

Village of Hastings on Hudson

Waterfront Rezoning Committee Meeting Minutes

Date: June 24, 2019

Time: 7:30 - 9:30 pm

Location: Hastings Public Library - Orr Room

Members Present:

Shannon Rooney, Tom Asher, Richard Bass, Katey Stechel, Kate Starr, Mayor Armacost, Trustee Morgen Fleisig

Minutes Prepared by: Sandra Nam Cioffi

Meeting called to order at 7:35 pm

Chair's Welcome & Updates (Kate Starr)

- Kate recaps our last formal meeting was in February.
- WRC was on a hiatus due to questions regarding budget for RFP.
- Reminder that these meetings are recorded.

Update from Mayor Nicola Armacost

- Everyone was disappointed when we found that the arrangement between BP and Suncal had fallen through - there was no longer a prospective developer nor funding to proceed with the RFP process.
- Over the course of the last few months, there have been positive developments:
 - Argent (Owner, south parcel closest to station) - initiated discussions to fund the entire amount that was needed for the RFP.
 - Argent conducted conversations with Broadway Stages (BS), and BS showed interest in return.
 - Argent was originally going to fund the entire amount required, and now they are a day away from coming to an escrow agreement with BS.
 - In the course of the discussions, we felt there were two parts of the process (initial scoping exercise, then broader EIS later) - The initial scoping was estimated at \$500k and EIS \$1M.
 - Originally we thought we would have them as two separate functions, therefore the RFP was crafted as such.
 - When Argent and BS came to the table, the initial scoping and the RFP will have an eye to the final EIS - proposals will be for the total amount.
 - In terms of negotiations, BS and Argent have almost come to an agreement, Argent will deposit half of the amount into HOH account by tomorrow, BS to deposit end of week. As soon as the escrow agreement is signed and all money is in account, RFP can proceed.

- Kate - WRC was adamant in there being an escrow account, so that we would not run into this again and the funding issue wouldn't cause future stalls.
- It looks like there is movement on BP side for prospective developer - Fleisig, Armacost, and Starr were in meeting
 - Final developer has been chosen by BP - National Resources, who has done work upriver.
 - National Resources (NR) is still prospective at this point, as there is no deal that has been crafted nor signed.
 - NR is very interested and there is sincere interest, however, there has not been any deal made or crafted.
- Argent and NR have discussed having a cooperative approach regarding the waterfront.
- Bass - Richard discloses he did work for National Resources over a decade ago. This should not pose a problem, as it was a long time ago.
- Kate - It sounds like a specialist will be lined up by NR; this is a capstone project for them and they want to put in a lot of effort and work closely with the community.
- Niki - NR knows the Village and understands who HOH is from that perspective
- Kate - NR vs Suncal is that NR is a master developer therefore they will not sell the property (like a Toll Brothers). NR would retain ownership of the property.
- Tom - scoping vs EIS - are they still breaking down similarly as the estimates prior?
 - Niki - Not sure. We should solicit proposals and see what they come up with, but the developers will be responsible no matter what
 - NR is clear that they will need to contribute if they are final - but this negotiation would be between Argent and BS
 - We should not speculate. These were numbers thrown around 4-5 months ago.
- Questions from the Public:
 - Patrick Zhu - works for Chinese developer focused on TOD development. Lived in White Plains for 7 years, moved back to China, then returned to Chappaqua where he currently resides. Patrick knows all the players at the table, therefore, if he were to make a US comparison of the developer he works for, he would classify the firm as similar to Toll Brothers.
 - Patrick's key opinion - NR is horizontal, therefore, will not do vertical development. In his opinion, NR will resell to a developer who won't take the entitlement at risk.
 - Niki - it is not up to us who they choose as their prospective developer. We know the name of company now, and it is not in our position to make any decision. You should perhaps call BP.
 - Niki tells Patrick, it is a relatively new development to HOH that Argent and BS are the developers of the southern portions
 - Responses to Patrick by WRC/Mayor:

- RFP is still up on the Village website on the Waterfront Rezoning Committee page; we will relaunch this process for a planning process and the work will take about a year.
- The risk the developers take is if the zoning is not in line with their development missions; this is what they have agreed to and are signed up for.
- There is a clause to the escrow - if there is more required, they are to fund. If the amount is over, it will need to be replenished.
- Patrick asks “What was the study (non-specific) for?”
 - WRC is unsure which study Patrick is referring to.
 - Could be referring to the Waterfront Infrastructure report, and Shoreline Design - these are all simply historical reports.
 - Argent Visioning - simply a lovely design
- Redevelopment plan?
 - Bass - how NJ does it is different from NY
 - Too early for this to say

Committee member updates

- Morgen Fleisig - Appointed to Board of Trustees (BoT) & Liaison to WRC
 - Morgen was appointed as Niki’s replacement on the BoT and will be a liaison to the WRC - it will be a fantastic arrangement since Morgen can keep the WRC in concert with the BoT.
 - Morgen’s role moving forward:
 - The area that Mayor Armacost asked Morgen to focus on was the WRC. He felt that there needed to be more communication between the BoT and WRC. Therefore, Morgen has taken a backseat while funding issue has been ongoing and understanding the consent decree more, the watertower, the DEC and communications with them.
 - Understanding more of the policy issues, while WRC focuses on the process
 - Kate - Morgen’s role will not be replaced since the process is far along. We are not a governing body so numbers is not a major focus. His input is still important, but Kate does not feel another member needs to be added at this time.
 - Revisiting the terms of reference that Peter issued last January and has a timeline. We will not hit Feb 2020, therefore Morgen, Kate, and Niki to amend and reissue
 - Niki - While it is valuable he (Fleisig) comes to these meetings, he should be independent and focus on BoT duties.

Shoreline discussions with DEC

- Niki has been discussing timeline of next steps with Linda Whitehead

- Morgen - on June 4th former Trustee, Meg Walker, and Morgen Fleisig drove up to meet with DEC.
 - We hadn't heard from DEC in a few years and saw the BP report. It did not align with what the Shoreline committee put together in Shoreline Plan, therefore, they wanted to know where the DEC stands at this point. The Shoreline Committee worked very hard to develop the Shoreline Plan.
 - It was a positive meeting and on a whole DEC will support the Shoreline Plan, but a few areas they asked to be removed from the plan.
 - DOH does not want a playground at north end of site due to so many ongoing cleanup issues. They will monitor PCBs and metals coming out of that site for a while - at least another 20 years. They are open to a park at that location but it will require creative engineering and wants us to be mindful of this. Needs to be contained when testing is going on and emptying of well(s) - it is still early to say.
 - Shoreline did not have an opportunity to present to DEC, and other parties.
 - NW corner is still the most open to redesign
 - They want a large wetland mitigation area at some place inside the site that will balance to some proportion (ratio TBD) - based on cut/fill. DEC suggests just south of the northwest corner. The peninsula is currently narrow, DEC thinks it needs to be wider.
 - DEC thinks water tower makes sense
 - Kate - How do we codify this discussion if amendments were made?
 - Responses were held til later.
 - Morgen - The only other area they had issues with is the boat house too close to shoreline, therefore, they want it to move it back and have all hard structures further inland.
 - DEC supports a wide variety of edge treatments. They are meeting with BP to review their prelim design this or next month. At this point the comments to the plan will be documented and commented on.
- Richard - BP wants to do minimal treatment, DEC wants to do what HOH wants to do with minor points, but there is no program moving forward. WRC is odd person out.
 - Morgen - DEC is clear this is going to be a stakeholder situation with Riverkeeper, Scenic Hudson, and WRC/HOH.
 - Bass' concern is that BP's engineer is unimaginative and if we let him drive the process, we will talk about the edge for years to come. We should pull in elected officials to inform this triangular relationship - we should have DEC come to an agreement on what needs to be done and not have BP be a driver of the conversation. Majority leader of State Senate needs to be involved.
 - Morgen - does not think we are there yet. Having gone to this meeting, two years in the DEC's mind is a short time and DEC was surprised we were pushing this so hard. What are the sound engineering principles behind this.

