

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
FEBRUARY 12, 2013**

A Regular Meeting was held by the Board of Trustees on Tuesday, February 12, 2013 at 7:30 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. Frobel, Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto

ABSENT: Trustee Marjorie Apel

CITIZENS: Thirteen (13).

APPROVAL OF WARRANTS

On MOTION of Trustee Jennings, SECONDED by Trustee Walker with a voice vote of all in favor, the following Warrants were approved:

Multi-Fund No. 42-2012-13 \$156,780.16

PRESENTATION – Saw Mill Lofts

Mayor Swiderski: We have a presentation by the Ginsburg company for the Saw Mill Lofts project for 9-A. The property has been the subject of proposals over the years; one, an approved project a couple years back which was never acted on, and now the Ginsburg Corporation is before us again with their newest iteration for that property. The property is zoned for MUPDD, allowing multiple uses, and requires a preliminary approval on the Board's part. Then it is sent off to the Planning Board for a deeper dive.

Bruce Lozito, Ginsburg Development Companies: With me tonight is Michael Zarin from Zarin & Steinmetz, also representing GDC. Jim Keaney, from the Affordable Housing Committee, who has been working with us on this, is also here, as is Rose Noonan from the Housing Action Council.

The Saw Mill Lofts project, as it has been called in its most recent appearance and the current one, has been the subject of much discussion over the years in the Village, a great deal of scrutiny in terms of a review of any environmental impacts. There were EISs prepared. The Village hired its own planning consultant to come up with the MUPDD zone that the Mayor referred to, a mixed-use plan development district, which recommends the use of the site for either medium-density, high-end residential or mixed-use development. That was put in place on the site in 2005.

I was also involved with the project at that time as a final Environmental Impact Statement was prepared, which led to findings, favorable findings, by the Planning Board and the Village Board's approval of a concept plan in 2006. In 2007 the Planning Board granted site plan approval for the MUPDD Saw Mill Lofts, as it was called at the time. Tonight I would like to talk about what the plans were and what our latest iteration is, the thrust of our effort in having a major affordable housing component, and moving forward with the project at this time for the benefit of both the owner of the property and, hopefully, the Village as well. Michael will talk about the process that we would hope to follow to take this to final approval and construction in the near future.

The MUPDD Saw Mill Lofts consisted of 60 units on the roughly 7 ½ acre site and two large buildings 300 feet long each, 30 units in each. Of those, 54 were market rate, live-work units and six were affordable units. This site had three access points along Saw Mill River Road, a one-way traffic flow. Because of its live-work component it had 170 parking spaces, which was quite a bit, configured as more of a commercial parking area, in light of the fact that it was mixed-use with the live-work component that also had a retail aspect.

The Zoning Board in 2006 determined that that particular use, the live-work with the retail component and the residential, should have a total of 170 spaces. So this site plan conformed, with a few extras. Another key aspect of this project was the proposed dedication of a 1.75 acre park parcel to the Village which, in fact, under the MUPDD zoning district provided for the 60-unit density. There was a density bonus achievable by this dedication of public open space that brought the maximum density up to the 60 units that were ultimately approved.

The buildings were both three stories in height, as the zone permits. The Saw Mill River is to the rear of the site. That was to be essentially untouched, with the exception of some enhancements along the riverbanks with native plantings and ecologically sensitive landscape design.

That project never went forward. Unfortunately, in 2007, when site plan approval was obtained, the real estate market crashed and the financing structure for the country also crashed. GDC had also found out at that time that there was little market receptivity or even comprehension of the live-work concept in a suburban setting. It was something that was more urban, a New York City, even a New Rochelle or a Yonkers type of unit that people who would be interested living in this area did not really relate to. So there were project-specific issues, and then also, more global economic issues that kept the project from proceeding.

Over the years, most recently in 2010, GDC saw a glimmer of hope in the economy, a little premature perhaps at the time, and started revisiting the site to see if there was a concept that would be more viable and would also appeal to the Village, and would also address a newly-defined need. This was a plan that was discussed informally in the Village over the course of 2010 and 2011 which introduced a third component, where it kept the two large buildings, 300-foot long buildings, with 30 units in each, a total of 60, which would have been market rate, and introduced a third building of three stories which would have contained 20 affordable housing units.

That was probably in response to the known desire in this village to encourage affordable housing, but also the county housing settlement had come about and there was more impetus on the part of the county and its communities to encourage affordable housing. We thought this might be a way of addressing that need. We talked about this plan a number of times with different members of the Village Board and Planning Board. We had feedback on it. It had a lot of the same characteristics as the prior plan, three accessways off of Route 9-A. We added this third building for the affordable units, which diminished the open space that was available, and there were still market rate units in these two buildings and similar preservation along the Saw Mill River.

While we were having discussions about that plan with members of the Village Board and Planning Board, a number of very constructive comments were made about that design and how it might be improved. We took note of all those, and in 2011 we had our last meeting. We had proposed a slightly reduced density of 70 units in the same configuration. And at that time, we were also told that the Village was contemplating amending its affordable housing code, and that perhaps that might be a vehicle by which additional affordable units might be provided than had previously been permitted.

So we waited in the wings, digesting the comments that had been received and coming up with different designs, until September of 2012. The Village had come out with its draft affordable housing code amendments. We were able to put the finishing touches on a plan that we had been working on while that process of amending the code was going on. This is the current plan that we would hopefully be submitting to the Board formally in time for your next meeting in March so that we might begin the process of formal review and approval.

This plan differs in a number of ways that are quite significant. We learned the Village was very interested in the fact that this particular site and this particular area is one of the gateways to the Village, and that as much green as could be preserved as possible would be a desirable design objective. We heard that, and we decided to modify the access from Route 9-A to have only two curbcuts so that there could be a continuous greenway berm, landscape berm, along the front of the entire site. Also, we modified the design that was previously

approved that had a number of bioretention basins and stormwater quality control features in the front buffer that limited our ability to put in a berm and landscape. We have moved those to the rear of the building so that a maximum amount of screening and buffering could be provided along the front of the site to make certain that it retained its green character as people entered Hastings from the north on Saw Mill River Road. We also looked at the buildings, which I mentioned were 300 feet long each in the prior plans, the length of a football field. We looked at the buildings, we looked at the marketability of the buildings, and we have reduced. This plan has a total of 66 units, the maximum number of units permitted now with the modifications to your affordable housing code, which included a relatively small density bonus, for providing additional affordable units.

