

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
PUBLIC HEARING NO. 1
OCTOBER 20, 2015

A Public Hearing was held by the Board of Trustees on Tuesday, October 20, 2015 at 7:35 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Peter Swiderski, Trustee Marjorie Apel, Trustee Meg Walker, Trustee Nicola Armacost, Trustee Daniel Lemons, Village Manager Francis A. Frobels, Village Attorney Linda Whitehead, and Village Clerk Susan Maggiotto

CITIZENS: Fourteen (14).

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 October 16, 2015 issue of *The Rivertowns Enterprise* to consider the making of an application to Westchester County for Community Development Block Grant funds for an affordable housing/rehabilitation project for property at 69 Ravensdale Road at the corner of Kent Avenue.

Mayor Swiderski: Is there anyone here in the public who would like to speak to this item?

Sue Smith, Affordable Housing Committee: Thank you for putting us on your agenda this evening. Having spoken to some of the neighbors, I want to express an apology for the time frame that did not give them a lot of notice.

This is early on in the development of this project, as I explained to you two weeks ago. The county has a deadline for various funding arrangements, which has pushed us ahead in that process just to confirm their funding possibilities by the end of the year, where we have a whole process with the Planning Board with the neighborhood being noticed. Unfortunately, they just heard about it on very short notice. I apologize for the pressure we have been put under to try to make this work funding-wise. This is for rehab money that would help as one piece of this project.

Patrick Randolph Bell: Funding is great if you can get it done, if you want to just put this in. But I am still not sure about the place: the location, the ability to get in and out is treacherous during the rush hours. That is a gateway of our village where we have a lot of trees that will just look another building. Part of it was to cut down some trees, but I am not sure, I have not seen any plans. Also, affordable housing is what it is, especially with the limits we have. Sixty- and eighty percent is like being a Hastings person anyway. It is not like we are bringing somebody who is going to be dependent on the society in a different way. Are we past our limit already of what Westchester and the federal law says we have to do? I thought it was like 10 percent. How much more affordable housing are we bringing

in? Is there going to be a limit, or is this Sue's retirement activity? Not to offend you, I know she loves it because it is a good thing. But when do we reach a limit that we say this is enough, we have already done more than our share for affordable housing for this Westchester settlement?

Tom Kadala, 25 Branford Road: My concern is that the agendas are mixed up here. She has got a time frame for funding and we are getting pushed to this lot. I am not hearing any structural policy of how affordable housing is being handled in Hastings. I feel it is being pushed on for a reason having to do with funding and not thought through completely. That has me a little nervous. The extra structure does not excite me too much, obviously because the neighborhood is a very comprehensive neighborhood. People are moving out, new people are moving in, it has got a character to it. We want to maintain some of that, and with an additional structure and also the danger of it being right on Ravensdale I do not know if you want to have kids running and playing there, that that makes a lot of sense.

Is there planning for affordable housing in Hastings? Do we not have bylaws that we follow? It all seems like it came ten minutes ago when we received the e-mail. The whole process sounds like 10 minutes ago. So maybe we need to think it through and mass the agendas a little. I have an understanding that she has a pressing need for funding; we have to have a comprehensive understanding of what affordable housing means in Hastings and what are the different areas and options. There are many others that could be considered as well, not to mention the one she is looking at right now just seems to be pushed and I do not think it makes a lot of sense. A proper real estate agent could probably find the proper family to live there. That needs to be looked at, and that makes more sense.

Gloria Maier, 16 Branford Road: I live around the corner from this property. I saw this agenda today. I shared it with a couple of people. They suggested, because we have a huge block party and we know our neighbors that I share the information with them. That is how my neighbors came tonight. If they knew this item were on the agenda you would have a packed house because you are changing very dramatically the quality of the neighborhood. I wonder exactly where you are in the process, and could you explain to those of us here and anyone at home that will hear about it later what you are thinking is at the moment.

Ms. Smith: This is an unusual order of the process, certainly, as I explained to you two weeks ago. We have yet to go to the Planning Board. That is planned for November. We will engage the neighborhood in the process, but it is early and this pushed us before we had our full act together. It is the Planning Board who is going to have to make decisions about a lot of these things. Part of what we can do with the neighborhood is explain something about affordable housing, but I think you are all aware that we have been trying for the last 20 years to create housing and have been successful beyond some other communities in the

county. But we are nowhere near what had been given as Hastings' quota. It is not a mandated quota, it is a suggestion in terms of the need, not just what the federal settlement is requiring at 750 units, but what the need is in the county for affordable housing.