- Shannon - number 1 focus of DEC will be to protect the remedial cap. There are shoreline cross sections that will do that and DEC will hold BP to it - they won't change the shoreline to meet Village requirements. Now is the time (during design) for them to include the changes.
- Tom - agrees at the state level we need assistance
- Richard - we have the Senate majority leader who is a neighbor at play here.
- Kate - what is the mechanism by which the conversation had be codified and implemented?
 - They don't need anything more than remedial cap
 - DEC will not let a developer to go back into the river
- Richard - WRC should develop an action plan both on technical and political levels or else we wait and will be disappointed.
- Niki - we need to have a meeting with Senator Cousins - late July or August and can add this to the agenda with a small group of people. Niki was on the call and it felt like progress, but hears Richard's concerns that it is important to bring political power in at this point. It would be a shame to lose all the work of the all the committees up to this point.
- Kate - it would be helpful to have the WRC and Shoreline Committees provide talking points. It depends on who is available, but it would be great to have Meg, Shannon, and Katey involved.
- Action Items: Katey, Shannon, and Meg will prepare a 2-pager with Morgen before the meeting in July or August.
- Katey - one of the DEC members expressed that sea level rise must be brought up in the conversation.
 - RFP from Shoreline Committee - "another desired outcome is for BP to prepare the site for Climate Change and accommodate flooding...." It has been a while since Hurricane Sandy, there are new flood predictions. FEMA flood predictions do not include sea level rise, so anything you see from flood insurance maps, sea level rise is not taken into account.
 - FEMA is slow with their analysis.
 - Shoreline Plan was based on what the consent decree said, and did not model any specific flood elevations. It was solely based on the consent decree (9' of fill plus cap)
 - Tom - only people with algorithms to predict post Sandy numbers are private insurers?
 - Katey - Jupiter does flood analysis and risk assessment.
 - It is a long process and water continues to rise, we need to revisit this in the RFP and focus on this.
 - Katey to look at the RFP
 - Sandra to request the most recent version of the RFP from the BoT (WRC is not issuing the RFP, BoT will be issuing the RFP)
 - People responding to parts of the RFP - if we got a short list and are able to vet them - but felt that one firm is coming up short, we could make a

recommendation that they reach out to one of the firms. Not a lot of firms have this expertise in house

- Katey to find a few firms in her network.
- Find out from DEC if they are requiring BP to do any of these models?
- The infrastructure committee made a recommendation for 5 additional feet of fill? Above the cap? - this is not clear and possibly numbers from faded memory.
 - Amendment may have referenced 11 feet - which was used for Shoreline Plan.
 - 14 feet was brought up during the first meeting.

Re-launching the RFP and Next Steps

- RFP was not redrafted. BoT added an amendment of the part requiring the EIS. BoT is not inviting the WRC to redraft the RFP, but if there are thoughts as to adding comments WRC is invited to provide them
- Niki would prefer WRC to handle the FAQs.
- WRC never submitted responses because we were put on pause right after this period.
- WRC would be working as a committee of the Board.
- Funding was outside WRC's ability to respond.
- Morgen - issues re: sea level rise are covered already, BoT did not modify the RFP, it is just an addendum describing the SEQRA process. All the types of zoning are covered in the RFP
- Timeline and point person?
 - Take a week and relook at the FAQs
 - Argent, BS and possibly the prospective developer - sources of funding.
 - New Village Manager will be appointed on July 15th. Strategically we should have the RFP issued after VM is on board. It cannot be issued until there is a signed escrow agreement and money in the account.
 - Whether it be Sandra in consultation with Kate or with Morgen - the BoT wants to be able to unduly delay things on BoT's side, but also not rush forward, so if there are things that need to be included, BoT wants to know.
 - We are intentionally not being prescriptive with an amount - but there was some language that people took into account, therefore we will relook and clean up the language of conflict.
 - WRC will wait to relaunch based on BoT's word to move forward.

Public Comment

- No comment by the public

Meeting adjourns at 8:38 pm

Calendar Reminders:

July 11 - monthly WRC Meeting - tentative depending on whether or not the RFP is issued.

August 8 - monthly WRC Meeting

September 12 - monthly WRC Meeting