So this plan would include a total of 66, of which there would be 54 market rate units in two buildings. The third building would contain 12 affordable units, in keeping with the new code. Based on comments we had heard, we modified the plan to integrate the affordable building into a campus-like setting, providing linkages between the affordable and the market rate buildings in the way of an outdoor socialization and recreational area. We created a whole sidewalk network that linked the site not only internally but also to bus stops that are just to the north of us, there are two bus shelters, so that people would be better able to access mass transit, particularly the people who were in the affordable units. It enables us to provide virtually the same sized open space parcel. This is 1.6 acres of open space, which does include public parking and access. The plan also retains the pedestrian bridge that would connect the site to the South County Trailway across the Saw Mill River with public access and a new trailhead.

The units would be residential. We have taken out the work component in light of the lack of market acceptance to it. It also enabled us to reduce these buildings to 200 instead of 300 feet in length, such that the linear distance for all three buildings is 500 feet as compared to 600 feet. This creates opportunities for view corridors through the site, again in keeping with the gateway, green appearance of the site as you enter the Village, with additional open space that then connects to the county's open space to the south. Parking is still provided underneath the buildings for the market rate buildings, and at grade for the affordables.

Around the same time that your code was being adopted there was what is called a NOFA, Notice of Funding Availability, issued by the state of New York for affordable housing funding programs. In order to maximize the opportunity to get this project off the ground, we took the initiative of applying to the state for those funds. We worked in partnership with the Affordable Housing Committee. They are co-applicants on the application to the state. We approached the county, as well. We have got a favorable response from the county; they expressed a willingness to contribute. Our application is pending with the state of New York for various types of funding: the Housing Trust Fund, state tax credits. That application went

in on January 8, and the state is reviewing along with other applications that were submitted at the same time. It is a competitive process. We have done a number of things to improve the competitiveness of our application, one of which is to introduce something that the Village also had expressed an interest in. They will give extra ranking points for Energy Star and green building criteria being met that the state has established. We saw that as an opportunity to bring that into the entire development. GDC has built Energy Star developments in the past. I lived in one, and realized the benefits of a much lower energy bill, probably a third lower than it would have otherwise been. There were certain green building criteria that the state wanted to see incorporated, which we have agreed to do, as well. We would do that for not just the affordable building, but for the market rate units. We just learned that the Village has been working on a green building code. We have a copy and we are going through that to see if the state and the local green building criteria are consistent and, if not, see what we might do to try to comply with the Village's, and if there are comments that we would like to make hopefully work together, maybe fine tune that code if appropriate.

Other criteria that the state is interested in in terms of attractiveness is the build-ready nature of the project. We expect that the state, around April or so, may be in a position to start making decisions about which projects they are going to fund. It is possible they could touch base with municipalities where projects stand in the approval process to see if there is a foreseeable period where the project would be ready to build. So that creates a bit of a sense of urgency on our part to try to at least get in to the formal approval process, have some threshold decisions made like referral to the Planning Board and even an environmental determination by the Planning Board by that time so the state would have a level of comfort that this was in a position to proceed.

I should mention, one other thing. The third building for the affordable housing is a key element, in that it facilitates receiving these public funds from the state, which is an important component to the feasibility of the project. It also creates a couple of opportunities. One is we are able to work closely with the Affordable Housing Committee, who could be much more involved both in the design, the management and development of the affordable units, and, if the Village so desired at a future time, could take ownership of this building and have it as a resource for however many years the Village so desired. We will have to proceed with a rental project because there is no financing available for condominium development, nor is there a market back for that. By proceeding as a rental project we will be able to get it off the ground, but with an eye toward converting it to condominiums in the future. We have designed the units so that they are attractive as both rentals and as condominiums, larger in size than typical. We have also designed the units in the affordable building to be just under the maximum that the state allows for its funding program so that they would be attractive units, as well.

As part of the open space concept, we are now proposing a greenway along the Saw Mill River, which would add another 1.3 acres of open space that could be dedicated to the Village. There was some discussion about whether it should be dedicated or not, and to whom. That is something we could certainly work out. The county might have an interest in taking ownership to this and, possibly, the open space if the Village saw that as a positive because it adjoins county parkland. So there are a number of things that we will be talking about, and the Village will have the decision-making role as far as how this is configured. But it creates an opportunity for an additional trail along the Saw Mill River. If not that, at the very least preservation, enhancement of the river ecologically, introducing native plantings and the like so that it is a nicer feature than it is today.

In order to have this appear as a unified development, even though there are affordable and market rate buildings, we designed the project to have an architecture that is similar to what was previously proposed that we feel is compatible with the surrounding area, which has commercial buildings across 9-A and the north of us. The affordable building would have exactly the same architectural dedicate and materials. Although it is a two-story building, it has the same character and appears, certainly, related to and compatible with the market rate housing. This would be all high-quality construction, a combination of stucco and insulation that lends itself well to the Energy Star requirements. We do that on both buildings so this looks like a unified development in a campus type of setting, no distinction with architecture between affordables or market rate units.

Michael Zarin, Zarin & Steinmetz: We were hoping to come before you and make a formal application between your meeting March 5. We were then hoping that, as you did last time, you would make a referral to the Planning Board, and that they would continue the SEQRA process that they had started. Typically, in a situation such as this, an ongoing SEQRA process, we will prepare a full EAF, Environmental Assessment Part 3, to demonstrate that there will not be any new significant adverse impacts from this reiteration that was studied in the last EIS. In fact, we have done some preliminary analysis, and there is no more than a 10 percent deviation one way or the other in schoolchildren, pervious surface, coverage, much less in parking, and open space at the like.

