

# Village of Hastings on Hudson

## Waterfront Rezoning Committee Meeting Minutes

**Date:** May 10, 2018

**Time:** 7:30 - 9:30 pm

**Location:** Hastings Community Center

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**Members Present:** Katey Stechel, Danielle Galland, Kate Starr, Richard Bass, Meg Walker, Shannon Rooney, Spencer Orkus, Morgen Fleisig, Sandra Nam Cioffi

**Minutes Prepared by:** Sandra Nam Cioffi

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Meeting called to order at 7:40pm

### **Chair's Welcome & Updates (Kate Starr)**

- Meeting with Angela Oberg May 20th at 10:00 am - Kate, Richard, and Sandra walked the perimeter of the site and gave Angie, the professor from Hunter College, a chance to see the site.
- On Wednesday May 31, Kate, Shannon, and Sandra will go to HOH High School to meet with students at lunchtime, discuss the Hunter College studio, and engage them with our work.
- Review of WRC Budget
  - Kate reached out to Mayor Swiderski regarding budgeting process, funds, and getting expenditures approved and signed.
  - Peter will follow up with us in more detail; for a quick overview he relayed the following:
    - Budget is \$250k - what does this cover and how will this be used? Peter said this is a good start, if we need more money down the road, we will work with BP.
    - Negotiated fee with Pace - is in addition to the \$250k; we are unsure where this is coming from or who has authority to approve these expenditures. Peter will have to sign off. We are also getting to understand how the Board of Trustees will be involved, and it will mainly be through Peter. Village will front the expenditures and get reimbursed by BP.
    - (Meg Walker) When we craft the RFP - do we ask for fee proposals or do we set the budget?
- Site Visit - WRC to confirm date for all to visit the site in June or July
- Pace Land Use Law Center Contract
  - Shannon incorporated Tom's comments today and we are making sure that everyone's input is incorporated appropriately. We should make sure to include and listen to everyone's comments.

- Shannon received a revised draft from Linda (Attorney) and a request for our monthly meeting dates; when we send Linda our final revisions, we will engage with Pace.
- Morgen would like to make sure these changes will not throw Pace a curveball.
- Shannon has revised the document and will communicate the changes prior to sending to Linda.

### **Updates on Site Visits and Meetings**

- Site Visits to NJ & Tarrytown Waterfronts Sunday April 22, 2018 (Meg Walker, Richard Bass)
  - Visit to NJ - started in Jersey City and walked around the waterfront.
  - The group saw both fair and bad examples.
  - They drove along the entire waterfront, to the bridge, and stopped occasionally to a few places (Hoboken, West NY, National Resources Project in Tarrytown, bad examples on River Road).
  - They saw 8 or 9 communities, many were not good examples such as the Alexandria.
  - The Natural Resources project built a new city hall as part of mitigation package.
  - In Jersey City and Hoboken - shoreline was extended over rip rap; many esplanades were constructed so that the water comes underneath them - not a seawall, which was an interesting observation.
  - Did not visit park in Hoboken.
  - There were not any good plazas or riverfront parks in Jersey City, all just esplanade; very few uses that take advantage of the fact that they are on the river; not many restaurants or outdoor dining or maritime uses.
  - Spencer made a general comment/note about a pattern that evolved in these places - where one walks into these complexes, but you don't have to leave; some developments started in '83 or '85. (Essentially early mid 80's to today)
  - The group stopped in various places and noticed the lighting and paving was interesting to see and leading to the question, "When the three different developers come together, how do we/they ensure that everything feels cohesive and unified?"
  - Some areas overlooking the harbor and other areas are still undeveloped and look terrible - some cautionary tale to be had from this experience.
  - We should consider interim uses - paved parking lot or box; think about phasing the development and what we want to live with in the interim. How do we force the nature of the interim uses? This is a question we can ask John Nolon.
  - Spencer re-asks the question about a continuous roadway through the properties - how does it get built to cross over 3 properties? Richard says there are solutions, but it will be up to legal support to come up with the best solution; perhaps we can help facilitate this. Sandra to put this on the agenda with Pace and how we go about 3 different negotiations (3 diff developers). (Richard) In other communities, the first one invests in infrastructure, then the next one in

pays their fair share of the investment. There are many lessons to be learned from Tarrytown when we discuss this issue later.

