



WATERFRONT REZONING EFFORT

Village of Hastings-on-Hudson

WATERFRONT REZONING COMMITTEE

Zoning recommendations that will restore the health and vitality of the Village's historic waterfront

BACKGROUND

The Village of Hastings-on-Hudson Board of Trustees appointed the Waterfront Rezoning Committee (“WRC”) to help create a new zoning district for the waterfront property located west of the railroad tracks and currently zoned General Industrial (GI) and other relevant waterfront areas. To assist this rezoning initiative, the WRC will first engage in a planning exercise to determine a preliminary site plan for the waterfront site and then recommend appropriate zoning for the site based on the site plan. The rezoning initiative will involve Village residents, stakeholders, and developers in the process and include economic and environmental impact analysis.

WRC Mission

The Waterfront Rezoning Committee’s mission is to develop recommendations that will restore the health and vitality of the historic waterfront. The goal is to ensure that the Hastings community is represented in the process and that the effort will build for a diverse, prosperous, and environmentally resilient future.

WRC Deadline

The WRC is expected to submit the *proposed zoning language* by February 28, 2020. The environmental impact review will be completed after this date.

WRC Deliverables & Process

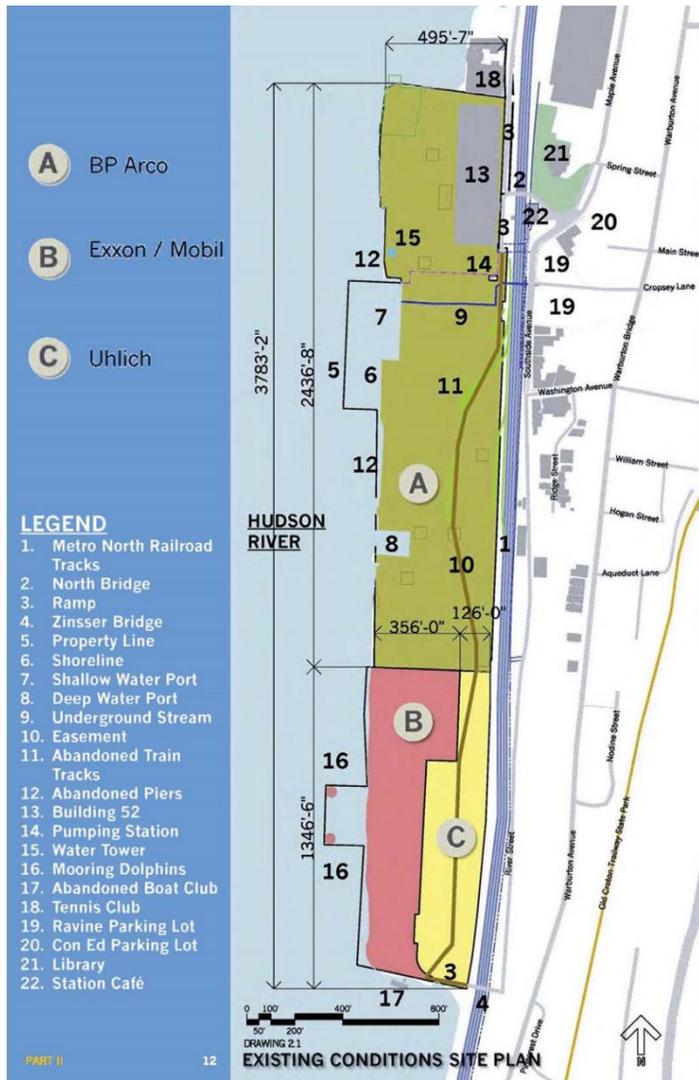
The WRC will first produce the waterfront property site plan and proposed zoning language for Trustee review. Following this, the associated environmental impact review pursuant to the State Environmental Quality Review Act will be conducted. The Board of Trustees will accept, review, and formally adopt the proposed zoning language. The final decision on the zoning amendments will be up to the full Board of Trustees after the formal required public process. Communications with the full Board of Trustees shall be conducted in regularly scheduled meetings and communications with the full WRC shall be conducted with the WRC in its regularly scheduled meetings. If time and resources permit, the WRC also will generate a local waterfront revitalization program (LWRP) Plan.