So we will prepare a full Part 3. I was not here, but my understanding is it went very smoothly last time. You made the referral to the Planning Board, the Planning Board conducted the SEQRA process, made their findings, sent it back up to your Board for a determination on the concept plan, and then you sent it back to them for a determination on the ultimate site plan. A lot of that work had already been done during the SEQRA process. If there are opportunities for joint meetings, where that process could be expedited, we would love that. We heard it went pretty smoothly last time, and we would hope to repeat that.

Mayor Swiderski: In the interest of full transparency and disclosure, the Affordable Housing Committee asked me to submit a letter on behalf of the concept as part of the financing proposal. The opportunity of 12 units of affordable housing, arguably among the most attractive and nicest affordable housing in the county, was pretty clear. I was happy to generate that letter about a month ago and it is on file.

We also met – Jamie Cameron, myself, counsel and the Ginsburg team here – a week ago to discuss process and understand the steps in the MUPDD. The meeting was process-oriented, about an hour long. Any meetings like that we will mention to the public. This will be as transparent and clear a process as we can hope for. I think Mr. Keaney wants to say something on behalf of the Affordable Housing Committee.

Jim Keaney, Affordable Housing Committee: The Affordable Housing Fund, not the committee but the Fund, which is our non-profit organization, is the co-applicant. We would be a partner in some aspect of the ownership of this separate building. This is being done to access subsidies. But it is not the committee that would be involved in that. Although the ownership documents, partnership documents have not been discussed or negotiated, we have the Housing Action Council which will be advising us. We will seek to build into those documents the greatest protections we can for the Fund, maybe even getting a source of income for it.

The second thing I wanted to mention is it would be the preference of the committee that the affordable housing units are evenly distributed throughout the unit. That is what the set-aside law says. The set-aside law says that also the Planning Board has discretion in a certain proposal, if it does not come up to this ideal, to look at it. The Affordable Housing Committee supports this application, even though they are not evenly distributed, for two main reasons. The most weighty reasons, the mitigating factors, are that this proposal results in 12 affordable units; which is more than the 15 percent set-aside, which is, frankly, a big deal: 12 units, almost as much as we got on Division Street. The second element is the fact that, looking at the affordable housing building and looking at the market rate building, you cannot tell any difference except this is two stories and the other one is three stories. So those were the two main factors that caused us to support this, even though they are not evenly distributed.

Trustee Armacost: You had mentioned there were going to be 170 parking units in the original plan and you also said that there was not going to be more than a 10 percent deviation. How many parking spots there are going to be with this new plan, and is the parking underneath the building factored in?

Mr. Lozito: The current plan here shows 146 spaces, roughly 30 less, than the previously-approved plan. There are still basement garages under each of the market rate buildings. In each of those, there would be 35 parking spaces. So 70 would be in the garage, and the remainder would be on the surface. Instead of a parking lot type of appearance, we tried to emulate a residential street. We have parallel parking on both sides and added the sidewalk. So this now becomes a residential street, very pedestrian-friendly. That was something we heard was desired. And we added some places where people could socialize and congregate. The parking requirement breaks down like this. The Village's zoning requirement for parking is based on number of bedrooms in a unit. The market rate units, by virtue of the bedroom count, which is six one-bedrooms, six three-bedrooms and 42 two-bedrooms, require 95 parking spaces. The 12 affordable units have a mix of studio, one-bedroom, two-bedroom and a three-bedroom, a much more similar mix to the market rate than the previous plan had. That requires a total of 20 parking spaces under your code. So 115 spaces are required for this now residential use. We have an additional 11 spaces of public parking, which is not required under the code but is a practical matter, to serve the open space and the pedestrian bridge. We are providing that. We have 20 additional spaces for visitors. That is a number that is flexible. There is no requirement in your code for visitor parking, above and beyond what is required for the residential. We might want to reduce that a bit if there are other places where a greenspace would be more desirable. Typically, you only have about 10 percent visitor parking spaces over and above the required, so we could probably reduce that by 10 spaces or so. So that is how it breaks down. It conforms to zoning, provides a little extra for visitor parking spaces, and a little extra for the public parking.

Mr. Zarin: The main reduction in the parking came from the elimination of the spaces that were going to be associated with the work component and the retail.

Trustee Armacost: Do you have any concerns related to the underground parking, which may be underwater parking if there is a storm surge?

Mr. Lozito: That was an issue that everyone looked at very closely in the last go-round. Ultimately, it was decided that the best way to deal with that was to have the garage floors two feet above the 100-year storm elevation. That is the way we have configured the current plan. The affordable building does not have a garage beneath, so its first floor will be on the order of 12 feet above the 100-year flood elevation for the Saw Mill River. We have kept the same principals intact that were scrutinized and required of us in the past. It was also asked of us recently, and I gather might have been discussed when I was not involved with the project, there will be no need to have elevator equipment in the basement level. That can be provided on the first floor, or even another floor if necessary. So there would not be the issue of the elevators failing if some water got into the garage. But again, with it being two feet above the 100-year flood we do not expect that to ever be an issue.

Trustee Armacost: The second question was for Jim, to explain the difference between the Affordable Housing Fund and Committee, and to explain if there are people who are part of both, and anything else that would be useful for us to know.

Mr. Keaney: The Affordable Housing Committee is an arm of the Village, and that committee serves at your pleasure and follows your rules, and executes the policy that you set. If it were to do something the Village could be liable. That is why the committee is not getting involved in any kind of management. The Affordable Housing Fund was set up years ago, at your direction, so that we would have a non-profit to be able to access funds. We did this very successfully at 422 Warburton, where that Fund was entitled for like one second. The Town of Greenburgh foreclosed on the property and it ultimately came to rest in Urban Green. But it had to go through a non-profit first before these funds could be dispersed. That is the way it was done there; it is not going to be done that way here.

As far as the membership of the Fund goes, I reluctantly was just elected an officer of the fund because Sue Smith is out of town and we have a project that may be coming to fruition in the next couple of weeks. There is not a complete overlap. I have not served as an officer, but there is an overlap and those people are appointed not by the Village Board. There is a complete separation and no control by the Village Board on that non-profit Fund.

