

Village of Hastings on Hudson

Waterfront Rezoning Committee Meeting Minutes

Date: June, 14, 2018

Time: 7:30 - 9:55 pm

Location: Hastings Public Library - Orr Room

Members Present:

Kate Starr, Katey Stechel, Morgen Fleisig, Thomas Asher, Meg Walker, Spencer Orkus, Shannon Rooney, Danielle Galland, Sandra Nam Cioffi

Minutes Prepared by: Sandra Nam Cioffi

Meeting called to order at 7:35pm

Chair's Welcome & Updates (Kate Starr)

- Mayor Peter Swiderski will be attending our meeting tonight at 8:50pm with updates on the BP ARCO site, therefore we will push presentation by Meg and a few other agenda items to the July meeting.
- Move scoping matrix offline to a working group and think about what we need for the RFP
- We (Kate, Shannon, Sandra, and Tom) had was a good call with Jessica Bacher from Pace; we wanted to bring her up to speed on our larger planning effort and how Pace's work intersects with ours, and also inform her of our work to develop the Unconference.
- Update on WRC Budget:
 - Kate spoke to Peter a week and a half ago regarding the budget - we are now starting to spend money and pushing the Pace and RFP costs to the Developer; if we want to hire a multi-faceted planning consultant it was advised we push these costs to the Developer as well
 - Spencer: this is typical for owner/developer to be paying for these costs; ours is a unique situation
 - Our expectation is to be reimbursed for Pace's work and keep an eye on the money that is spent.
- WRC master plan schedule: Sandra distributed hard copies of a draft schedule
 - Kate: Do we want to add key questions on a zoning approach? Milestones? The accomplishments that will give us a sense of how far we are and what we are delivering?
 - Community of engagement - we may want to tell the consultant at which points we want to have community engagement
 - Add the Unconference to the schedule
 - Committee members should feel free to add notes & redlines and send back to Sandra for updating

- Morgen and Sandra have been speaking to each other about tools for the WRC to use such as google calendar - do folks want to share their google calendar and add big block-out dates such as vacation? Morgen can provide individuals with help to learn how to use the tool(s).
- New contact list is on our shared drive
- We have started to use doodle to coordinate meetings, we have google shared calendar up and running ("HOH- Waterfront)
- Potential to use Slack, especially when we get into the detailed process with the zoning consultant and start to track team issues; it is easy to use. Meg and Morgen use Asana, Slack and Asana now integrate. We could use Asana for the schedule.

Updates on Meetings

- Meeting with Pace Land Use Law Center (Meg Walker, Morgen Fleisig, Shannon Rooney, Thomas Asher, Sandra Nam Cioffi)
 - Draft agenda for July 17th
 - The intent of the meeting is to give more information rather than take in, especially at this first meeting; to discuss our rights as a Village and how the process unfolds; surveying all the past work and how it has been acknowledged
 - Shannon will revise the title for the meeting and use it in the invitation to all the stakeholders
 - How do we want to send the invitation out?
 - Joe can help us get email addresses
 - We must send out the invitation ASAP
 - We need an updated and agreed upon language for the invitation, and the committee would like to see the draft.
 - Timeline determined by WRC:
 - Jessica to send us a draft by Monday 6/18
 - WRC to turn around comments in 24 hrs or by Wednesday 20th to send out the invitation
 - Suggestion of John Nolon's is to contextualize what this is all about, rather than talk about everything
 - Kate's main concern is that she thinks individuals should be able to address all their top of mind concerns - to get out and say what they wish - and then have John Nolon help keep things on track about the process; not run through every plan, but rather recap each with 5 bullet points or a timeline
 - Spencer suggests showing a site plan that is more diagrammatic to illustrate each past plan quickly; Danielle suggests showing site photographs from the time of each plan
 - Result: Meg will help put together a quick slideshow of the plans, with the help of Shannon
 - Assigning committee members to parts of the agenda:

- Overview = Kate
 - Meg and Shannon - past waterfront developments, distill and use the zoning matrix with some visuals and dates
 - The main part of the meeting will be John Nolon's scope (7:50), no break needed
 - We want to have a village official present, to welcome everybody and make things feel important (Dan Lemons will be present for this meeting)
 - Jessica Bacher (Pace) to help keep parking lot topics to the side as a facilitation expert
 - 7:30-7:45 pieces might divert us back about useage rather than Process...we need to focus on process, not the outcome or conclusions - then perhaps we don't show plans
 - Push all the later stuff up front
 - Subcommittee to work on another round of the agenda and send to Jessica
- We should have another planning call with Peter and Dan Lemons
- Stakeholder List: make edits in document, identify who is going to be invited to the first meeting
 - Send the invite/list to the chair of each group and they can decide who can come or designate a member to attend; the invitation should be clear this is not directed at one individual, but to ask who should represent their committee
 - Invite everybody and see who can attend; it cannot hurt to see who can come
- The Invitation - should come from the Waterfront Rezoning Committee; what would make it most impactful? Google invitation with language up front and RSVP? Preface with an email so it doesn't seem like it is Spam - it should look like a personal email. Shannon will take the lead.
- Sub-committee to work with Pace to revise invitation and agenda
- HOH High School re: Hunter College Studio Collaboration (Kate Starr, Shannon Rooney, Sandra Nam Cioffi)
 - It was a great signup day
 - We will send out a nice email to the science teacher to see if she can help and get engaged.
 - We need to send out a few emails to the students, and coordinate with Angela at Hunter College and essentially follow up with everyone.
 - It would be great to come up with a strategy for engaging with the students for the whole process; the group could help us with a strategy for community engagement and engage the younger students as well.

- Kate feels there should be a working group with Hunter Studio and HS students; to be light and useful and experiential for the students but not get bogged down
- Broad Channel Site Visit (Katey Stechel, Morgen Fleisig)
 - Katey and Morgen took notes and photographs - all of which are on our shared drive under PRECEDENTS
- Form-Based Zoning Webinar (Katey Stechel)
 - Katey took screenshots of the slideshow, and notes from the meeting - found on our shared drive under REFERENCE DOCUMENTS

General Zoning Approaches and Definitions (Morgen Fleisig)

- Morgen set up a Google doc on our shared drive filed under REFERENCE DOCUMENTS
- Zoning is a tool that was a 21st century invention, first implementation was 1916 zoning resolution to ensure passage of light and air in city
- Zoning is technically planning and there is some planning authority; they typically lay out squares and areas
- Planning is a geometric exercise, drawings are made, large public squares, large focal points - view corridors, and areas of connection important to us and important to stakeholders, and then areas that can be left alone and developed by land owners themselves
- Euclid - automobile culture produced failures, zoning segregates uses and protecting property values; very much about use - not shape of public space
- Mid 60s criticism of modernism and post-modernism, therefore new urbanism took its roots (roughly around the 80s) - Seaside and Celebration in Florida were created to celebrate the new towns development
- Form based zoning grew out of new urbanism - it's clear you can't just write the regulations in words, you need some planning tools or some master planning tools to talk about spaces, view corridors, connections; this is what NYC is doing at Broad Channel (very prescriptive elements - if you add a porch and switchback stair, you can have more space); still feels better than not having it at all.
- Dobbs Ferry Code has a bit of this in there - photos and examples of things they would prefer to see
- Foodtown - not welcoming at that intersection, the front is facing to the back
- Links to ways our code is currently written - GI district is how it is currently zoned, floating overlays (MWA and MWB) not mapped to any district, land owner can petition Board of Trustees and develop this zone; Peter Swiderski has said they cannot do this, because they have to wait for our process (WRC) to be done, why can't they develop a plan with the MW overlay?
- Floating zones were written for very specific projects
- If there are things such as form-based or non-form based, then let's individually dig in and express that, because it is in the comprehensive plan to do form-based

- Before zoning, you have to have a plan - it goes hand in hand; perhaps we make a regulatory plan for the form based code.
 - Let's bring this issue up on the 17th
 - Talk about the pros and cons - add a subpoint to the Pace agenda
 - Discussion of Basic zoning approaches - this could be a whole meeting in and of itself for Nolon to discuss; it would be good for the WRC to understand all of the zoning approaches. Could Pace put this into a usable document or format for the public to reference as well?
 - What are examples of form-based code we would find appropriate here?