History

For purposes of the waterfront rezoning initiative, the “Site,” is defined as the 42 acre waterfront site bounded by the tennis courts on the north, the retired Zinsser bridge on the south, Metro North railway tracks on the east, and the Hudson River on the west. The waterfront was once heavily industrialized and a source of thousands of jobs but has been functionally abandoned since the last industrial activities ceased in the mid-1970s. Current ownership 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 offshore. The southern 14 acres are split approximately evenly between Exxon, which owns the western seven acres of the Site, and Argent Ventures (previously owned by Uhlich Corporation), a no-longer-operational entity that used to manufacture paint and dye on the eastern seven acres of the site. Both the Argent and Exxon properties were contaminated with volatile organic chemicals from paint and gasoline storage, and the joint properties have been largely remediated with long term groundwater monitoring; the 14-acre site is transitioning toward the beginning of the clean-up process.

At the BP Arco site, two documents determine the nature, extent, and limitations of its cleanup. BP Arco is bound by the Record of Decision (“ROD”), a formal document created by the New York State Department of Environmental Conservation (“NYS DEC”) that describes the extent of the cleanup that BP Arco must execute to remedy. The ROD stipulates that the cleanup must remedy the 28 acres up to a standard that would allow for restricted residential use, with some limitations. The Village, Riverkeeper and BP Arco were parties to a lawsuit

filed by Riverkeeper and joined by the Village that resulted in a settlement that helped accelerate the cleanup process and added new stipulations regarding cleanup elements, as well as other issues such as limitations on future building height. The negotiated settlement to this lawsuit (the "Consent Decree"), updated in 2016, the Consent Decree details additional elements of the cleanup, as well as the resolution of a number of other items. The WRC's proposed zoning language must capture the Consent Decree's conditions, including 100-foot set-backs from the river and overall height limitations.



Over the course of the last eight years, BP Arco has demolished and removed the debris of all remaining structures on the waterfront with the exception of the water tower and building concrete foundations. BP Arco has located several wells in the northwest corner, where the site's heaviest PCB contamination exists, and has been pumping 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 and followed by replacement with clean fill and then a cover of fill. Furthermore, BP Arco must engage in a substantial offshore cleanup of PCB contamination in the subsurface sediment of the Hudson River bottom.

BP Arco is creating a detailed engineering design of this cleanup and will submit a Draft to NYS DEC for approval in 2019. Once NYS DEC approves the Final engineering design, the full site remediation can begin. At this time, it is unknown when the Final report will be accepted by the DEC but it is likely to occur sometime in 2019. Full remediation

of the entire site likely will take at least four and up to fifteen years to complete, and may be done in stages. Once the remediation is complete, long-term monitoring will be installed to insure the cleanup success. BP Arco is seeking a company that could both perform the remediation, as well as the subsequent property development, and has been engaged in discussions with several large property developers. They have preliminarily selected "SunCal", a developer based in California. BP Arco's developer selection process prompted the WRC's creation to ensure a rezoning process that aligns with the Village's vision for the waterfront. During this time, the Uhlich and Exxon sites were sold to developers. The BP Arco, Exxon and Uhlich site developers will have strong vested interests in a waterfront rezoning.

Planning discussions around the future of the waterfront have occurred at several points over the last two decades. In 1999, the Regional Planning Associates firm was engaged by the community in a major effort to create a vision for the waterfront that has influenced discussion to this day. Substantial work was also done in the 2000s on the Village's LWRP, a document that the Village created but did not enact, that provides some relevant information for subsequent waterfront planning. Additionally, the Village's Comprehensive Planning Committee addressed some waterfront issues in its 2011 plan, and the Waterfront Infrastructure Committee issued a comprehensive document in 2015 that examined the Consent Decree, determined where future development likely would be located, and suggested areas for roads and infrastructure. Finally, the Shoreline Advisory Committee recently presented its final plan 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. The Shoreline Advisory document will inform BP Arco's Final engineering design and ensure the remediation's end product incorporates the Village's preferred locations for parks, walkways, and inlets.

The Board of Trustees decided in 2017 that the waterfront rezoning process should include an economic analysis of any proposed plan in order to set some parameters that would help to guide the rezoning effort. At one time the waterfront contributed significantly to the Village's tax levy, and Hastings-on-Hudson enjoyed 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 these finances or produce no net improvement would likely be undesirable. The economic analysis should also give the WRC an independent view on the economic feasibility of development on the site so as to better prepare Village Trustees to negotiate with developers on an actual build out that is tax revenue positive.