Trustee Jennings: You mentioned that the receipt of the state support that you have applied for in relation to the affordable housing component is important to the financial viability of the entire project. Do you have a contingency plan should that state funding not be forthcoming? Will that make you put the project on hold again, or will it go forward in another way if that happens?

Mr. Lozito: The best answer is that we do not see any reason why the state would not fund the project, the only one being if perhaps it was not considered sufficiently ready, in which case you could apply in the subsequent round. Right now, it is the only application in Westchester that conforms to the county housing settlement requirements, which is an important thing for the state, as well. It is a relatively small project so it does not impact their ability to fund other projects. At this point we are very confident that this will get funded and would not need a contingency. The county has already expressed its willingness to contribute a million dollars toward it, in writing. So we have got a number of fronts coming together in a positive way.

Trustee Walker: Previously you had discussed providing a shuttle van to take people to the train station. Is that still an option here?

Mr. Lozito: That was proposed when it was 157 units, the infamous Riverwalk version of the project. When you get down to this size, that becomes very difficult to do. I live in a complex with 44 units that had a jitney requirement. It was only a half a mile from the train station. Even though some people preferred to take the jitney, schedules are such that you never really had demand at a discrete period of time. One thing GDC would consider doing is making a service available on demand versus having a standing jitney obligation, which is very costly. But this could be a way of addressing specific needs as they arose.

Trustee Walker: Was that part of the environmental review the last time around?

Mr. Lozito: It was not required last time. When the project changed from 157 down to 60 units it went by the wayside. The state is also interested in that. They were thrilled to know that there is mass transit walkable, right next door to us. Possibly we could even get a stop in front of the site. I do not know exactly how they work. They may do it on demand, but there are two shelters. And building the sidewalk.

Trustee Walker: Building the sidewalk up to that, yes. I also have a question about the open space. Is that to be owned and maintained by the developer, or would that revert to Village ownership and then be maintained by the Village?

Mr. Lozito: The code requires that it be offered to the Village for dedication, and then the Village decides in what form it wishes to receive it and what the associated obligations would be. Clearly, if the Village decides it would like to put some sort of facility here that would become the Village's. If the Village decides not to, there probably would not be much in the way of maintenance involved. This access and public parking we would expect to maintain because it provides access to the affordable units. But we can work out whatever cross-easements or mutual agreements would be needed for GDC to maintain the portions of it as appropriate. The greenway could be a conservation easement. It does not even have to transfer ownership. There are a number of ways of doing it, and it depends on what the Village thinks is the best way to approach it. There may be other entities that are interested at the county. I think there is also a non-profit group in Yonkers that is involved with the Saw Mill River.

Trustee Walker: Groundwork Hudson Valley.

Mr. Lozito: Yes. So there a number of different avenues that could be pursued.

Trustee Walker: And that open space now, it is currently a parking lot, is it not?

Mr. Lozito: A portion of it is.

Trustee Walker: And just to the south of it is wetland area. So it is going to be converted from a parking lot to whatever, whether it is recreation use or natural area.

Mr. Lozito: One of the requirements of the site plan approval last time was that GDC remove the asphalt and restore the area, so I would expect that would be the same. We had another request in a recent meeting about the possibility of continuing the berm along the front to make this more of a private open space. That is something we could do, as well, if the Village was interested in that.

Mayor Swiderski: A question about the bridge access to the South County Trailway, which is clearly an amenity. But whose amenity, and who keeps it up?

Mr. Lozito: Who wants it?

Mayor Swiderski: We all want it, we just do not want to pay for it.

Mr. Lozito: We would like to try to get the county to perhaps take it on, in light of the affordable housing contribution since it is connecting to their trailway and would be a trailhead that enhances that. Whether that happens or not will remain to be seen but, obviously, the last one in line. Whoever is left.

Mayor Swiderski: What about the access from the bridge to the trailway? Is that also part of it?

Mr. Lozito: Yes, that would connect. The South County Trailway is just over the river.

Trustee Jennings: I seem to remember there was conversation about connecting the trailway, your property there, the bridge that you are proposing and the Ravensdale bridge west of the Ravensdale/Jackson Avenue/9-A intersection. Was a walkway or trailway proposed that would allow someone to walk across the parkway from Hastings into your area?

Mayor Swiderski: There was.

Mr. Lozito: Actually, it was a little different. That intersection, Jackson/Ravensdale, is about a half a mile to the south. There is an abandoned bridge in that county open space area that is still quite solid and stable. There was a plan to have a trail from the corner of Ravensdale and Jackson Avenue to that bridge and that bridge to be rehabilitated. There was actually a grant, I think, the Village obtained for that purpose, which I think was sufficient

for the Village's match, with additional money coming from the county. I am not sure what happened to that, but the last I had heard is that there had been a sufficient amount of public money set aside for that. It might be somewhere. We would have to investigate that.

Trustee Walker: The Village applied for a grant but did not receive it. The county applied for a grant and did receive it. But I think they were then looking for the match. The county did talk to us about building a connection to the Ravensdale bridge and a new parking lot not too far from the Ravensdale bridge near that old bridge over the river.

Mr. Lozito: We were supposed to provide a \$20,000 match. I was not involved at the time, but I thought I understood that it was no longer needed.

Village Manager Frobel: The latest proposal was that since your project did not materialize, because you were going to be part of that match, the county would pay for the entire project and would pick up the Village's share. Our deal would be maintenance of it. We would take that responsibility for maintaining the parking lot and keeping it in good condition. That is where it has been left. That was two months ago.

Mr. Lozito: What would be needed to reactivate it, do you think?

Village Manager Frobel: My conversation was longer than two months ago. It was with county planners and that was the scenario that they had outlined, that they were proceeding on.

Trustee Armacost: How long ago?

Village Manager Frobel: It had to be six months or more. It was awhile ago.

Trustee Armacost: But relatively recently, not years and years ago.

Village Manager Frobel: No years and years ago, no. But with this opportunity, that may make sense. It was a wonderful concept.

Mr. Lozito: We would be glad to do anything we could to light the fire, so to speak, if that is helpful.

Village Manager Frobel: I will contact the county planner and have a conversation.

