to the board of trustees.

**Attorney Whitehead:** A lot of this information is on the Village's Web site. There's a project page: so the traffic studies – their original traffic study – the comments from the Village's consultant, some additional information provided by ... there's a lot of information on traffic, traffic studies that have been done. There is a fiscal analysis there. I know there was a question about that. There is a fiscal impact analysis. I believe there is more information on the trees. I think they had an arborist who actually went through. So I encourage everybody to ...

**Audience member:** (Off-mic).

**Attorney Whitehead:** I encourage everybody to look at the information that's on the Web site.

**Ms. G. Levine:** Okay, thank you. Happy holidays.

**Chairperson Alligood:** Anybody else? Please come up and state your name and address.

**Eva Levine, 1-3 David Lane:** I'd just like to tell you who we are, and I would also like to invite you to come walk down Dudley and see what they're talking about. Someone up here said something about it's not impacting your community. It's impacting our community. They're building these five buildings up on the hill – we're down the hollow – 50-feet-5-feet high, taking down trees, blocking light. The buildings are connected, taking away the air and the light that goes around the buildings that exist now. We are an eight-story building, co-op; 158 apartments, 250 people. We do pay taxes to Hastings. We are not voters because the Hastings property – there was some agreement made years and years ago – comes right up to our building. The building is in Hastings. The pool, the barbecue, everywhere we go outside is Hastings.

Hurricane Ida, when that came through, we had mud ankle-deep in our lobby. The water that comes down, we've done all sorts of drains now and hopefully we won't have that again. But I am really ... this site plan that they gave is the same one, the original one. At one point we did get one of them to come and talk to us, and he said it would be 150 feet back. Even managed to say it was from Broadway and not down Dudley.

The other thing is, I really expect – most of us did – that Hastings, as a green community, would at least have looked at this. So we're pretty upset, and I think you *really* need to go look at the property. We're way down, they are totally up in the sky over there. Thank you.

**Chairperson Alligood:** Thank you. Anybody else? Okay, thank you all for participating. So now, Linda ...

**Attorney Whitehead:** So I think ... I don't know if, Pat, you have anything.

**Village Planner Cleary:** Nothing further.

**Attorney Whitehead:** I think if you want you can kind of go one-by-one and see how everybody feels.

**Chairperson Alligood:** Okay. I'm going to start with Richard.

**Boardmember Bass:** Thank you, I think. I'm for advancing the zoning to the board of trustees. I think it's an interesting use and, you know, the real issue is the review of the site plan. We'll get into the nitty-gritty on some of the issues we've raised and that have been

raised for us. So I'm in favor for advancing the project.

**Alt. Boardmember Martin:** Yeah, I support going forward.

**Chairperson Alligood:** Ernesto, you want to go next?

**Boardmember Vigoreaux:** Right. The project certainly has its merits, especially from an economic development perspective. I do also understand some of the concerns being raised so I look forward to looking at it carefully from a site plan perspective. But I am supportive, and I do want to proceed.

**Alt. Boardmember Speyer:** Just to be very specific about what we're doing, we're deliberating on the zoning text language, right?

**Chairperson Alligood:** Yes.

**Alt. Boardmember Speyer:** And I think in particular it's appropriate and well-drafted. It contains a lot of controls and provisions that clearly have taken into consideration concerns of the Village boards and also some of the feedback we've heard from Village citizens. So I think the language is appropriate.

**Chairperson Alligood:** Okay, thank you.

**Boardmember O'Reilly:** I'm in favor of seeing it, voting it or approving it, to go forward to the board of trustees. I think it is a somewhat exciting and challenging project. Which I'm glad to see, certainly being consistent with elements of the comprehensive plan and best use of the large tracts. I do think ... I know the concerns that people have raised that always are part of any project. But the longer I've been on the planning board the more I've been happy with the amount of effort we put in to make sure a project is consistent with all the details and every "i" is dotted and every "t" is crossed. But the gentleman is correct, you know. Zoning is complex, you can't get a crash course in zoning. Which is why I joined the planning board and not the zoning board.

[Laughter]

**Chairperson Alligood:** Well, thank you for that. I also support the recommendations the Village adopt the zoning overlay, because the caveat is that it's not approving the project; it's basically making it possible for it to continue to go through a very deliberative, very thorough process of vetting to address concerns we all have collectively – except for Ernesto 'cause he's new – been raising questions and making sure that some of the concerns you're

hearing from members of the public are addressed. And that is our role here. So I also support recommending the Village adopt the zoning overlay.

**Boardmember Bass:** I'd like to propose a motion to move this to the board of trustees with one slight amendment. I would like to remove the limitation of two productions. That's a business decision. They should make that themselves if they want to do one, two, six, but I don't think that's a zoning issue.