- The Alexander (waterfront) - is pastiche and luxury while across a shopping center, all incongruent and a mish mash.
- Perhaps the group can visit Tarrytown or Yonkers and get good examples to share with everyone.
- Waterfront Conference on May 8, 2018 (Katey Stechel)
  - Katey attended the 2018 Waterfront Conference - Cities on the Edge on Tuesday.
  - Three Rivers: Restoration and Reclamation on the Upper Hudson, Harlem and Bronx, speaker Joseph Fleming (Executive Vice President, PS&S), designed waterfront in Yonkers and daylighting of the stream - if anyone is interested, Katey will set up a meeting with him to walk us through that process.
  - General Summary of the conference:
    - Climate change is real and we need to plan for it.
    - Many speakers were talking about planning further out to 2100+ and plan for the much longer term.
    - Resiliency and sea level rise - Jupiter Intelligence (Rich Sorkin, CEO and co-founder) is a group that predicts risks from flooding at specific locations. FEMA flood maps are not keeping up with the trends, and so Jupiter will help identify flood risks and effects of sea level rise. Can we suggest the developer works with someone like Jupiter?
    - Soundview Park Oyster Reef - barrier protection along the waterfront in the Bronx is a potential place to visit? Katey can reach out to the woman in charge - Meredith Comi (Restoration Program Director, NY/NJ Baykeeper). Here, volunteers help to build the oyster reefs/cages and monitor the system.
  - Katey will scan the booklet from the conference and put it on our drive.
- Meeting with Ken Wray, Mayor of Sleepy Hollow - Wednesday May 2, 2018 (Meg Walker, Danielle Galland)
  - (Danielle) We met with the Mayor of Sleepy Hollow and Rachelle Gebler, Trustee; they walked us through Sleepy Hollow's waterfront zoning, current status and plan for the future.
  - SH has been on a 30 year journey since Cuomo gave GM a tax base.
  - In '94 SH started looking at zoning when the plant closing was imminent.
  - Village has roughly 10K people - 10% spanish speaking of which 50% below poverty line; it is a village with diff demographics (than HOH)
  - Phelps, downtown immigrant community.
  - One development is up along the waterfront.
  - They will develop 1,177 units - this is the amount going in.
  - Changed orientation of 30-acres into something more desirable - trucks and transportation, watershed.

- (Morgen) 30-acre parcel was gifted to the town and they are controlling it with an LDC.
- Their website has detailed design guidelines and final environmental impact statement is available.
- Special permit - any application for building has to go through special approval process.
- SH has strong opinions about legal resources, but (the Mayor) supported our use of John Nolon.
- Height of construction - met FEMA standards but they are not aware of the numbers; they are out of date according to Morgen. Scenic Hudson spoke to the group last year and height of FEMA levels.
- Tarrytown is using WSP to help with engineering - we should add them to our list.
- Talk with metro north and ownership of land - MTA had spurs but they did not own the land so Tarrytown was able to develop.
- Tarrytown is developing guidelines.
- SH insisted a new bridge be built on north end of site, but the town has to raise a bond; We need to make sure we figure out transportation requirements (ie 2 bridges or more) and bake it into development process; this is our opportunity to ensure what we want.
- Tarrytown advised us that WRC/HOH will need separate legal counsel, because we need someone at the table that BP will listen to.
- DHP Planning consultants - individuals have moved around.
- Rose Associates for environmental cleanup.
- When do we expect BP to do cleanup, how long will it take and how long for DEC to approve it?
- ULI - urban land institute - professionals come in pro bono for the day - we can have them look at our downtown and waterfront and how both tie-in together.
- Liability of the toxic cleanup - of the 30 acres - Tarrytown has fewer toxins in the ground because the site was an assembly plant, however, it was worse in other areas of the town. Make sure we get it all into a legal document.
- It was a two-step process, as Meg understands it; they approved general zoning early on in 1996 as mixed use, and it was dense. The 2nd process was a special permit with more hoops to go through - they brought on the attorney and BLB and created design guidelines. \$11.5 Million payment in different phases from the developer. The town received the 30-acre parcel, and they were thankful for the tough lawyer. Zoning was not just as of right. SH Mayor expressed that WRC needs to be strong, proactive, know what our rights are, have a strong lawyer, and feels that John Nolon can help us in the first stage in moving in the right direction.
- Tarrytown waterfront park - east of the RR tracks along the river - will be deeded to the Village (WRC questions about maintenance, but answers were unclear).
- Tarrytown has a 99-acre parcel, over twice the size; they had a change in leadership which changed in tone. New leadership was more muscular about