Village Attorney Stecich: Peter, a couple things to clarify for the public. One is on the green building code, and maybe Bruce was just being soft in his language. But you do not

have a choice. You are going to have to comply with the green building code, whatever it is, just so the public understands that. Even if it is not yet enacted by the time they make their application, once the Board calls for a public hearing on a piece of legislation, which I assume is going to be within the next two months, then under our code there is essentially a de facto moratorium. You cannot do anything inconsistent with that law that the hearing has been held on. So there is not a question of choice.

Also, Mike Zarin talked about submitting an EAF and they are going to look through the various environmental studies to make sure they are still good or what needs to be redone, what might need to be updated. Just so everybody understands, it won't just be GDC that will look at it. The Village will have its own consultants, through the Planning Board, take a look at the studies that were done before. Probably start out with the finding statement that the Planning Board issued seven years ago. It was an extensive document. Go through that and see whether anything needs to be updated. Obviously, there have been some change in traffic patterns there, and you will want to look at the latest flood maps. There may be other issues, but be aware that we will not just be taking their word for it. The Village will be looking at it itself.

Trustee Walker: Did the FEMA maps along the Saw Mill River change?

Mayor Swiderski: They have not changed yet.

Village Attorney Stecich: Not since 2007, I think. Which might have been after this approval. I am not sure, it was close.

Mr. Zarin: I think they knew it was coming.

Village Attorney Stecich: Yes, they knew it was coming. But the most recent ones that were done, within the last month, did not cover this. It covered the surge areas.

Tim Downey, 520 Farragut Parkway: A question on traffic and the Saw Mill River Road. You mentioned about using public transportation. Will this project then require either traffic control lights or any kind of efforts to 9-A that would impede the current flow of traffic? Is there any thought of pedestrians? Because over time they maybe sought to seek out the DOT or whomever to put in another light there, similar to what they have done at Lawrence Street because the volume of traffic has increased. Was any thought given to a pedestrian overpass, while this project is in its construction phase, as opposed to trying to scramble for funding and find out, down the road, that it might have been a good thing to put in initially.

Mr. Lozito: We are doing an updated analysis of the traffic, focusing on the impacts that were highlighted in our last SEQRA review. This project is not of a size that would warrant a traffic signal so we do not expect anything that would impede traffic flow. The only thing on the other side of us is the Ardsley park office campus. In terms of a connection, I do not think there would be a call for one in the future. I do not think that would adversely affect circulation here.

Arthur Riolo, 32 Main Street: I am a member of the Affordable Housing Committee. , I want to point something out about the affordable housing. From a real estate perspective, the most valuable property in a subdivision is facing to the east, to the south and to the west. If you were going to do a subdivision and you had an end unit, the end unit that faced east, south and west would be the most valuable because of the sun and the natural light. So Ginsburg decided to put the affordable housing at the south end of the site facing to the east, to the south which is open space, and to the west which is also open space. From my perspective, from real estate, this is the best we could get and you should consider that.

John Gonder, 153 James Street: To me, it seems like segregation. I understand housing would like 12 units, but if you have all those properties and so many units, you can throw four in building one and four in building two and four in building three. It seems to me you are looking at poor over here and the rich over here. I do not think it is right.

Jim Metzger, 427 Warburton Avenue: In the interest of fair disclosure, I have been involved with this project for many years. Many things have changed since the last time this project was before the Board. Most importantly, we have experienced any number of storms. Despite the fact that the new FEMA maps are not out, I believe we should be at least waiting for them. When the project was originally proposed, we were told FEMA maps were as old as they were but it was the best the engineers had to work with. We now know that the maps they were working with were hopelessly outdated. This green zone next to the Saw Mill River that is being so generously donated is in the flood plain and is marshland. So it works for the project to move the buildings closer to 9-A, but I do not believe we are getting anything in return because of the location and the flooding.

A couple other things have changed. We have adopted a comprehensive plan in the Village, and there are any number of issues that were discussed relating to this project, not specifically but in general. To take the affordable housing component and put it in a separate building, regardless of the fact that it may look identical, we were just told that there is no underground parking in that building. So all of a sudden it is not the same. Now everybody has to park on the street, and when we get snowstorms they are going to be the ones out shoveling while everybody gets to pull their perfectly clean cars out.

This is a form of segregation, and I do not believe it is right and I do not believe our Affordable Housing Committee wrote their rules and regulations to encourage this. So they can say one thing, and I appreciate what Artie Riolo said, but I believe the affordable housing needs to be a component of the rest of the project so it is not isolated.

The Comp Plan calls for independent studies for finance. One of the reasons that this project took so long is that we required a commercial component. A lot of people in the Village, and the Comp Plan specifically states, believe this site is much more appropriate for commercial development; something that we are sorely lacking in the Village in terms of taxation and ratables. When the project was originally proposed, we were told commercial does not work in this area. But now we have a going commercial concern right across the street so I do not believe commercial is not a viable option here. Mr. Ginsburg said originally it was going to work, it was a done deal, not a problem. And after everything was approved, and we went through years of work, he did market studies in a small period of time and said the live-work thing is not happening for us. And so all of a sudden the commercial is gone? We now have rentable units that are going to be taxed at about 60 percent of what a residential home is taxed here. I have no doubt because this makes good financial sense from the owner of the project, to go for a tax cert somewhere in the future. So we need to have an independent financial review of this project to make sure we are not going to be on the hook for thousands of dollars that we cannot afford.

In addition to that, we have schoolchildren to Ardsley; another thing that we called for in the Comp Plan was to be considerate of our neighbors. We know that Dobbs Ferry is planning a large project. Ardsley is getting their schoolchildren. Now we are planning a project; Ardsley is getting our schoolchildren. We really need to be more considerate. If each of the villages was considerate, we might have had a stronger voice in what is going on in Rivertowns Square. We need to protect each other and not just our own home base.

We are talking about building on former approvals. So many things have changed that I do not think you can pick up a former SEQRA review or financial review or a flooding review and say let us look at it and see how it might be different than it was. We need to reevaluate. I also believe the Village should not be looking over the engineer's shoulder that Ginsburg is providing and saying their methodology is correct. We need to have an independent study, not a review of somebody's else's study.