These would be ownership houses with a small accessory apartment, which is permitted anywhere in a single residential home in Hastings. Our past work shows that we build something that fits into the neighborhood and that the people fit into the neighborhood. We will reach out to the Branford area and beyond that to try to help educate people who never had to think about this before. When we are going beyond the downtown which is where most of the affordable housing has happened because that is where property has been available, as we reach out into the community people have not had that on their radar probably. This is an example of that, where we have some education to do and some explaining to do so at least people understand better what the goal is. And that it is one of the goals of the community in terms of the planning documents in Hastings and your own zoning that has been encouraging it.

Jane McMichael, 25 Branford Road: I find it very disturbing that you all have been aware of this for two weeks and yet we just became aware of this this evening. Let us look at what is going on in the area. A very busy road. Let us look at what needs to be done within Hastings, but not make a rush decision for funding based upon someone's need. This entire area, Kent, Fenwick, Ashley, Branford, Ravensdale, the other side of Kent, all of these people are not aware of what is taking place right now. We all got off the train. We are getting on the train super early tomorrow morning. No one knew about this. Two weeks ago it came up, but today it just came up to us. I do not think that is fair to all of these residents that they are not allowed to be informed, review and participate. I would like you all to take that into consideration as opposed to rushing to a decision based upon someone else's timeline and the hundreds of homes within this area.

Ms. Smith: I tried to explain before that anything that happens with the project is dependent totally on what happens in the planning process with the Planning Board. This is simply to reserve some money ahead of time before a deadline. It is totally dependent on all the local processes.

Village Attorney Whitehead: All the neighbors will get notices when this goes before the Planning Board. You will have the opportunity to come. Nothing is going to be built here, nothing will be done, until the Planning Board approves it.

Trustee Apel: Is the funding tied to this particular piece of property? If the Planning Board and the community decide they do not want to allow that particular thing can you use the grant money for a different place?

Ms. Smith: We cannot, but it would go back into the pot to the county, and the state has some control over this money also as a pass-through. But there is a deadline to have it designated by the end of the year.

John Gonder, 153 James Street: I am surprised you just found out today. They put a legal notice in the paper, I do not know if it was two weeks ago Friday or last Friday. It is in such small print, a guy like me needs a big magnifying glass to read it. But my wife taught me, over 60 years ago when she was alive, read these.

Ms. Maier: Is it possible for this group to put this on the agenda at a later time? I do not know how frequently you meet. I have never attended one of these meetings before. But whether it is a week, two weeks, whatever so we can speak to our neighbors and have additional input instead of just three voices from the neighborhood. Could you do that?

Mayor Swiderski: A question to Sue. What is the timing here?

Ms. Smith: We need to have a neighborhood meeting as soon as we can get that together.

Mayor Swiderski: But what is the timing for the block grant?

Ms. Smith: There is a deadline the end of this week. That is why we are here today, why I came two weeks ago. I know there are some other communities that are shuffling hard to at least reserve the funding should the project be approved.

Trustee Lemons: If the answer were no today then that is it. There is no option to go forward.

Ms. Smith: It would take a whole other kind of funding approach. It would certainly put a crimp in the project.

Trustee Lemons: If it is yes, go for the funding, it is still subject to all of the process.

Ms. Smith: That is right.

Trustee Lemons: So it is not a yes or a no.

Ms. Smith: It enables us to move ahead and inform the community, and try to see what can happen there. Our agreement for purchase is also contingent on the same things. We are not going to buy it if we cannot do something with it.

Mr. Kadala: A question on the funding. It is contingent on that property?

Ms. Smith: Contingent on that property, yes.

Mr. Kadala: So are there other properties you are considering? I am trying to get a handle here as to what is affordable housing in Hastings. Are there policies you might be able to share, are there some thoughts you have discussed? I did not attend all the meetings so I would not know, but if you could share that with us to get an idea. As the gentleman said, have we met quota, not met quota?

Ms. Smith: As I said, we should have a meeting with the neighborhood, invite everybody and anybody to come, the whole community, whoever, because those of us who are involved with it, and if you are on the Village Board there has been a lot of talk about this and a lot of work over the years, have done a considerable number of units. But if you have not been paying attention to, it is a whole new thing out of left field. We do not have any other projects in prospect now because it is so hard to find land in Hastings. It is well-nigh impossible, we are so built out and it is old gas stations and a few other strange things, or a pile of rock. So there is nothing else in Hastings to which this money could be applied to. We are always looking, always looking and open to any suggestions.