what the Village wanted: 1,177 units (61 are affordable), 137K S.F. of retail, destination restaurants, 140 room hotel, riverwalk park.

- Tarrytown expects \$6M in revenue; the Jitney will go down Beekman - more of a connection to those living there and the commercial district. The town is trying to figure out how to do this and maintain the diversity of their community, as well as handle political and social challenges.
- Traffic impacts - The Corner gets jammed up and the town is wondering how to mitigate this; essentially this is what engaged the cross law suits with Sleepy Hollow.
- The big take-away is “we shouldn’t be shy.”
- Ferry dock - to the south of the site is privately owned; the developer bought it and refurbished the dock.
- Tarrytown was a good meeting; they are open and willing to talk with us.
- Ownership and deeding of the river’s edge - we should pay attention to this; the Mayor of Tarrytown said they owned the river’s edge but later found out the piles were deteriorated.

#### **BP Delegation (Kate Starr)**

- WRC liaisons: Kate Starr, Richard Bass, Meg Walker
- 1-2 members from the Board of Trustees
- Board of trustees and role to play in this process - Peter is still determining the dynamics. Shoreline plan has not been presented to BP, Riverkeeper and Scenic Hudson. If we meet with them about shoreline, it might be best to have a bigger discussion. Peter wants to get DEC on board quickly. Can we get other developers involved - not just talk to BP? Let’s bring everyone to the table and bring them into the process. Initial remediation report is coming out Sept, then final plan will be worked on. We want to understand what the Board signs off on regarding the shoreline; maybe we keep this on the agenda to keep it pushing forward. Meg and Shannon will keep the WRC informed in the process.

#### **Review of Work Session and Schedule (Kate Starr, Sandra Nam Cioffi)**

- Sandra and Kate met and discussed a few things while writing up a simple mission statement for the Committee:  
*The Waterfront Rezoning Committee’s mission is to set standards that will restore the health and vitality of our historic waterfront. Our goal is to ensure that the Hastings community is represented in the process and that we build for a diverse, prosperous, and environmentally resilient future.*
- “Prosperous” - referring to our comprehensive plan, in that it be revenue positive for the Village - not for the developers necessarily. This is not for a wholly gentrified situation, and economic vitality as a community. It should be diverse in a number of ways, and the extent that zoning can help with this.

