

Terms of Reference

Waterfront Rezoning Committee

Summary

The Board of Trustees has appointed the Waterfront Rezoning Committee (“WRC”) to assist it in creating a new zone for the Waterfront property located west of the railroad tracks and currently zoned General Industrial (GI). The WRC will first engage in a planning exercise to determine a preliminary site plan for the waterfront property and then recommend appropriate zoning for the site. Work will also include determining how to include developers in the process, as well as carrying out an environmental impact analysis. This document serves as a formal statement of this group’s responsibilities.

Background

History. The “waterfront”, as is used in this document, is the 42-acre lozenge of land located to the west of the railroad tracks, bounded to the north by the property on which the tennis courts currently are situated, and to the south by the extension of the property just south of the defunct Zinsser access bridge still present there. The waterfront was once heavily industrialized and the source of thousands of jobs, but has been functionally abandoned since the last industrial activities ended in the mid 1970’s. Current ownership of the site is split between three companies: BP Arco owns the northernmost 28 acres of the site and faces an environmental remediation effort of substantial proportions, with extensive PCBs and heavy metals identified for removal both on and off-shore. The southern 14 acres are split evenly between Exxon, which owns the western 7 acres of the site, and Uhlich Corporation, a no-longer operational entity that used to run a paint and dye manufacturer located on the eastern 7 acres of the site. Both the Uhlich and Exxon properties were contaminated with volatile organic chemicals from the paint and gasoline storage that previously occurred on that site and the joint properties have been largely been remediated: the 14-acre site is transitioning toward the end of the clean-up process.

The BP Arco site has been the site of substantial legal focus, with two documents determining the nature, extent and limitations of the cleanup of the site. BP Arco is bound by the Record of Decision (“ROD”), a formal document created by the NYS Department of Environmental Conservation (“NYS DEC”) that described the extent of the clean-up that BP Arco will have to engage to remedy the site. The ROD stipulates that the clean-up will require the 28 acres to be remedied to the point that it can be used for residential use, with some limitations. The Village, Riverkeeper, and BP Arco were parties to a lawsuit filed by the Riverkeeper and joined by the Village that urged the clean-up process along and also further stipulated some elements of the clean-up and other issues such as limitations on any future building height. The negotiated settlement to this lawsuit was captured in a document called the “Consent Decree”, updated in 2016, which details additional elements of the clean-up, as well as the resolution of a number of other items. The Consent Decree’s conditionalities on where building can occur (limited by

100-foot set-backs from the river, as well as overall height) will need to be captured in any future zoning for the site.

Over the course of the last 8 years, BP has demolished and removed the debris of all remaining structures on the waterfront with the exception of the water tower. BP has several wells in place in the northwest corner which boasts the heaviest PCB contamination and has been removing subsurface liquid PCBs from the site over the last three years. This, however, only removes a portion of the PCBs on site in liquid form. The full remediation will require an excavation of all “hot spots” identified by extensive sampling across the site down to a depth of up to 12 feet, followed by replacement with clean fill. Furthermore, BP Arco will have to engage in a substantial off-shore clean-up of PCB contamination found in the subsurface sediment of the river bottom.

BP Arco is engaged in the creation of a detailed engineering design of this clean-up and is almost complete with a draft that will be submitted to the NYS DEC for approval. Once the DEC approves this engineering design, the full site remediation can begin. Full remediation is expected to begin by 2019 and is likely to take at least 4 to 5 years. Recently, BP Arco has been engaged in discussions with several large property developers, seeking a company that will carry out the actual remediation as well as subsequent property development. The ongoing selection of this developer was one of the prompts for the creation of this committee – we want the rezoning process underway and defined by the Village so the results are in line with the Village’s vision for the waterfront. Simultaneously, another developer is set to close on purchase of the Uhlich site. This is likely to occur in the next few months. Both developers have strong vested interests in seeing the site rezoned.

Planning discussions around the future of the waterfront have occurred at several points over the last two decades. A major effort that engaged the community in 1999 (executed by the Regional Planning Associates) created a vision for the waterfront that has influenced discussion to this day. Substantial work was also done in the 2000’s on a Local Waterfront Revitalization Plan (“LWRP”), a document which communities can enact which provide some legal standing for the community in subsequent planning for the waterfront. The Comprehensive Planning Committee addressed some issues regarding the waterfront in its 2011 plan. The Waterfront Infrastructure Committee yielded a comprehensive document in 2015 that examined the Consent Decree and then worked back to where development would likely be located and suggested areas for roads and infrastructure. Finally, the Shoreline Advisory Committee has just presented its final draft of a proposed design for the water’s edge along the length of the waterfront, indicating where parks, inlets and key features such as piers and docks should go. This document was negotiated with the DEC and BP and is intended to help provide input to BP Arco’s final engineering design, and thus represent the Village’s interest and input on where we want parks, walkways and inlets so they are present in the end-product of the remediation.

The Board of Trustees decided in 2017 that the an important step in zoning the waterfront would be an economic analysis of any proposed plan. The purpose is to set some parameters that would help to guide the zoning effort. At one time the waterfront contributed significantly

the village's tax levy and Hastings had the lowest taxes in the area. Thus, the waterfront's future impact on village finances is a major concern, and development scenarios that either negatively impact them or produce no net improvement would likely be undesirable.

In 2017, the Board of Trustees agreed to establish a Waterfront Rezoning Committee that would, ultimately, create the new zoning for the waterfront parcel. The site's current zone, "G1", is appropriate to its historical past use but it no longer reflects the Village's desire for the future use of the site nor does it reflect the economic reality of local labor and energy markets. A heavy industrial use of the waterfront is no longer appropriate. The Board of Trustees will provide the WRC with the planning resources and authority to carry out the creation of a proposed zone for this site.