

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**PUBLIC HEARING**  
**JANUARY 18, 2011**

A Public Hearing was held by the Board of Trustees on Tuesday, January 18, 2011 at 7:40 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Mayor Peter Swiderski, Trustee Bruce Jennings, Trustee Meg Walker, Trustee Nicola Armacost, Village Manager Francis A. Frobels, Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto.

**ABSENT:** Trustee Jeremiah Quinlan

**CITIZENS:** Twelve (12).

Mayor Swiderski declared the Board in session for the purpose of conducting a Public Hearing in accordance with the legal notice that appeared in the January 7, 2011 issue of *The Rivertowns Enterprise* to consider the advisability of adopting Proposed Local Law No. 1 of 2011 amending the Zoning Code of the Village of Hastings-on-Hudson, Westchester County, New York, to increase the Affordable Housing Set-Aside Requirement as follows:

Section 1: Section 295-112.1, subsection A (Affordable housing set-aside requirement) of the Code of the Village of Hastings-on-Hudson is hereby amended to read as follows (new language in *italics*; deleted language ~~stricken~~):

A. Set-aside requirement. Before the Planning Board may approve a site plan for a residential development containing ~~more than 10~~ *or more* dwelling units, whether in single-family, two-family or multifamily buildings, such site plan shall show affordable housing units as follows:

(1) ~~Ten~~ *Fifteen* percent of all units in such development shall meet *either* the definition of an Affordable housing unit *or a* *workforce affordable housing unit* as set forth in the *definition* section of the *Affordable Housing Policy* for the Village of Hastings-on-Hudson, adopted June 17, 1997, *as amended*. The required number of units *and the distribution between Affordable housing units and Workforce affordable housing units* shall be calculated as follows:

(a) If 10 to 14 units are built, ~~one~~ *two* of them must be affordable, *or one must be an affordable housing unit and one must be a workforce affordable housing unit.*

- (b) If 15 to 24 units are built, ~~two~~ *three* of them must be affordable, *or two must be affordable housing units and one must be a workforce affordable housing unit.*
  - (c) If 25 to 34 units are built, ~~three~~ *four* of them must be affordable, *or three must be affordable housing units and one must be a workforce affordable housing unit.*
  - (d) If 35 to 44 units are built, ~~four~~ *six* of them must be affordable, *or four must be affordable housing units and two must be workforce affordable housing units, etc.*
- (2) Affordable housing units *and workforce affordable housing units* shall generally be distributed evenly throughout the development, although the Planning Board may use discretion in reviewing and approving distribution.
  - (3) The exterior appearance of affordable housing units *and workforce affordable housing units* shall not distinguish them as a class from other units.
  - (4) Affordable housing units *and workforce affordable housing units* shall be distributed among one-, two-, three- or four-bedroom units in the same proportion as all other units in the development, unless a different proportion is approved by the Planning Board as being better suited to the housing needs of the Village.

Section 2: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 3: This local law shall take effect immediately upon filing in the office of the New York Secretary of State.

**Mayor Swiderski:** Is there anyone here who would like to speak for or against this resolution?

**Jim Metzger, 427 Warburton Avenue:** I would like to speak in favor of the resolution, but I believe it does not go far enough in addressing our affordable housing concerns in the Village. The set-aside makes no reference to the federal mandate that was recently passed in terms of where this housing should occur. I believe there are areas in the southern part of Hastings that are excluded from that mandate because the makeup of the population meets federal guidelines, and I believe that that should be part of our resolution.

The mandate also does not reference anything in terms of converting existing buildings to affordable housing. As an example, if there are rental units being converted to condominiums I believe some of those units should be set aside. What we are talking about here appears to be only about new construction, and we all know that new construction is going to be an issue in the Village due to the build-out that we have now. I believe we need to start referring to other options that we have so that should those come up we have the ability to deal with them as they do.

Another issue would accessory apartments, that there might possibly be tax incentives for people to create accessory apartments that would be considered affordable. Again, these should all be considered as satisfying the mandate that we know is coming so that we do not create affordable housing that does not satisfy, and then we have to build on top of that. There could be tax incentives to build out some of the one- and two-story buildings in the downtown area, where local building owners might have an incentive to increase the size of the building in a part of the Village where that would be most appropriate being that it is closest to public transportation.

I also believe that we need to discuss the location of housing in terms of its distribution throughout the Village. Currently, all of the affordable housing, and I commend the Board for getting 18 units of affordable housing in the Village, but all 18 of those units exist within about an eighth of a mile space on Warburton Avenue. It is the densest part of the Village, with probably the greatest parking issues with the exception of the downtown. Parts of that area of Warburton Avenue also, as I had said before, I believe do not fall under the purview of the federal mandate, and we need to identify that location.

