

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES/ PLANNING BOARD
JOINT MEETING
MARCH 9, 1999

A Joint Meeting was held by the Board of Trustees and the Planning Board on Tuesday, March 9, 1999 at 9:20 p.m. in the Municipal Offices, 615 Broadway.

PRESENT: Mayor Wm. Lee Kinnally, Jr., Trustee James B. Keaney, Trustee Elsa C. DeVita, Trustee Michael Holdstein, Trustee Anthony Gagliardi, Planning Board Chairperson Rhoda Barr, Boardmember David Hutson, Boardmember Robert Lee, Boardmember Edward Weinstein, Boardmember Abba Tor, Village Manager Neil P. Hess, Deputy Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto.

ABSENT: Planning Board: Boardmember Patricia Speranza, Boardmember William Logan.

CITIZENS: Twenty (20)

Mayor Kinnally declared the meeting in session for the purpose of considering the application of Hastings/Manor Riverpointe according to the public hearing held immediately prior to this meeting. Boardmembers Weinstein and Tor have no questions at this time.

Mayor Kinnally: Trustee Holdstein, you were questioning the drainage?

Trustee Holdstein: Yes. I am fascinated by your conversation earlier about gravity, that it does not allow for water to go back in that direction.

Mr. Lozito: It is a shallow pipe here at elevation 153. It reaches 152 at this point. It is a shallow-pitch pipe, but it does make it. We are going to add a detention ring.

Trustee Holdstein: One of the questions we covered is the issue of the maintenance of the road, whether there would be a shared responsibility to maintain the road in terms of snowplowing and safety measures.

Mr. Lozito: We have met with the board of Riveredge Co-op and are aware of their issues, and we have offered a more than fair-share arrangement to share the expense of maintaining the road. Riveredge has approximately 160 units, and Riverpointe has 15, and we proposed a 25 percent share. We are awaiting a response from the Board.

Glen Keegan, president of the Board, Riveredge: We received a letter from the Riverpointe people discussing only snowplowing. We have had no discussions as to the maintenance of the road. Our understanding is that the road will be owned by the Riverpointe people, and that they will be maintaining the road. We will discuss it, but I am not sure what our position will be.

Martin Ginsburg, president, Ginsburg Development Corp.: It is a private road, and this is an item that we will resolve by dialogue with Riveredge; the arrangement between us and Riverpointe will have to be clearly spelled out in the offering plan.

Trustee Holdstein: I would like the final resolution deposited with this Village if that is appropriate because of our responsibility in case of fire.

Mayor Kinnally: I will defer to the Village Attorney on this, but I cannot imagine anyone getting financing or insurance on a house that they are not going to have access to.

Mr. Ginsburg: You have this situation in the Village presently where you depend on somebody to plow their own driveway so you can get access to the building, whether it is an apartment, a condominium, a townhome.

Trustee Keaney: In your homeowners offering plan the Association will have the requirements to plow the road and keep it maintained. Perhaps the benefit of those easements and covenants could run to the Village as well, so that if we ever needed to enforce those covenants we would have the legal right to do so.

Village Manager Hess: I addressed this in my letter to both Boards. If there is a fire police, or ambulance call during the winter, we dispatch a crew to clear the road whether it is private or public. It would be the same situation here in an emergency. I cannot guarantee the same thing on David Lane because that would be Yonkers' responsibility. I do not know if they provide that service on private streets. But we dispatch the closest crew to the emergency area.

Trustee Holdstein: For the record, we have talked at length about some of the issues, most of which, if not all, have been addressed this evening. You have done a great job of responding to all the demands from the Boards. I had concerns about the tree-planting. You are willing to work with our Conservation Commission on that effort. It has been a long process and I have never seen a private developer work as closely with as many boards and commissions as you have. Also thank you for the property you are donating to the Village to potentially use for affordable housing.

With regard to the schoolchildren, I cannot see not having a positive cash flow of \$91,000. I do not see a lot children there. I would venture to guess that more kids have moved into town in the past year via house sales than will come from this project, yet we have gained no extra income, because they are the same houses at the same tax rate.

Trustee Keaney: The title of our Cluster Housing Law is a Conservation or Cluster Housing District., and the purpose of the Cluster Housing Law is absolutely met here: to preserve as much open space as you can by placing the houses and diminishing the impact. That is what they have done; about half the space is being kept open. Across the street from the Lenoir Preserve is a perfect place to do it. It is going to be a very well-designed project. It will be a net tax gain to the Village because we are not plowing the streets and not maintaining that road. To a lesser extent it will be a net tax gain for the school district.