Mr. Kadala: Who has the final say on that? You are the only person who is telling us if there are other properties. This is a big area.

Mayor Swiderski: Hastings has an Affordable Housing Committee that Sue, if not today, shortly, will no longer be the chair of but is a member of. That committee has existed for several decades, committed to building affordable housing in Hastings. We have done so over the years, done in two ways. If a multi-unit housing complex is put up a certain percentage is dedicated to affordable housing. It used to be 10 percent, now it is 15 percent. The Ginsburg development on 9-A is an example of that, where 12 out of the 66 units are dedicated to affordable housing. We have also identified a few lots in town where smaller units of affordable housing have been put. Four were put at the base of Pinecrest, on Warburton. We have converted a building on Washington Avenue, with three units. We have a building of 14 units on Warburton. We have one on Farragut underway.

Ms. Smith: It is due to start soon.

Mayor Swiderski: The challenge has also been to find a location. But the community, via the Comprehensive Plan we passed and the commitment of the Board, has always been behind affordable housing. Affordable housing is defined as something that a person making

80 percent of the median wage in Westchester can afford. And in a commitment to trying to maintain some diversity in this community, we have, as a board, supported the Affordable Housing Committee whenever they have sought an opportunity to build new units.

This is an example of one of those possibilities. What the Affordable Housing Committee is doing here is approaching us to try to secure the possibility of funding. But beyond that, we are not going to be much a part of that process. From this point forward, it is the usual process for any development in Hastings: if there is a zoning variance required it will go before the Zoning Board and the Planning Board will have to weigh in on the entire process, from start to finish, like it would on any sort of development on any parcel in Hastings. That has not started at all, and a house has not yet been sold to the Affordable Housing Committee. What we are doing is trying to ensure that at least there is a possibility this may happen. As a Board, we have typically stepped up in moments like this because we are committed to affordable housing. I do not know if that partially answers what you are asking, but that is where this comes from.

Mr. Kadala: That clarifies a lot. I am trying to understand the difference between affordable housing in an integrated neighborhood where it is like houses versus here in the town. I think there is a big difference between both of those so I am wondering if there is any thought on that. It would seem to me it would be easier to have affordable housing where there is a higher density that would be meaningful, than to have it with sparse density. That is where I am confused as to how that applies.

Mayor Swiderski: It is a small town with quarter-acre zoning. The density is not very different all over. The idea is to try to spread the affordable housing as best we can around so it is not concentrated in one neighborhood. There is no intention here to try to segregate that housing in any way from the mainstream of the community. The more integrated it can be into the community the better it is. That has generally been the philosophy behind affordable housing in the county and the country. What we are proposing here is in line with that philosophy.

Mr. Kadala: How does the decision process work? The residents of the neighborhood, how does their voice weigh in, how does your vote weigh in, and how does that work?

Mayor Swiderski: We do not vote on development like that. It is going to be a Zoning Board and Planning Board process, where it is within 100 or 200 yards of the proposal.

Village Attorney Whitehead: It is a couple of hundred feet everybody gets notice.

Mayor Swiderski: Notified via registered letter that a meeting will be held. The process goes up, and then from that point forward, I am not on the Planning Board and not an instant expert on it, I cannot tell you exactly what happens in sequence, but it is a multi-month project where everything is considered in due course and reviewed by the Planning Board with input from the public.

Mr. Kadala: The final decision is the Planning Board, or is the final decision the residents? That is what I am trying to ...

Mayor Swiderski: It is the Planning Board.

Mr. Kadala: They just get input from the residents, and then they make up their mind.

Mayor Swiderski: That is right.

Mr. Kadala: So the policy of affordable housing in Hastings is anywhere it can be found. Is there a quota that has been established?

Ms. Smith: A hundred. Units for Hastings.

Mayor Swiderski: Hastings was grouped with a set of communities that fell on the wrong side of a lawsuit that the federal government launched against the county for the misstatement of how those monies were being used for affordable housing in Westchester County. The net result of that was that the county had to commit to 750 units being built in the affected communities. Tentatively, we were given an allotment of 100. That is not a hard commitment, and we have done better than most in building against that commitment. We passed zoning laws and took other steps to try to encourage as much affordable housing in Hastings as we could.

Trustee Armacost: Out of the 100, how many have we met? Then second question is related to the 80 percent median wage. What is that in dollar terms ?