In 2017, the Board of Trustees established the WRC to create the new zoning for the waterfront parcel. The site's current zone, General Industrial (GI), was appropriate for past industrial uses, but may no longer reflect the Village's desired future waterfront uses, nor reflect the economic reality of local labor and energy markets. A heavy industrial use of the Village's waterfront may no longer be appropriate. To facilitate desired development, the Board of Trustees has provided the WRC with the planning resources and authority to carry out the creation of proposed zoning language for the waterfront.

PROJECT GOALS

This waterfront rezoning initiative offers an opportunity to create a sustainable and implementable development plan for the Village's waterfront. The dynamic and detailed nature of the project scope presents an ideal opportunity for the WRC to create a truly sustainable development site plan that is environmentally conscious, economically viable, community-supported, and implementation ready. The strategic plan (the "Strategic Plan") outlined below details the process and tasks for developing the site plan and proposed zoning language. The Strategic Plan adheres to the following three essential goals from the Village Comprehensive Plan, as well as objectives from other relevant Village documents:

- Foster Economic Development.
- Promote Environmental Sustainability.
- Protect and Enhance community character.

BACKGROUND RESEARCH AND METHODOLOGY FOR DEVELOPMENT AND DISSEMINATION OF STRATEGIC PLAN

Background Research

To develop the Strategic Plan below, the Waterfront Rezoning Committee conducted site visits and interviews with stakeholders. The WRC also conducted a preliminary review of core documents, including the 2001 Waterfront Redevelopment Plan, 2011 Comprehensive Plan, 2015 Waterfront Infrastructure Committee Plan, 2016 Presentation on the Consent Decree, 2018 Shoreline Plan Presentation, and other relevant planning documents. Summaries of key findings are included in the *Matrix of Past Waterfront Development Plans*. The WRC also reviewed other waterfront projects in Westchester County, such as in the Villages of Sleepy Hollow and Tarrytown, as well as targeted redevelopment in New York City and Jersey City, to learn how they have proceeded through the planning and development process.

Development of Strategic Plan

The WRC hosted two workshops with key stakeholders, including government officials, land use board members, Village staff, and members of relevant committees. The first workshop educated participants regarding the Village's significant legal power to control waterfront development. Examples of successful planning, zoning, and financial techniques were also discussed. The second workshop gathered initial technical input regarding specific studies and tasks necessary to develop the zoning and inform the Strategic Plan. The WRC created a Strategic Plan outlined below based on the information gleaned from this process and hosted a public educational session to share the results with the community at large.

Dissemination of Strategic Plan

Prior to engaging the consultant on the larger effort, the WRC will undertake continued public engagement and education primarily focused on disseminating the Strategic Plan. This effort may include:

- Resources
 - One-page Informational Handout with WRC website and access to Strategic Plan. This flyer should be available at key Village locations (library, coffee shop, schools, etc.)
 - Cards with opportunity to share contact information & ideas with the WRC
- Targeted Onsite Informational Tables/Presentations
 - Village Farmer's Market
 - Fall/Winter Village Events
 - Senior Center
 - High School
 - Train Station

STRATEGIC PLAN OVERVIEW

In line with the goals and objectives outlined above, the team, which will include the WRC in partnership with interested stakeholders and engaged consultants, will undertake the following tasks to produce a site plan and proposed zoning language for Trustee review. The tasks are divided into four phases. Phase One is the identification of resources and the selection and procurement of the consultant team. The studies in Phase Two will include regulatory and site analysis and transportation, market and infrastructure studies. Phase Three will be focused on development of the site plan and drafting the zoning that will provide landowners with a clear pathway to redevelopment. In Phase Four, the team will conduct the environmental impact review. This phase will include broader impact analysis within the framework of the State Environmental Quality Review Act (SEQRA). Some phases and tasks can occur on parallel timelines.

PHASE ONE:

TASK: PROCURE CONSULTANT TEAM

Deliverable: Identify and Secure Resources

Deliverable: Consultant Selection

PHASE TWO:

TASK: DESIGN STAKEHOLDER ENGAGEMENT PLAN

Deliverable: Stakeholder Engagement Plan

TASK: REGULATORY ANALYSIS

Deliverable: Draft Regulatory Analysis

Deliverable: Westchester County Planning Stakeholder and NYS DEC Interview

Deliverable: Village Interdepartmental and Board/Committee Meeting #1

Deliverable: Public Workshop #1

Deliverable: Final Regulatory Analysis

TASK: SITE ANALYSIS & SITE MAP

Deliverable: Draft Site Analysis

Deliverable: Draft Site Map

Deliverable: Westchester County Planning Stakeholder and NYS DEC Interview

Deliverable: Village Interdepartmental and Board/Committee Meeting #1

Deliverable: Public Workshop #1

Deliverable: Final Site Analysis and Site Map

TASK: MARKET DEMAND ANALYSIS

Deliverable: Draft Market Demand Analysis

Deliverable: Real Estate Development Community (Land Owners/Developers, realtors, brokers, lenders, and development experts) Stakeholder Interviews

Deliverable: Village Interdepartmental and Board/Committee Meeting #1

Deliverable: Public Workshop #1

Deliverable: Final Market Demand Analysis

TASK: TRANSPORTATION, ACCESS, AND PARKING STUDY

Deliverable: Draft Transportation, Access, and Parking Study

Deliverable: MTA, Metro North Railroad Stakeholder, NYS DOT, and Westchester DOT Interviews

Deliverable: Village Interdepartmental and Board/Committee Meeting #1

Deliverable: Public Workshop #1

Deliverable: Final Transportation, Access, and Parking Study

TASK: INFRASTRUCTURE STUDY

Deliverable: Draft Infrastructure Study Supplement to 2015 Waterfront Infrastructure Committee Plan

Deliverable: DPW, Police, Fire, Ambulance Corp, Westchester County Department of Environmental Facilities, and Westchester DPW Stakeholder Interviews

Deliverable: Village Interdepartmental and Board/Committee Meeting #1

Deliverable: Public Workshop #1

Deliverable: Final Infrastructure Study

PHASE THREE:

TASK: SITE PLAN

Deliverable: Conceptual Scenarios: the scenarios will be presented through a combination of conceptual maps,

narrative descriptions, and a tabular summary of the land use projected for the build out for each scenario

Deliverable: Public Workshop #2

Deliverable: Online Survey, Engagement Poster boards, and Village Community Events

Deliverable: Site Area Land Owners/Developers Stakeholder Interviews

Deliverable: Two to three Revised Conceptual Scenarios

Deliverable: Public Workshop #3

Deliverable: Online Survey, Engagement Poster boards, and Village Community Events

Deliverable: Site Area Land Owners/Developers Stakeholder Interviews

Deliverable: Draft Site Plan for Waterfront Area

Deliverable: Draft Economic Impact Analysis, Fiscal Impact Analysis, and Traffic Demand Analysis

Deliverable: Draft Implementation Memorandum with Phasing Recommendation

Deliverable: Village Interdepartmental and Board/Committee Meeting #2

Deliverable: Site Area Land Owners/Developers Stakeholder Interviews

Deliverable: Public Workshop #4

Deliverable: Online Survey, Engagement Poster boards, and Village Community Events

Deliverable: Final Site Plan for Waterfront Area

Deliverable: Final Economic Impact Analysis, Fiscal Impact Analysis, and Traffic Demand Analysis

Deliverable: Final Implementation Memorandum with Phasing Recommendation

Deliverable: Presentation to Board of Trustees #1

TASK: CREATION OF WATERFRONT ZONING LANGUAGE

Deliverable: Draft Zone Recommendations Language

Deliverable: Village Attorney Stakeholder Interview

Deliverable: Village Interdepartmental and Board/Committee Meeting #3

Deliverable: Site Area Land Owners/Developers Stakeholder Interviews

Deliverable: Public Workshop #5

Deliverable: Final Zone Recommendations Language

Deliverable: Village Attorney Stakeholder Interview

Deliverable: Presentation to Board of Trustees #1

TASK: ENVIRONMENTAL IMPACT STRATEGY MEMO

Deliverable: Draft Environmental Impact Strategy Memo

Deliverable: Village Attorney Stakeholder Interview

Deliverable: Final Environmental Impact Strategy Memo

Deliverable: Presentation to Board of Trustees #1

PHASE FOUR:

TASK: ENVIRONMENTAL IMPACT REVIEW

Deliverable: Environmental Impact Study

APPENDIX A

WRC Members

The Board of Trustees selected the following Village residents to serve as members of the Waterfront Rezoning Committee based on their commitment to Village, previous involvement, and professional expertise.

Name
Kate Starr, Chair
Thomas Asher
Richard Bass
Morgen Fleisig
Danielle Galland
Spencer Orcus
Shannon Rooney
Katey Stechel
Meg Walker