I want to know who would manage the rental units. Originally this was going to be condos and we were talking about a condominium board. If and when flooding does happen, who are we going to be dealing with? A condominium board or a large commercial developer? There are very different financial and liability issues dealing with that.

In our code we talk about residential and underground parking requirements. In a residential building, I do not believe we can have any parking underground. In commercial buildings you can, as long as it is flood-proof. I would like to make sure that is in front of the Board, and something you consider. In Elmsford where there was a flooding situation a number of years ago Elmsford was on the hook for \$7 million because they had approved a plan that was fine but they still claimed that due diligence was not done when a project was allowed to be built in an area that was prone to flooding.

Danielle Goodman, 28 Ashley Road: I have a money question. I did not hear anything about the recreation fee, which, on the last project, I think was \$465,000.

Mayor Swiderski: It still applies.

Ms. Goodman: I want to just remind you that when the project was in front of the Board, but before it was referred to the Planning Board, it was whatever it was, \$485,000. Then when the project went to the Planning Board, Ginsburg's then-representative decided that bridge you were talking about that goes to the pathway, which they then decided was \$150,000, should be subtracted from the \$485,000. I would ask that, in the process before you refer it to Planning Board, you not let the Planning Board waste time on trying to figure out the finances. That is squarely within the ambit of the Village Board, not the Planning Board.

SEQRA. Now since the approval of this project, Rivertowns Square was approved. So my understanding of SEQRA, and I could be wrong, is that you should factor in that adverse impact. This adds to it. There is a whole lot of work to be done. Not only looking at our data, but you have to look at Rivertowns Square data, right?

Village Attorney Stecich: It is understood. It has to be.

Ms. Goodman: But you did not verbalize it, so we would like to know.

Village Attorney Stecich: No, I am sorry. I thought I explained that when I said we are going to have to look at everything, all the changes. That is one of the obvious big changes.

Ms. Goodman: But to our neighborhood a big everything is Rivertowns Square.

Mr. Lozito: In fact, Rivertowns Square's traffic analysis included our traffic.

Ms. Goodman: Because we asked. We were on it, and asked about it. But they said there is no adverse impact, or it is mitigated.

Mr. Lozito: As Marianne said and regarding the other speaker, we have to update all our studies. We have to bring them to real-life conditions as of today. Then they will be reviewed by the Village's consultants, and the Planning Board's consultants. I am sure we will go back and forth on that. Then the Planning Board will make the appropriate determinations. In fact, the Village Board, as an involved agency, gets to make their own independent SEQRA determination.

Ms. Goodman: With respect to the Ravensdale bridge, I am certain there was a complete path not just to the little bridge in the middle. You can ask Trustee Quinlan because he advocated for that and it was part of the approval. The reason for that is that there was a concern, and I think it is in the Comprehensive Plan and it was certainly in the Village's prior Village plan, a vision plan, that residential developments should not be geographically isolated, they should not be enclaves. One way of mitigating that was to make a path, which would be a good thing. So it very much was part of it. Ginsburg was going to front our local contribution because we did not have the money, and it was his project and they should front it. This should not cost us a dime.

I know that you have now made it transparent. There is a body that does not have to be transparent involved. There have been meetings between that body and the developer, so they have a big head start. I would urge you to look at this carefully and within as much time as needed because I want you to think about resisting the temptation just because there is a funding deadline that we have no control over. They can get the funding on the next go-round. I would ask you to give this a fair and complete review because it is 12 units of affordable housing versus quality of life and finances for the Village. We should take our time to study it, and not be on somebody's else's timetable.

I will just say this: Katrina, storm Sandy, Babbitt Court. What do they all have in common? A residential developer wanted to build something where it should not be, and a local government permitted it. We all know that you have, exclusive jurisdiction. Nobody else has your jurisdiction over zoning. Bad decisions are made all the time, and I defer to your wisdom and your good spirits and all of your hard work to please give this the appropriate look-over so that we do not have a white elephant, so that FEMA does not have to come, like they did in Elmsford at Babbitt Court, and buy back property. Thank you, Governor Cuomo, for looking into buying back property that was built on what was given zoning where it should not have been built. .

Mr. Lozito: Thank you. We will respond to issues in our submission. Thank you for the opportunity. A real pleasure to be back.

PUBLIC COMMENTS

Mr. Gonder: The immunocontraception, deer, I have to be for it. I have nothing else. We have one of the toughest gun controls in Westchester County. These rifles that you will use will have to be 1,250 feet per second or better, 1,500 feet per second, to shoot a dart into the deer. My understanding, from a good source, is the only people that can use those are the county police. So you may want to check into who can do this so there is no more delay. That December comes, you can do what you have to do.

Mayor Swiderski: Very useful. Thank you.

Mr. Downey: It is my pleasure to come to the mic tonight and do my favorite thing, which is to acknowledge the good work of the Village during this recent snowstorm. The e-mail that went out from the Mayor and the Board a well appreciated one, about helping your fellow neighbor and community people who may be housebound. Gone is the time when I was a kid growing up in this village, there is a difference in the youth now where it is not as readily an effort to either go out and shovel and make a few bucks and in the process help out people. It is nice that you take the regular effort to remind those to go out and do that, and watch out for your neighbors to your right and left, or whoever you may see needing help.

The Village Manager's e-mail was terrific. At least in my immediate area, the area of Fenwick and Branford, significant change and difference in the ability of the crews to do their job and thoroughly plow well, curb-to-curb safe. There is an area of Branford and Fenwick where cars typically come around on two tires on the turn. You have to always have your heads up. Now we have wider, safer roads in areas. For those people who do not see the calendar or get e-mails what other tools can we employ to get the word out to people who may be more habituated to leaving their cars there? They have been in the Village for years, and that is the way we have always done things. To get them to come on board. It really made a big difference in my neighborhood. Getting a couple of nice new pieces of equipment at the 11th hour certainly helped, too. It gave the men to tools to do their job and do it well.