Form-based Zoning Webinar (Katey Stachel)

- Katey took full notes and screenshots of the webinar slides - available on our shared drive.
- Saw Mill Lofts
- Village code - 15% to build affordable housing - on the waterfront, they would like to add more affordable housing
- Green gentrification was conceived at the outset rather than afterwards; so adding more ahead of time (at HOH) could be a benefit
- Our planning (at HOH) is not keeping up with climate change and planning tools
- Ken Wray (Mayor of Sleepy Hollow) discussed their affordable housing component; however, it is still out of (price) range and not accessible by low-income families

Unconference Planning and Discussion (Katey Stachel)

- Kate, Katey, and Sandra had an initial coordination call and shared notes on the google drive. The document outlines the basics: Who/What/Where/When - it will be an informal, collaborative event upon which the community helps to set the agenda
- It will be open to the public at large - larger than the community stakeholder meeting with Pace
- October timeframe - dovetailing the final presentation by Pace
- Location - TBD one place or several?
- Why? To educate the community on factors affecting the waterfront rezoning process
- How? unConference style, participant-led event; it is not a conference where people speak to an audience but rather a more collaborative experience, with audience members initiating their own line of inquiry
- There will be three main topics (economic, social, environmental) and we will have professionals/experts available to answer public questions
 - Examples:
 - Economic - having someone present/discuss how tax revenue can change from high density to all parkland, to somewhere in between so that the community can understand how this affects them personally
 - Social - what design criteria / codes to date do we have as a starting point? In terms of form-based code, we could begin to get the community's input and what they want to see physically, materials etc. If

we go with a form-based code, this would be a great platform for how the community can have input

- Environmental - discuss what is resiliency for the waterfront? create bullet points for potential speakers and have them explain what are our risks, etc.
- FEMA maps are available on our shared drive (Reference documents)
 - 2007 map is the most current - flood elevation is 7; in 2014 - flood elevation rises to 10
 - Our waterfront will not be built in quite some time, so we should understand future risks and what that elevation number will rise to in 50-100+ years
- At the previous conference Katey attended, there was a group she met who can discuss potential future risks such as this
- This is a good wake up call for people, we can add this into the guidelines with Pace in discussions with the developer - how we can have them really build with resiliency and build sustainably?
- Volunteers? Katey will need a lot of help, do we want river arts style?
 - Meg, Kate, Tom, Morgen, Katey (subcommittee)
 - Sandra's husband can help facilitate and would be available to volunteer
 - Digital space for those who cannot attend in person

RFP Scoping Matrix (Spencer Orkus)

- We are at the generative creative phase. Let's start a working group, so that we can have a list of criteria, create a list of what we think should go into the RFP - areas of interest- economic analysis - planning issues, how are we going to vet the proposals and our criteria for them, etc.
- Meg will upload RFP models onto our shared drive (master plan, target area plan, and other examples)
 - Spencer, Morgen, Katey, Danielle, Richard (nominated by Kate since he is not present tonight)
 - Shouldn't take more than 2 hours to get together, before next meeting (July 12th)
 - We will receive feedback from Pace and have back and forth collaboration
 - This is to help push things forward and hammer out the questions and uncertainties we have to make the process in better shape.