Ms. Smith: The ownership level is 80%; it is 60 percent for rental. It depends on family size. For a family of two, the household income it is a little short of \$50,000 for ownership. As a family is bigger the amount goes up. The 100 was designated before the housing settlement in the county. The 14 rental units and the two ownership units which have accessories, a total of 18 units, was before that number came out and before the settlement. Anything now that we do counts toward the settlement. We have got three units on Washington, we have got 12 on 9-A, and that is all we have done; 15, under the settlement. So the settlement is not tied to that quota number.

Mayor Swiderski: And the one on Farragut will count toward it?

Ms. Smith: Yes.

Trustee Armacost: And how many is that? That is just one?

Ms. Smith: No, it is two on Farragut, an ownership house with an accessory.

Trustee Armacost: So it is 17 then spoken for.

Ms. Smith: Yes, right.

Trustee Armacost: So bottom line, we are pretty far away from the target.

Ms. Smith: We are but we have done better proportionately to our size than a lot of communities, which means the larger county community is not dealing with enough affordable housing anywhere near what the need has been identified as. That has not gone down over the years, it has only increased, as we see in our own community as the price of houses goes higher because we are a hot place to live. There are a lot of people in those income brackets who might want to live in Hastings also, just like everybody else does.

Ms. McMichael: I get back to the point of the rush. I agree that we need to help those that are not as well off as we are. I agree, from having heard that we have a long way to go but we are ahead of our neighbor villages, that is awesome. However, the rush for the funding for this one piece of property is what concerns me. Because as she said earlier, if she does not get the approval by Friday for the funding for this one piece of property then her funding goes away. That is not right and that is not fair. It is not fair that she was given a short timeline, and it certainly is not right to the entire neighborhood.

I ask that she appeal to whomever for an extended timeline so we have an extended timeline. We all need to do what is right for the Village, do our best. But this is being jammed down our throats and that bothers me tremendously. I do not subscribe to the local Village newspaper so I did not see it. I am sorry, I work full-time in the city, I am very busy, I represent probably the neighborhood that we all work, we are all busy. And to get this notification today was not fair. Again, we want to do what is right for the Village, but we want to do what is right for our immediate neighborhood as well. So I ask for an extension of time, I ask that you say no for the funding on this home until we have more time to review the entire situation.

Mr. Bell: Sue, can you go back next year, or is there a second kind of round of funding or a different funding you can get for the same property?

Ms. Smith: This funding is a very small part of the project funding. There are acquisition funds and there is construction for a new house so this is a very small part of it. Every year it is a different composition of what is available. This particular pocket of funds will be gone at the end of the year, which works for rehab which is the existing house needs. Generally the county funding does not cover rehab so I could not begin say if it is available next year. It changes all the time. The funding is shrinking if anything.

Mr. Bell: I went to the Zoning Board I think it was and I complained about one of the houses going in next to me. It was something I did not have to worry about, they are great people and I should not have to have been worried about it. But what I learned was that my complaints about the property and the use of the property did not matter because it was done perfectly. The plans were there, the zoning ...

Mayor Swiderski: The rules is to address the Board.

Mr. Bell: So I said if you come with a proper plan to the Zoning Board and you come to a proper plan to the Planning Board and the Architectural Review Board it does not matter pretty much what your neighbors say because you got the law on your side, you have the zoning on your side. So whatever you guys say it is not going to matter. Today is your best bet if you wanted to try to slow the process down. But Sue says it is only a very small part of the process, the amount of money going into it anyway. But today is the day, and you only have three. You have a whole neighborhood, three or four of them showed up, but hundreds of people who will never like you again if you do not give them a second chance.

Matt Sollars, The Fenway: I just moved to Hastings and to the neighborhood and heard about the notice on my train ride home tonight. I agree that it is a little short notice. We all know that once funding gets in place the ball starts rolling. But it would help me to hear, because I walked in late, what sort of project is being contemplated for the property and where it is. Maybe that was presented tonight and I did not hear it, if it is going to be multiple buildings. I would like to hear that.

Ms. Smith: There is an existing building on the property of 0.7 acres. That building would be rehabbed, because it is bad condition, and made into a one-family house with an accessory apartment. Because it is a large piece of property it could be subdivided for another smaller house because the existing one is quite large, with an accessory apartment. It would be a three-bedroom house, similar to what we did on Pinecrest. So it would be two houses on the property, each with a small subsidiary apartment. The big units are owner-occupied

Janique Pena, 70 Ravensdale Road: I live across the street from the property. I just found out about this meeting at 7:30 this evening and I would like to ask you to postpone any decisions until the rest of our neighbors can weigh in on this. I, too, work in the city, just got home, saw the e-mail and came right over.

Ms. McMichael: There will be two buildings, each for a family, and then each will have an apartment as well? So you are saying that is four families on that one parcel of land on the corner. Is that correct?