I went to Albany today as a Village resident. There was a 2nd Amendment rally at the Capitol. It was, heavily attended. Unfortunately, you may not know about it because Channel 12 news this evening felt it was more important to talk about a singer or dead end cul-de-sac parking in New Rochelle. This is probably one, if not the most important, amendment to our federal constitution because that 2nd Amendment ensures the survivability of all the rest. I would like the Mayor and the Trustees to take note of how this process went about with the New York Safe Gun Act. It was legislation that many would say was rammed down the legislators' throats at the 11 and ½ hour, at best. It was put on their desks in the

late afternoon and voted on that evening. They circumvented proper due process where all proposed legislation has to sit on the desks for three days. Just last week in the Board meeting, the Mayor noted the frustration about how in light of the fact the stock market has done well since the bottom of 2009, they can keep coming up with these exorbitant, almost extortion-like rates that the villages have to fund, unfunded mandates, with no help from the state. This was another example, in a different venue. Everyone could pick their own item of concern, this one is of concern to myself, where we have a lack of transparency. I have used that word quite frequently here. The governor, who has done some good work for the state since being elected, tripped up and, in error, took advantage of a highly emotionally charged subject around a critical time to do something that he should not have done. He violated the state's constitution. I hope the Mayor and the Trustees recognize that incorrect process that was executed, and would give thought to that whenever there is a chance to express such an opinion.

11:13 SCHEDULE PUBLIC HEARING –PROPOSED 2013-14 VILLAGE BUDGET

On MOTION of Trustee Armacost, SECONDED by Trustee Walker the following Resolution was duly adopted upon roll call vote:

RESOLVED: that the Mayor and Board of Trustees schedule a Public Hearing for Tuesday, April 9, 2013 at 7:00 p.m. or shortly thereafter to consider the proposed 2013-2014 Village Budget.

ROLL CALL VOTE	AYE	NAY
Trustee Bruce Jennings	X	
Trustee Marjorie Apel	Absent	
Trustee Meg Walker	X	
Trustee Nicola Armacost	X	
Mayor Peter Swiderski	X	

VILLAGE MANAGER’S REPORT

Village Manager Frobel: Mayor, nothing to add in addition to my written report I provided you on Friday.

BOARD DISCUSSION AND COMMENTS

1. Update on the Downtown

Mayor Swiderski: There have been meetings of the downtown group around a proposed gallery in town, and that evolved into a discussion with Meg and I about what the formal proposal for this group should be. Marge is interested in downtown issues as well, and would prefer if that discussion could be delayed until she returns. So a status update, without necessarily going into that would be useful.

Trustee Walker: The ad hoc downtown committee met in January. We are going to meet again next week, February 20, 7:30 at the Community Center. It is open to anybody. It is a group of concerned citizens, more than anything, not appointed by the Village. We are gathering information about vacancies in the downtown. We are looking at updating the business map, getting information about landlords, collecting data. One of the members of this group was approached by the Upstream Gallery in Dobbs Ferry because they are interested in moving to Hastings. We are not playing any role as an agent or as an intermediary. We simply met with them to say it would be great to have a gallery in downtown Hastings. I have not taken it any further. We would like to know more about what the rents are in Hastings relative to other villages to understand if the rents are limiting the kinds of businesses that we can attract to Hastings. That said, I am not sure what we can do about it. At this point, it is more of a question. We do not have answers.

Trustee Armacost: But eventually, if people own property which they cannot rent they will have to bring the rents down, one would assume.

Trustee Walker: One would assume. But there are spaces sitting vacant in Hastings sometimes for years. We wonder why the landlords can tolerate that. We are also interested in talking to the landlords, not necessarily about their rents or recruiting businesses. But we would like to have them meet collectively, as a group, to understand the needs of the downtown, the needs of the local businesses, the needs of the residents. We have not had that much contact with the landlords.

We are also talking about how we can tie in to the Discover the Rivertowns weekends that are being promoted by the Rivertowns Tourism Board, one in June and one in October to coincide with the Aquafest, and what we could do in the downtown, whether it is through Friday Night Live or activities over the weekends, to attract more outsiders to the downtown. and give the visitors a good impression so they come back. Can there be promotions, can the restaurants have promotions, that sort of thing. So we are talking about some ideas for those weekends, as well.

2. Update on the MR-C

Village Attorney Stecich: The issue came up at the last meeting about whether we should broaden the definition of artist studio. I looked into what fine arts includes. It does include the term performing arts. I went to the definition section in the code to write an amendment for it, and I should have looked at this first. Artist studio is already defined, very broadly, as a building or a portion of a building used for display and sale of art, and the instruction of personal artistic skills such as fine arts, performing arts, martial arts, crafts, dance and music. The definition is already broad enough and we can leave it the way it is. I am saying that because we are having a public hearing on it and I said I was going to change the definition, but I do not think we need to now that I realize what the definition of artist studio is.

Trustee Armacost: Would film count as performing arts?

Village Attorney Stecich: I think so. It depends.

Trustee Jennings: Depends on the film.

Village Attorney Stecich: Exactly. But I do not think you want to write down, as a use, movie studio or a movie place, because it is much too much of a demand on parking. What the young man described seemed to me more like an art film house, which would fall into performing arts.

Mayor Swiderski: A screening room.

Trustee Walker: Would the Broadway Training Center fall under that definition? That is on lower Washington, and it has classes in theater and dance for kids. However, they also put on performances there.

Village Attorney Stecich: It says for the development, display and sale of art and the instruction in a personal artistic skill. So the way you display performing arts skills is by performing. Was that a use that was there?

Trustee Walker: Yes, it does predate the change in the zoning.

Village Attorney Stecich: I am sure that this definition, which is a fairly broad definition of the term, was crafted to encompass uses like that. I do not think there is any issue about that fitting in to this definition of artist studio.

Trustee Walker: Not that I would quibble with it because I think these are great uses, but at what point does it leave being a fine arts studio and become a place of assembly? Is there a size when it starts to become a place of assembly when you have more people gathering? From a building code point of view, there are regulations about places of assembly, and egress, and maximum numbers and so on.