Chairperson Barr: Any change has an environmental impact. The goal of our law is to mitigate them, and that goal of mitigation is being addressed. It is a small, and carefully planned, project.

Trustee DeVita: Is there pedestrian access from the property to Broadway other than the road?

Chairperson Barr: Is there not a new trail pass going up?

Mr. Lozito: We talked about having a trail from Warburton to the Trailway and then up to Broadway. We discussed having the trail run along the northern property line in the area to be developed, and having it meander through the open space up to the bend in Dudley Avenue. At that point it would y be along the roadway. If there is some way of connecting another trail so you could walk through the woods for almost half of it, that might be a nice experience. We might address that concern.

Trustee Gagliardi: I would like to thank the developers for their reasonable and responsive actions. I think it is a great project. I agree with my fellow Trustees on all the points.

Boardmember Hutson: In regard to the berm, a crucial thing with the kind of trees you are talking about is how wide it will be to support the surface root systems in dry time. Does it run to the south end of the property?

Mr. Lozito: It will stop at about this point because it drops off to that low area where the drainage now exists. There was concern about stopping the flow of the runoff that comes off the trail itself, so we had to avoid a swale that exists there now and not interfere with it. I do not have an exact dimension for the berm. Six feet on top is typically sufficient.

Boardmember Hutson: If there is no reason not to make it wider, , it should be wider. How many conifer plantings are we talking about on the property now?

Mr. Lozito: 27 white pines and 11 spruces, about 8 white pines additional in the berm area.

Boardmember Hutson: Some of those taller trees could possibly survive, so perhaps you could leave them and see if they make it.

Mr. Lozito: We agreed that we would try to work with the grade to see what we could do in that corner as far as saving those, but the sewer does run right to this point.

Boardmember Hutson: In regard to the Trailway, is it possible that you would be willing to work with us and consider that a current development as opposed to a future possible?

Mr. Ginsburg: I would be willing to work towards establishing a trail in that area., but it would have to be planned concurrently with a future housing project on Warburton. The trail that goes up from the Aqueduct through the Lenoir Reserve is potentially a much more interesting trail and it is totally neglected. I would be interested in helping to restore that trail. It would accomplish more because the trail we are talking about is a relatively short trail to Dudley Avenue, while the other trail goes from the Aqueduct up the hill through the Lenoir Reserve and then ties in further up on Dudley.

Boardmember Hutson: We are interested developing loops so that you do not retrace your tracks and seeing if we could lay out the trail, because this might effect your fences and the screening.

Mr. Lozito: It would make sense to work with the Graham School in that area to see if the trail cannot go onto that property as well, in order to get the best possible trail.

Mr. Ginsburg: I would be willing to work to get this trail in while we are under construction and work with whoever wants to work with us.

Boardmember Weinstein: Is that a commitment to the trailway?

Mr. Ginsburg: Yes.

Mayor Kinnally: Since this project has been resurrected, community interest has increased as has the responsiveness of the developer. My reaction to this development is a positive one. The Cluster Development Law was put into effect as a way of minimizing the effects of development. I cannot think of a more isolated area in the Village than this parcel. It abuts onto a state park which runs the length of the Village, but the impacts in parking, traffic, and of being visible from our larger thoroughfares are practically nil. The concerns about the impact on the Aqueduct have been minimized. There are going to be positive improvements in that area. This is a plus for the Village. I commend everyone who was involved in it.

The action that will be taken tonight is consideration by the Planning Board of the application. The Village Board will take this up at its Regular Board Meeting next week.. Two things will be addressed. The first is the application for variances, and the second one is the final approval of the site development plan for the Riverpointe project. So I will turn the meeting over to Rhoda Barr, the Chair of the Planning Board.

Chairperson Barr: We gave tentative approval at our last meeting subject to strong conditions and provisos, and we must decide if those have been met to the point where we can give the approval to pass it on to the Village Trustees. We may want to have a clarification about the environmental impact. Mr. Weinstein has a resolution.

Boardmember Weinstein: The resolution relates to a determination by the Planning Board that this project does not require an Environmental Impact Statement; in other words, a Negative Declaration.

NEGATIVE DECLARATION

On MOTION of Boardmember Weinstein, SECONDED by Boardmember Lee, the Planning Board voted unanimously to make a Negative Declaration on the Hastings Manor/Riverpointe project on the following basis:

The Planning Board, having reviewed the SEQRA Environmental Assessment form submitted by Ginsburg Development, L.L.C., in connection with its application for development of a 4.8 acre parcel of property on Dudley Avenue, on the Village's boundary with the City of Yonkers, as fifteen, fee simple townhome residences under the Village's "Conservation or Clustered housing District (CCH-2) Law," hereby determines that the proposed development is an unlisted action and will not have a significant adverse impact on the environment.