**Boardmember Vigoreaux:** Is that a motion?

**Boardmember Bass:** That's a motion.

**Boardmember Bass:** With a certain caveat. I mean it is a business decision for the company. I know the suggestion was made about smaller companies coming in. The question would be, from their point of view, can a smaller company afford the fees that are going to be necessary in order to use these facilities and be able to meet their budget.

**Attorney Whitehead:** But that's not a zoning question. That's a business decision.

**Chairperson Alligood:** We're not mandating a business in any way to accept business, a certain volume of visits. I think Richard's point ...

**Village Planner Cleary:** Your recommendation is just a suggestion to the board of trustees so they can take Richard's comment. They can ignore it.

**Attorney Whitehead:** We will pass on the suggestion.

**Boardmember Bass:** Okay. I've been ignored by better people.

**Chairperson Alligood:** Yes, I think it's perfectly legitimate to pass that along. I think people have different opinions on that. I think it's not necessary to include in there ... I agree with Richard.

**Attorney Whitehead:** We can pass it on as some members of the planning board felt this was not necessary.

**Chairperson Alligood:** And we certainly can't tell the applicant how many ...

**Attorney Whitehead:** How to run their business.

**Chairperson Alligood:** Yeah, how to run their business. So they've already said they don't want more than two, so I'm certainly not gonna get in the way of that.

**Boardmember Vigoreaux:** Could an explanation accompany that motion, or that recommendation, to the board?

**Attorney Whitehead:** I'm going to do a memo to the board of trustees explaining, and I'll send it to Eva to take a look.

**Boardmember Vigoreaux:** The prospect of internships, the prospect of local filmmakers being involved as Mr. Metzger mentioned, we can't want that and then curtail that possibility from happening due to the limitation of two productions. So yes, it kind of makes sense.

**Attorney Whitehead:** And I think the applicant could address this. I think the reason they were saying two was they have to provide certain spaces for the productions; back office spaces and things like that. I think two was what they felt comfortable handling.

**Boardmember Bass:** Not a zoning issue.

**Chairperson Alligood:** I agree it's not a zoning issue. So what Linda's going to do is capture all our comments. Do we have any other comments we want to make? We've unanimously voted to recommend adoption of the zoning overlay district. I just want to make sure if people have other suggestions that we capture them.

**Boardmember O'Reilly:** Did Richard propose a motion?

**Boardmember Bass:** Yeah, I did propose ...

**Attorney Whitehead:** You don't need a formal vote.

**Chairperson Alligood:** It's a recommendation, but thank you for catching that.

[Laughter]

I just want to make sure if anybody has any other comments 'cause this is our time to pass along comments to the board of trustees.

**Attorney Whitehead:** And I'll just make a comment for Mr. Skolnik that the reason the process seems so confusing – and no laughing, Bill – is because of the state environmental quality review act. Which forces sort of the bane of planners and land use attorneys because

it forces certain things. It doesn't always work well with the process, it makes the process more complicated. But it requires that before anything can be done that the board has to consider the environmental impacts of the project. So before they can adopt the zoning they have to look at the environmental impact. And that's what has led to the site plan focus because that's the impact they need to look at. I'm just trying to help you. It is a very complicated process.

**Boardmember Bass:** That's why my beard is white.

**Attorney Whitehead:** Why my hair is white [laughter].

**Audience member:** (Off-mic).

**Chairperson Alligood:** Excuse me. No.

**Boardmember Bass:** No, no, no, no, no! No, Charles!

**Ms. Susser:** It sounds like you can just do it, but chopping down hundred-year-old trees ...

**Chairperson Alligood:** Okay, you made your point. Thank you. The public portion is done. I'm asking my fellow boardmembers, any final call for any further comments?

**Boardmember O'Reilly:** No.

**Boardmember Bass:** Good. Let's call it a night.

**Attorney Whitehead:** Did you want to ...

**Mr. Null:** I just want to wish you all a happy holiday and a healthy new year, and we'll see you next year. Thank you for your time and consideration throughout this.

## **VI. ANNOUNCEMENTS**

**Next Meeting Date – January 18, 2024**

## **VII. ADJOURNMENT**

**Chairperson Alligood:** Do I have a motion to adjourn tonight?

**Attorney Whitehead:** Next meeting is January 18th.

**Chairperson Alligood:** See you on January 18th.



**PLANNING BOARD  
REGULAR MEETING AND PUBLIC HEARING  
DECEMBER 21, 2023  
Page - 41 -**

On **MOTION** of Boardmember Bass, **SECONDED** by Boardmember William O'Reilly, with a voice vote of all in favor Chairperson Alligood adjourned the Regular Meeting.