Slideshow - Precedents from Around the World (Meg Walker)

- Due to shifts in our agenda this evening, Meg will present the slideshow during the July meeting

Update by Mayor Peter Swiderski (9:05)

- This is breaking news and Peter will be putting it out to the Village tomorrow
- Peter received call from BP ARCO last week and BP has been engaged in a year long process to choose a preferred developer and firm that will remediate the waterfront; it is

an unusual model, but something that is becoming more common, certainly something we have not experienced; BP has narrowed down to two firms

- They announced a (preferred) firm - Suncal - working on Sleepy Hollow's large development on the waterfront, and partnering with the firm Environmental Liability Corp (ELT) - to carry out the remediation.
- This is not a signed deal, still in negotiation phase, but they are confident enough that this is the preferred entity and so they are announcing it.
- Peter is drafting an email tonight to go out tomorrow.
- What does this mean? This is a major step forward for BP ARCO - they are moving their process along and are several months ahead than Peter anticipated. BP is confident enough to say Suncal is the preferred firm.
- Suncal is eager to get into this process; Peter met with Suncal twice, and ELT once about 6-7 months ago - not this year (fall of last year). Meg was at the first meeting over a year ago. Both firms came in last fall and met with Peter; Peter laid out what this process would look like, expressed that it is citizen driven and it would take some time.
- The email to the Village will explain why this process is happening, why we're engaging John Nolon, and how our process will yield how we interact with this development.
- Peter urges the WRC not to speed up this process; he has so far only spoken to the Board and is now relaying this message to the WRC; Peter has not yet spoken to Nolon - who knows both developers. WRC should ask Nolon what this means about our process in the next 4 months as it is not Peter's agenda - he has no strong feeling on what should happen next, that is why we are paying Nolon to figure out how the developer is engaged in our process. It has always been important to Peter that this follows the community's concerns first and the developer's second.
- Nothing is signed; this whole process which the industry coins as entitlement; it's the financial liability of what they're engaged in, so they would like to be involved as soon as they can.
- Peter is not sure Suncal and ELT can finalize their engagement - do they make money when they buy the site? Given the division in dollars between remediation and development, this is a \$350 million remediation effort. Development is small in comparison to the remediation effort.
- Questions from the WRC to Mayor Swiderski:
 - Do we know status of the other properties?
 - Peter does not know anything about Exxon; in the 90's there was some talk about gifting that site to village, but since then no indication or desire to sell for development - they are uninterested (Exxon should be on the stakeholder list)
 - Uhlich - Argent owns Grand Central - they were well along in a process, and Peter met with them once, but the first meeting with a developer is meaningless so he does not know the status - nothing is clear. To Peter's knowledge, no title has been transferred. Timeline of this interaction - late fall 4th quarter of 2017; he has not had a conversation with anyone in 2018 calendar year so far

- Knowing that the final remediation plan will be final this fall, and shoreline plan is in place and finalized, are you aware if Suncal has seen this plan?
 - Peter thinks it was shared in an earlier form, not different than current form
 - Final document is just out and was recently shared; now we have the final report and we can present and set meetings to present to various stakeholders
 - Not going to fold this into the Nolon work, however, whatever design is being done needs to be incorporated
 - Peter is going to make sure the shoreline plan is seen and supported by Paul Gallay - Riverkeeper, and Scenic Hudson; Peter has asked formally for both of their support for the DEC; he wants the DEC to formally support this and formalize this with BP
 - Peter has been more involved with Shoreline plan (rather than the Waterfront Rezoning) because it will not get traction with BP or others unless the Village is pushing it
- Budget for planning process - it was our understanding that BP would foot the bill with the Nolon work and fees with Planning Consultant - what are the implications of this?
 - Out of funding sources set aside by the Consent Decree for engineering in remediation, they had responded that this is the responsibility of the Developer - in fact this is where the responsibility tends to sit. Suncal has been informed of this and they are fine with it. The expectation that the budget might increase is marginal compared to the overall development cost of \$250K for this process; Peter's recommendation is to proceed, the Village has money to front the expense for now and we'll sort it in the backend; this has enough energy going with it and is important to keep pushing through.
 - Jessica at Pace discussed a number of state-funding opportunities - Meg points out that we do have to plan ahead and apply for these things; afraid the next funding deadline is too far out.
 - Conversely, Tom reminds us that Jessica brought up other studies that might emerge - Peter said we don't want to plan for a huge unanticipated expense, but at least we can discuss them such as traffic impact studies, financial analysis for tax bases; an environmental impact statement is very expensive, maybe we can work with Nolon to get a handle of it.
- Is this a sign of bad faith?
- Consent decree set aside \$250k as BP prescribed it, consent decree is explicit what this money is for and it is literal to the consent decree
 - Peter advises not to worry about the budget and to proceed
 - Meg reminds us about Tarrytown and why our committee was set up, so that something more optimal happens for this Village