Village Attorney Stecich: If it is an artist studio it is an artist studio. Let me see how they do the parking requirement for artist studio. One space for each employee and artists, plus one space for each 400 square feet of gross floor area. That is a pretty easy parking requirement to meet. When you get to the edges on uses it is sort of like pornography: you know it when you see it. And you deal with it when you need to. Your definitions could only be so fine-tuned.

3. Update on the Waterfront

Village Manager Frobel: With the bad weather not much was accomplished. The Exxon Mobil site is pretty much closed down for the season. We had hoped to do some topographical survey work before the snow came. But I spoke with the engineer and she said we are closed until the spring. At the Chevron site, they had hoped to do some final cleanup of remaining building materials. They were not able to do that. They hope to accomplish that tomorrow. Once that occurs, they will be operational. That should be the last you hear from us to report on that site or the Exxon Mobil for the next several weeks at least.

Mayor Swiderski: Eagle-eyed observers may have noticed the demonstration laser show on Thursday projecting against the cliffs from the Hastings side, as part of the exploration of a concept of a light show in the summer with music off the cove or MacEachron Park.

Village Manager Frobel: All indications are it was wonderful. It looks like that is going to be a go. From what I understand, promoters are looking to have a smaller event than they had originally planned, but they are looking to have that occur some time in July.

Mayor Swiderski: Originally it was anticipated to be on the BP site, but BP did not feel the risks were worth it given current pollution levels. So it will be elsewhere, but would involve music and a light display, including this laser projection.

4. Other

Mayor Swiderski: A brief mention, again, always in the interest of disclosure, with a press release to follow that will give more information. Dobbs Ferry has mentioned it, we have not in any detail. We are examining the issues around sharing a superintendent of Parks and

Recreation. Both Hastings and Dobbs Ferry have put together a three-person working group from each community. Two working groups met yesterday for the first time for the first of a series of discussions on how this sort of thing might work. We will be issuing a more formal press release, skimpy on detail in the beginning as we work our way through these issues.

Trustee Armacost: Can we thank our Village team for the great work they did during the snowstorm? It was really remarkable. I ran into people from other villages who said how jealous they were that they did not live in Hastings because Hastings gets cleared so quickly and so effectively. So sincere thanks from all of us for that.

Mayor Swiderski: Yes, I agree. It was down to blacktop. I was wrong in my e-mails out. There were five homes that were without power for a few hours on Saturday, on Lefurgy, and by the woods and the school. They were restored in a matter of hours. So it was not a crisis. On the Con Ed map it was the only outage in the Rivertowns. So we were not 100 percent lucky, but it was not long.

Village Manager Frobel: Thank you to the Trustees for giving the men the tools they need. The small dump truck arrived a few days before the event, fully operational. Mike took delivery of one the larger trucks Friday; the second one should be here any day.

Trustee Jennings: Going back to Meg's discussion of the downtown and the landlord thing, I do not have a proposal and I am not even sure that I would support this. But I think you ought to explore financial incentives the Village might offer. If we believe that vacant space in our downtown is detrimental to the Village and we are at an impasse, the landlords are not budging to lower the rents, is there anything that the Village can do to change that financial equation and get it off dead center? We are strapped for money and we need more revenue, not to be paying subsidies to anybody. But if we cannot be a creative intervention in a situation like that, negatively by providing the landlord with incentives to lower their rents, then maybe a positive incentive of some kind would be worth exploring.

Trustee Walker: There are creative ways to handle these impasses that I have heard about in other communities. Short-term leases, pop-up retail, rents that are a percentage of profits over a period of time so business can take root. It happens in New York City a lot. A restaurant moves into a space and the landlord says we'll take a percentage of your profits for a certain number of months until you get yourself going. That will increase, and at a certain point we will turn that into a lease.

Trustee Armacost: Those are premised on the landlord having an interest. If the landlord does not have an interest in space being leased, I have an objection to giving the landlord a subsidy. That feels like it is going in the wrong direction. I understand where you are

coming from, Bruce, in terms of trying to encourage occupancy of the spaces. But it feels like it may not be the right direction to go in, and it could be a move that we regret later on. In terms of fairness, it becomes very different where certain incentives are given to certain people who held out for high rents, whereas other people who were willing to accept lower rents ended up having people rent and do not get those incentives; the unintended consequences there could be things that we might regret. But I appreciate where you are coming from in terms of trying to think of creative solutions.

Mayor Swiderski: How about an empty storefront penalty?

Trustee Armacost: I would rather go in that direction.

Trustee Jennings: Yes, that would be the negative. I am just thinking of it very naively. I am watching the current pattern. The owner of a building brings a cert, we end up paying the judgment. For the same or less amount of money than the judgment, we might be able to leverage that money by manipulating the assessment in a temporary fashion, carefully worked out in an agreement. We would end up with lower rents, and a business might take root. I am not saying it is a great thing to do, but what we are doing now with empty buildings and hemorrhaging money in the certiorari judgments sounds like the worst of all worlds.

Trustee Armacost: The certiorari is an interesting point. You agree for a 10-year provision of not filing one or something.

Mayor Swiderski: That never happens. If we get our reassessment out of Greenburgh and buy into that, that delays certiorari for some number of years, does it not?

Village Attorney Stecich: That issue has come up before, but you cannot force somebody to agree not to pay any taxes.

Trustee Walker: But is there a way of at least making sure that if there are potential tenants that they are not letting the building sit vacant in order to plead?

Trustee Jennings: It is not necessarily a promise on their part. Now we are collecting taxes until such a time as they make us give it back. That does not make sense to me if we are not getting anything out of it except a little cash flow. It always hurts us in the end. So instead of collecting those taxes that we are going to have to pay back anyway, why do we not collect fewer and then, in return, get somebody with a rent that they can afford and a business started. That is my naïve line of reasoning. And there are probably a million objections, practical and legal. So much for common sense.

Trustee Walker: There are examples of municipalities that have helped to attract new businesses by reducing taxes in economic development zones. I am not suggesting that we do that, but it is not uncommon.

ADJOURNMENT

On MOTION of Trustee Armacost, SECONDED by Trustee Walker with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 9:07 p.m.