Mayor Swiderski: It is four units.

Ms. Smith: In two buildings.

Mayor Swiderski: Accessory apartments.

Village Attorney Whitehead: Accessory apartment are permitted.

Trustee Lemons: What did you say the size of the land is?

Ms. Smith: It is 0.7 acres. Just a little short of three-quarters of an acre in quarter acre zoning.

Ms. Maier: I am not familiar with the property except I pass it every day going to work, coming back and doing errands and everything else. It is a pretty treacherous intersection. It is a three-way stop. It does not have a stop as you are coming in, but you are coming up off the bridge and it is a hill as you come up. So it is almost like a blind spot. Some people do not even see that it is a three-way stop. I avoid turning there, even though I should. I go around because it is safer. I know that sometimes people are in a rush or they are not familiar with the community, they run through. That is one thing. I do not know if it matters that there have been fatalities on the bridge of individuals, either on a bicycle or pedestrians have been hit. But it is not an area that I would put additional families in, especially if they have children.

Mr. Kadala: I am surprised to hear that it is four families on that lot, really surprised. If you are allowing that kind of density, and of course it is affordable housing so every single home can have three more rooms or build out their homes so they could have three more families, of course they would be able to afford their home much better. So why do we not just allow that, too, if that is the way this goes? It is not consistent at all. If it was one house, affordable housing, one family and they are being subsidized or whatever, I am seeing a leverage here that is not consistent with the laws that we are supposed to follow in our own

neighborhood, where we are not even allowed to have, you have to have a permit, you cannot rent out a room or that sort of thing. It is an Airbnb type of neighborhood.

Mayor Swiderski: All houses are allowed to accessory apartments if they are correctly configured. There is no law against that.

Mr. Kadala: I understand that. But I do not think they can accommodate three more families in every single home. I do not think that is the case. This is where the number is at. Now I understand how they are affording this. That is not making any sense at all. Nobody is donating anything, there is no dole-out here. This is just leverage on the fact of jamming three more families in the same space that should not be. That is not even consistent with the zoning laws we have in place today. I would take that to the Board. I would also take it even further if I had to because it is not consistent and would have to be clarified.

Ms. Smith: Whatever you do will have to be consistent with local zoning, and that is what planning and zoning boards are for.

Trustee Lemons: I asked about the size of the lot, and I realize this is a zoning and a planning issue in terms of what fits in there. I know the spot, but I do not know what it is like behind it and what is buildable. My house is on a one-tenth acre lot. Seven-tenths of an acre sounds like a lot, and maybe it is our maybe it is not depending on the configuration. But on the face of it, without my understanding the topography and how that impacts what is buildable, that does not sound unreasonable. It does not sound, in other words, compared to where I live, my neighborhood.

Ms. McMichael: You just mentioned that you are not familiar with the lot. Then my question to all of you is if you are not familiar with the lot how can you make a decision? They have talked about the intersection, et cetera. They have not talked about the topography that is built at an angle with a lot of rocks you would have to blast through. You are shaking your head.

Trustee Armacost: I live on a lot which has a very steep slope, and my house has a bridge to it. So there are all sorts of creative architects that can do all sorts of interesting things.

Ms. McMichael: Yes, that is lovely. But we are talking about affordable housing that does not have creative architects. Or if they do, I would love to find out who it is and use it for myself as well. My point is, the property is at an angle on Ravensdale, at an angle on Kent, great big huge boulders. You would have to bring it down, and if you are all not familiar with the property then, again, I ask you not to decide this evening until you all become familiar with the property and see if it can or cannot be done.

Trustee Armacost: In my case, I am familiar with the property. I cannot speak for the others, and it is quite dangerous, I agree, the intersection.

Trustee Walker: It is not up to us to decide if it is going to be built or not.

Ms. McMichael: I understand.

Trustee Walker: And you will have a lot of time to present your case to the Planning Board. I was the Planner for five years for the Village of Hastings and worked with the Planning Board at every single meeting, prepared the applications for the Planning Board. They will look into all of your concerns. That is the time to bring those concerns to the table.

Ms. McMichael: I think tonight is the time for us, on a short notice, to say everything we possibly can because you are going to make a decision on the funding. It is already mid-October so she is going to get more funding next year. Maybe more, maybe less, nobody knows. I am concerned that we are making a very rushed decision, where you have people that got off the train and rushed over just learning about it. I ask you to postpone a decision.

Hearing no further comment, 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 adjourned the Public Hearing at 8:14 p.m.