- Distribution of Matrix of Past Plans (too small to read, but is available on the team shared drive, and larger print will be available at a later date)
- Review of matrix - 1984 proposal - they created 2 floating zones which are in our zoning ordinance as a result of this plan. It wasn't mapped because they never got their approvals, it was polluted, there was a recession, etc. so it was not zoned.
- LWRP - has to be updated; it was written, however, not adopted by the Board of Trustees. It either needs to be re-visited or revised and then adopted. Is this part of our mandate?
  - 2 recommendations came out of the process, but rather than changing it, the Board of Trustees ignored it. Came out in 2009.
- Sandra et al. to sort out the interaction between the plan, zoning, and the LWRP
- Schedule: SNC is working on a draft schedule

### **What we want and starting to describe the RFP process**

- Richard would like to start the RFP, however, we should wait until John Nolon is on board; we will table the RFP process for a month or so; the consultant will break down all the guidelines.
- How do we get our own legal team together? Work on this now until the next meeting. Does anyone have ideas or firms in mind? Ken Wray (Mayor of Sleepy Hollow) wanted a nationally recognized firm, since they were dealing with GM, and found that working with a local firm was not productive (ex: missteps in easements and RR tracks). Though expensive, we have to strategically work with the legal counsel and when to use their expertise, as their services can be expensive. Do we want national law firm with national recognition?
- Will the Village of HOH have its own independent engineering firm? Depends on whether or not the developer will pay for certain services or studies. Is this firm reputable? Or is this for peer review rather than extensive work? There is not anyone on staff, but we have John Berger as consulting engineer. Do we want to continue with them? To date, they have been looking at remedial issues. Do we want the developer to pay \$300K dollars, then we pay an independent firm to review for around 20K? It will be hard to find a super firm who can do it all.
- BP to remediate and put in the infrastructure (footings, utility corridors, etc), however, they need a plan and can't do it without a building permit, nor can they do this without a zoning code.
- Ken Wray kept reiterating that we are in the driver's seat.
- Spencer will start a list of analysis and independence.
- Morgen reminds WRC that in Sleepy Hollow the legal expenses was cumbersome; Richard says we shouldn't worry about the cost to the Village so much as we will not put the Village at risk. They have to give us the "tools to play." We should not feel the pressure to move too fast; as we are getting prepared and finding a good balance.
- Morgen would like to speak about Nolon's contract and not to delay it any further, as it was held up in various courts. Shannon will talk to Jessica (Pace) and Linda (Attorney)

tomorrow to move things forward quickly. Many agree it is on track. Let's meet with him in the next two weeks; let's set a date to meet - even if the contract is not signed.

### **June Agenda - We are back in the Library**

- Pace Contract: Set expectations for John Nolon's team; information session for the public - get a free storefront and set up a waterfront "display". Space that George Latimer used - has been empty for years, but they paid rent. When we are moving quickly and we're in the process of planning we can look for something such as this. Talk about strategy for community engagement
  - 3 month engagement with Nolon
- Natalie at the Historical Society - to navigate with the library and potentially exhibit
- Circulate the agenda in two weeks - all should feel free to add to it.
- Waterfront Edge Design Guidelines (WEDGE) - put out by Waterfront Alliance - what LEED does for buildings - program manager in charge could come speak to us and discuss design guidelines and implementation process
- TAP - one criticism was about "overdoing" it and providing too much information. It could be a very good resource re: waterfront interaction and overlaying this as a requirement for our waterfront.
- Workshop/Unconference to have groups present/talk with the Village and WRC and learn about basics, what remediation is, etc. - full day event - we'll put more thought around this.
- Next meeting, June 14th - Flag Day, we will have met with Nolon, talk about getting together a legal team.

### **Public Comment/Question**

- Maury - Architect, from Boulder
  - Speaks about Transition US (is not on our stakeholder list), an international group dealing with resilience and how communities are making a difference with climate change and economic disruptions. Transition town movement - Hastings is an official transition town. Started in Tottens England. Seeks to build community resilience. Symposium is a good idea and this group might be able to provide a different perspective.
  - Wealth Works - economic development and the 8 capitals - good to benchmark.
  - He is helping to putting on a film - Chasing Coral - Zach Ramos is going to join us via skype May 19th at the library during a screening of the film; he can have Zach talk about how Hastings might organize Climate Change initiatives.

Meeting adjourns 9:30 pm