

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
PUBLIC HEARING NO. 1
NOVEMBER 17, 2015

A Public Hearing was held by the Board of Trustees on Tuesday, November 17, 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: Twelve (12).

Mayor Swiderski declared the Board in session for the purpose of conducting a Public Hearing in accordance with the legal notice that appeared in the October 23, 2015 issue of *The Rivertowns Enterprise* to consider the advisability of adopting Proposed Local Law E of 2015 amending Chapter 295 Zoning of the Code of the Village of Hastings-on-Hudson to add provisions for a new Gateway Cluster Overlay District:

Be it enacted by the Board of Trustees of the Village of Hastings-on-Hudson as follows:

Section 1: Section 295-6 of the Zoning Code of the Village of Hastings-on-Hudson is hereby amended to the enumeration of Districts the following:

Gateway Cluster Overlay GCO

Section 2: Chapter 295 Zoning of the Code of the Village of Hastings-on-Hudson is hereby amended to add new Section 295-85.1 Gateway Cluster Overlay District as follows:

295-85.1 Gateway Cluster Overlay District

A. Purpose.

The Comprehensive Plan of the Village of Hastings-on-Hudson adopted in 2011 identified large tracts located within the Village's Gateways as representing important viewsheds along major roadways, and also indicated that these parcels contain important natural resources which should be protected and preserved. The use of clustering for future development of these parcels will help to preserve the natural and scenic qualities of these parcels and preserve the character of the Gateways to the Village.

B. Authorization.

In connection with any application for subdivision of a property within the Gateway Cluster Overlay District, the Planning Board of the Village of Hastings-on-Hudson is hereby authorized, pursuant to New York State Village Law §7-738 to modify applicable provisions

of this Chapter to enable and encourage flexibility of design and development of land in such manner as to preserve the natural and scenic qualities of open space lands, including open meadows, woodlands, scenic views and wetlands. Any subdivision designed under this article shall indicate on the final plat that it is a cluster subdivision.

C. Mandatory Clustering.

The Planning Board shall require an applicant to submit a cluster plan utilizing the provisions of this section and §7-738 for the development of parcels four acres or greater in size located within the Gateway Cluster Overlay District. The Planning Board, at its discretion, may mandate cluster development of a parcel of four acres or less in size in order to preserve the natural and scenic qualities of open lands.

D. Density Determination.

A cluster development shall result in a permitted number of building lots or dwelling units which shall in no case exceed the number which could be permitted, in the Planning Board's judgment, if the land were subdivided into lots conforming to the minimum lot size and density requirements of the Zoning Code applicable in the underlying zoning district. The applicant shall submit a conventional subdivision layout to determine the maximum density for the cluster subdivision. The conventional layout must consider environmental constraints on development as well as roads, utilities and other attributes which would impact the density of a conventional subdivision.

E. Development Standards and Controls.

(1) In connection with approval of a subdivision plat pursuant to this section and §7-738, the Planning Board is hereby authorized to modify the minimum lot size and width, required yards and lot coverage, however, the maximum building height shall not be modified. The Planning Board shall also have the authority to modify requirements for widths of roads, provided that adequate provision is made for fire and emergency access.

(2) In applying the provisions hereof, the Planning Board shall have the authority to permit detached, semi-attached and attached housing units.

(3) A 150 foot buffer shall be provided along the lot frontage on all streets and a 50 foot buffer shall be provided around the perimeter of any cluster subdivision from all other property lines. No structures except for entrance roads or driveways shall be permitted within such buffer. At the discretion of the Planning Board, the buffer can be maintained in its natural state or landscaped pursuant to an approved landscape plan.

(4) Permitted uses shall include all uses permitted in the underlying zoning district and as permitted therein.

(5) The cluster subdivision shall result in restricted open spaces as determined by the Planning Board. All open space, recreation or common areas shall be restricted, managed and maintained in accordance with a form of legal ownership and restrictions to be approved by the Planning Board and the Village Attorney.

(6) The procedure to be followed for approval of a cluster subdivision shall be the same as for approval of a conventional subdivision pursuant to Article XIII of this Chapter and all provisions thereof not modified by this section shall apply.

(7) The Planning Board shall ensure that clustering hereunder preserves the natural and scenic qualities of open space lands, including open meadows, woodlands, scenic views and wetlands.

Section 3: The Zoning Map of the Village of Hastings-on-Hudson, as referred to in Section 295-7 of the Code, is hereby amended to indicate the following properties as within the Gateway Cluster Overlay District:

Section 4.110, Block 105, Lots 1, 2, and 3
Section 4.130, Block 139, Lots 1.1, 2 and 3 and 4
Section 4.140, Block 142, Lots 1 and 2
Section 4.140, Block 150, Lot 2

Section 4: If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section 5: This local law shall take effect immediately upon filing with the Secretary of State.

Mayor Swiderski: Can you summarize it briefly?

Village Attorney Whitehead: It is available online for anybody who wants to review it in detail. This comes out of recommendations in the Comprehensive Plan to provide, on certain parcels within primarily the gateway area along South Broadway, that any parcel over four acres in size, if a subdivision application is submitted, the Planning Board has to require the applicant to provide a cluster subdivision plan. The density cannot exceed that which would be permitted in a conventional subdivision. The idea to make the subdivision into smaller lots, pushing the development closer together and preserving open space areas, sensitive

areas, steep slopes. The Board has also required that there be a 150-foot buffer along street frontages to preserve the scenic corridor and the views as you come into the Village, and then a 50-foot buffer around the perimeter of the property. It is intended to preserve the natural scenic qualities of these properties of open space, including open meadows, woodlands, scenic views and wetlands.