There was an article in this week's *Enterprise*, and there were some quotes from the chairwoman of the committee. I have to take umbrage, would be a way to describe it, with some of the things that were said. Ms. Smith was saying that the two cottages on Warburton Avenue opposite Pinecrest Drive in the 14-unit apartment building further north on Warburton, both face similar opposition, referring to opposition of local residents to having affordable housing in the neighborhood. As most of you know, I spent many, many, many, many weeks in this chamber fighting for affordable apartments at 422 Warburton, but fighting against the size and the scope of what was being proposed. After years, and I mean

years, of negotiation we got a project that I believe was commensurate with the neighborhood. We still have issues, as you know. There are parking issues. Despite the fact that parking has been provided and satisfies Village requirements, the vast majority of residents in that building continue to park on Warburton Avenue because it is much more convenient to their units. I understand all of that. It is their legal right. It makes it difficult, and was an issue we raised, and perhaps it should have been addressed.

There are issues with that building. For example, the fire alarms are all tied to one another in series, which means if someone is taking a particularly hot shower and the steam sets off the smoke detector, the fire department not only has to show up but they have to investigate every unit in the building. This is not right. That needs to be addressed. We also have an issue with greenery that was supposed to be planted on a three-story concrete wall in the park that was provided. After 2 ½ years, vines started growing on that wall at the end of this summer. As soon as they started growing somebody at that project ripped those vines down. So we are looking at concrete walls for another two to three years. We need to make sure that when we are providing affordable housing that the person who is responsible for maintaining that is going to meet the requirements of the Village. This is why neighbors get upset about this: the concerns that we have seem to not be addressed, and they need to be, or else you're always going to run into opposition.

That being said, I could not be a bigger proponent of affordable housing. Last but not least, we have an issue with this definition of workforce housing. My issue is, when 422 was originally built it was said at many, many meetings, and everybody in the neighborhood agreed with this, firefighters, police department, DPW, teachers, seniors, young families: this is the order in which those units should be apportioned. When the units were finally distributed, not a single firefighter was in those units, despite the fact that eight or ten firefighters came down here in bunker gear to say we want affordable housing. But we knew, even back then, that they were not going to meet the financial guidelines required. Fortunately, one of the people who moved into the building who works for the Village became an EMT. I could not be happier. I know one of the people that lives in one of the other affordable units is also an EMT. This is great for the Village, but we cannot just say workforce housing. We have to make sure that the people that that is being provided for are people that can qualify to live there. That needs to be put into this, as well.

**Mayor Swiderski:** Sue, if I could ask you, there is a legitimate point that needs explanation about the lawsuit's conclusion regarding preferences and the mandates there, and the fact that our law has that set-aside as policy versus law. And if you could describe how our policy will change in reaction to the lawsuit for the duration of the required period, so it is clear that we are reacting to that, I think it would be helpful for the public.

**Sue Smith, 645 Broadway, Chair, Affordable Housing Committee:** I think, at this point, the settlement has not been signed off on. We know a lot of the components, but we do not know where it is finally coming down. So it is premature for us to make recommendations for what should be in the Village policy, which is really the place for many of these good ideas that Jim has spoken about rather than this particular law.

This is an attempt to amend what was existing, one of a number of things the Village has on the books to address affordable housing. But I think that the policy itself is more the place where some of these things can rest. He is correct about the mapping. The southern end of, particularly, Warburton is a place where there are enough people that meet the diversity criteria that the county is required to meet that that is not a place where we can build now, for the seven years. I do not think the clock is running yet. I think seven years is when the settlement is actually signed. We have talked, when we were discussing this law, of having the preferences; since we are not relying on county input financially or otherwise for the workforce housing units, they do not provide subsidies for that, we would be able to have our own preferences apply to that. We will be coming forward to you, I think, in two weeks with a definition for workforce housing. "Workforce affordable housing" we are calling it.

So the policy is an important thing to understand, the ramifications. But it is really too early for us to embody that in the law. That is why we are stalling on the policy. I think the policy could have a lot of these ideas incorporated in it which we do not have at this point. That is kind of going around the circle here.

**Mayor Swiderski:** To clarify a little further, this applies whether it is under the federal mandate or not. It applies whether workforce is included or not. Its aim is to increase the requirement on the larger developments. It will survive the lawsuit's seven-year term, and can be passed independently of the policy changes that Sue speaks to and, I think, is necessary so we can insure that should anything happen, and there a number of spots in the Village that you could build housing on, we would have a larger requirement. So I hear you. I think we are addressing a number of your concerns. I certainly hear you on holding the owners to their responsibilities on the housing.

**Trustee Walker:** Point of clarification? Are we then required by the county to change our policy in accordance with the federal policy?

**Mayor Swiderski:** We are required by the county to change the policy in accordance with the mandate.

**Trustee Walker:** Right. But we cannot do it until we know, until the settlement is signed. So therefore we will have an opportunity, then, once we know the details. Then we can have discussions. We can add things to the policy beyond what the country is requiring us to add.

**Mayor Swiderski:** As long as it does not contradict the spirit of the federal requirement.

Hearing no further comments, Mayor Swiderski asked for a motion to close the Public Hearing.

**CLOSE OF PUBLIC HEARING**

On MOTION of Trustee Armacost, SECONDED by Trustee Walker with a voice vote of all in favor, Mayor Swiderski closed the Public Hearing at 7:55 p.m.