- There is no point in coming up with a theoretical zoning code amendment that the developer tries to modify; it is to figure out how to include developers without compromising the process - which is why we have Nolon on board; it is a dicey process and we need to thread the needle. It's always been Peter's desire to have this process informed by the process; this is not Village property.
- Meg says we need to think ahead of how we take ownership of how we deal with the property BP gives to us. With Tarrytown, there were many red flags. How do we prepare for this?
 - The consent decree is clear that the developer maintains piles; 100 years is not much time
 - Understanding our responsibility and our liability of the pieces that the Village owns - Kate responds, this is not the remit of the WRC
 - Parkland maintenance is our responsibility - we do need to know the financial responsibility for this. Do we want 2 acres of contaminated land to manage?
 - NYT article - public-tization of developed lands, Kate will try to find the article
 - Put these things in parking lot and put them back to the Board of Trustees
 - Something good to put into the RFP would be to describe the implications of the zoning; we should dedicate some time into what these implications are
 - Public space management - who will take it over? Is it a third entity?
- Once the developer and BP transact and change title, does the consent decree go with new owner?
 - Consent decree stays with BP - they are liable for the property. The developer basically owns the topsoil and development rights.
- Morgen - if our mandate were just to figure out how to rezone this; even this mandate would take 2 years to craft the correct zoning ordinance. So his observation is that the mandate is broad and open. Our mandate is technically to look at the waterfront, but there are adjacent parcels that need to be looked at holistically and to look at the weaving of all these interrelated areas - connecting from one side to the other. Example, the bridges, Zinsner parking, and other connecting parts.
 - Accessing the property is fundamental to the property; if we extend it, it will blow up our scope and be done in 2020.
 - Because the site is isolated and has only had single lane access, access of these adjacencies is important
 - Do we want to build for fewer cars? Do we want to build for time shifting for what things will be 20 years from now? Forward thinking developers are already thinking about autonomous parking and changes in the future.
 - Shannon - her takeaways from Pace meetings, (1) clear communication channel with developer, and (2) that we are in control of this process

- July 17th - Pace wants to help set out the legal justification for this process and for staying in the driver's seat - set the rules for engagement
 - Sleepy Hollow meeting - when Sleepy Hollow was dealing with GM - they recommended we work with a national firm who knows what they're dealing with, rather than a local firm without this experience.
- Any questions for WRC (from Peter)?
 - If you're a project manager, the first thing you worry about is defining scope. While scope was not set too explicitly, ultimately everything we do should be in consideration - ask ourselves, are we spending time outside of our scope? Start with our deliverables - in our first memo to WRC, Peter laid out the deliverables
 - Any wisdom to take things forward; we don't need to get bogged down on things that are not important, but always stay focused on what is important.
- Any conversations Peter will have with developer, ideally will be with someone from the Waterfront Rezoning Committee. Any conversations will be with any interaction model that comes recommended by John Nolon. If Nolon recommends for there to be a single intermediary, then Peter will do this, but he will first do what Nolon recommends.
- The intent was that Nolon help lay out a model for how the developers engage - are they formally at the table? How does this process unfold? What will make sense here? Peter does not know.
- Peter thinks we brought in Nolon's mandate intelligently - it's useful to have Nolon to negotiate the arc and how the negotiations work and how the sun falls. Both Sleepy Hollow and Tarrytown wished they engaged Nolon earlier in the process.

Public Comment (Kate Starr)

- No public present at this time

Next Steps:

- July Agenda

Calendar Reminders:

- June 20th @ 7:00 pm - BP Site Visit for WRC with BP Official
- July 17th @ 7:00 - 9:00 pm - 1st Informational Session by Pace (*6:30 pm light refreshments and registration)

Meeting adjourns at 9:55pm