The properties affected are, again, along South Broadway. It is the various Andrus properties, Graham School, the church property and the Andrus Home. So it all the Andrus properties.

Trustee Apel: That would not include the 50-foot buffer. It is just the 50-foot on that particular property, but if it against another piece of property they also have buffers on theirs.

Village Attorney Whitehead: Yes.

Village Clerk Maggiotto: Let the record show that all the properties that Attorney Whitehead mentioned were noticed about this hearing, as well as the City of Yonkers and the County of Westchester. We received a referral report from the county planning board stating: "We have reviewed this matter and find that there are no county or intermunicipal planning issues of concern to the county planning board. This action is a matter for local determination in accordance with your community's planning and zoning policies."

Mayor Swiderski: Is there anyone here who wants to speak to this proposal?

Trish Kotronis, 7 Riverpointe Road: I have been a resident for 15 years. I think this is a great idea. I know there was a discussion. I read the minutes from a prior meeting about including the Riverview Manor property, which is also at the southern border and one of the gateways into our community. What are our plans for that property if it, obviously, was not included in this tonight? Or can it be added to this?

Village Attorney Whitehead: Do you want me to address this?

Mayor Swiderski: Please.

Village Attorney Whitehead: This was intended for large tracts and only applies to properties over four acres in size. That property is about two acres. And this is an overlay zone; it does not affect the underlying zoning. So these parcels would remain R-20 zoning. That zoning remains in effect. Including that property would not have any impact because this only impacts properties over four acres in size, and that property is only two acres.

Ms. Kotronis: So the Board's position is, although it is not four acres and is zoned residential, the plan would be for it to continue to be a residential property if, for instance, the property was sold, that it would not look favorably to anyone taking that property for other purposes than residential as far as view preservation and preservation of the wildlife and trees along the Aqueduct.?

Village Attorney Whitehead: Any application would have to go through a full review process, a SEQRA review process, to look at the impacts. It would need view preservation approval because it is within the view preservation district. None of that is changing for that property or any of these properties. There is nothing additional that would come out of including that property in this amendment. As of now, that property is residential. There is nothing the Board is doing right now to change that.

Ms. Kotronis: It did look like that was a small parcel in what is being included north of Andrus, which is not four acres, so I am curious as to why that would be included and this one would not be.

Village Attorney Whitehead: Andrus owns a number of parcels, some in different names, that could easily be combined because they are all Andrus-owned and controlled. There were some that were technically, right now, smaller than four acres. But the idea was that they could be combined with adjacent properties that are also under control by the same owner. If one of those properties came in as just that property, at an acre-and-a-half or whatever it is, this would not impact on development on that property. But if it was combined with the larger adjacent property, then it would be impacted.

Ms. Kratonis: I think this one possibly could be combined with the area north of it, as well. As a resident of the south end of Hastings the concern is, obviously, keeping the views. I see people stop all the time and it is a beautiful vista there. The concern is protecting not only the South Broadway area but the south Warburton area, as well.

Jim Metzger, 427 Warburton Avenue: If an entity owns several smaller adjacent properties that are not being developed, is there anything that would prevent a potential developer from buying those individual properties, keeping them individual, and doing a development that would be counter to what this law is trying to provide?

Trustee Armacost: Can you explain what you mean?

Mr. Metzger: Let us say there are four one acre pieces of property that are owned by Andrus. A developer came along and purchased each of those four properties individually, and on each property they put, with quarter-acre zoning, four houses. Now you have four

pieces of property with four houses on each property, and it will look exactly like what the law is trying to prevent: four individual houses as opposed to clustering them within the zone to create a buffer. Is there anything we can add to this law that would prevent that from happening?

Village Attorney Whitehead: There are not that many contiguous smaller properties that are included in this. There might be a small property that is contiguous to a large property. If they were going to be combined they would be combined with a larger property, and then this provision would apply.

Mr. Metzger: OK.

John Gonder, 153 James Street: I think it is well-written, but I am against it because I think you want to bring a lot of people into Hastings. I would rather see just the opposite: keep Hastings like a Garden of Eden. We bring in a lot of homes in a short area, I would rather see that property two acres and large homes, like an estate home of 30,000 square feet. That will bring a lot of taxes in, it will help the school. I see what is happening in Ardsley and I think it will happen also in Dobbs Ferry when they start on a big project. The schools, the police, the fire departments and everything else are going to have to be updated, with more people, more taxes. If you go to the old method of large homes, more property; like the Broadway mansion, beautiful real high taxes, \$250,000 for just the permits. I think you are going the wrong way. I am an old guy. I remember how this village was in the '30s, '40s and '50s, and we have changed so much. If you were living there in the '30s, '40s and '50s you would really appreciate what we had. I hope you would reconsider.

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 Apel with a voice vote of all in favor, Mayor Swiderski closed the Public Hearing at 7:45p.m.

Village Attorney Whitehead: As a reminder, you have referred it to the Planning Board and Zoning Board, and I think the Planning Board is going to discuss it on Thursday night. So you would have a recommendation back, but I cannot promise that for sure, though. They have a long agenda.