Because the proposed development will be clustered on approximately 2 acres of the site, it will have far less impact on the environment than if the 4.8 acre parcel were subdivided and developed into 15 separate single-family dwellings. The several environmental impacts identified are small to moderate and adequate measures have been proposed to mitigate them.

The Planning Board has reviewed the same application for SEQRA compliance previously, and issued a negative declaration. The latest application has a few minor revisions, none of which are environmentally significant.

The Planning Board, in reviewing the Environmental Assessment Form, concluded as follows:

1. The proposed action will have a small impact on land because a portion of the land contains slopes in excesses of 15%. The impact on the slopes, however,

is mitigated entirely by the Storm Water Management Report submitted by the applicant in connection with the Steep Slopes Law review of the project.

2. The proposed action will have no impact on any unique or unusual land forms.

3. The proposed action will have no impact on any protected water body.

4. The proposed action will have no impact on any non-protected existing or new body of water.

5. The proposed action will have no impact on surface or groundwater quality or quantity.

6. The proposed action could alter drainage flow somewhat because of a small increase in impervious area, but this impact is mitigated entirely by the Storm Water Management Report submitted by the applicant in connection with the Steep Slopes Law review of the project.

7. The proposed action will have no impact on air quality.

8. The proposed action will have no impact on any threatened or endangered species.

9. The proposed action may have a small impact on the habitat of flying squirrels, a non-threatened, non-endangered species, but we do not determine this impact to be significant. Indeed, because the proposed development is clustered on 2 acres, more woodland will be preserved than if the parcel were developed into 15 separate building lots.

10. The proposed action will have no impact on agricultural land resources.

11. The proposed action will have a small impact on aesthetic resources in that the development will be visible from the Croton Aqueduct trail, but that impact is mitigated by the design of the buildings, the use of materials and colors that will blend in with the wooded setting, the design of a fence that will be unobtrusive and blend in with the landscape, by planting shrubs on the Aqueduct side of the fence, by planting additional trees on the southern end of the site, and by planting trees on the Aqueduct property.

12. The proposed action will have no impact on any site or structure of historic, prehistoric, or paleontological importance.

13. The proposed action will have a small impact on the quantity of existing open spaces, as would any development. The clustering of the 15 dwelling units on 2 acres of the property permits more open space to be preserved than if the parcel were developed as 15 separate building lots. The proposed action will also have a small impact on the Croton Aqueduct trail, but that impact is mitigated adequately, as described in paragraph 11 above.

14. The proposed action will have a minimal impact on existing transportation systems, in that it will generate an additional 10 car trips in peak hours.

15. The proposed action adjoins two critical environmental areas, the Old Croton Aqueduct Trailway and the Hudson River and shoreline. It will have a small impact on the Old Croton Aqueduct Trailway, but that impact is adequately mitigated as described in paragraph 11 above. It will have no impact on the views of the Hudson River nor on the Hudson River shoreline.

16. The proposed action will have no impact on the community's sources of fuel or energy supply.

17. The proposed action will result in no objectionable odors, noise, or vibration.

18. The proposed action will not affect the public health and safety.

19. The proposed action will not have a significant impact on the character of the existing community.

20. The proposed action will not create a material conflict with the community's current plans or goals, as are officially approved or adopted.

This Negative Declaration indicates that no Environmental Impact Statement need be prepared, and that the SEQRA process is complete.

Chairperson Barr: We gave tentative approval to this project, subject to the conditions that have been discussed this evening. Do we as a Planning Board recommend this to the Village Board for its approval under the Cluster Law?

Boardmember Weinstein: That would be subject to the various items that we discussed, including the ceding of land for the affordable housing site and the Trailway.

Chairperson Barr: I would say that we give approval subject to the continuing collaboration that the developer has agreed to and that there also be an element of reasonableness on this.

SITE PLAN AND SUBDIVISION APPROVAL

On MOTION of Boardmember Hutson, SECONDED by Boardmember Lee, the Planning Board voted unanimously to give final approval for site plan and subdivision for Hastings Manor/Riverpointe consistent with the proposal as presented and amended.

Mayor Kinnally: The Village Board will consider the application at its Regular Board Meeting next week. I would ask Mr. Lozito to address the issue of the silting-up of that area, and report either in writing or in person prior to the meeting. Is the issue two-fold: the removal of any silting at the present time and a barrier to previous silting in the future, and maintenance?

Brain Goodman, manager, Old Croton Aqueduct: The removal of the silt is important because we would like to see what is at the bottom and if there has been any damage. We had

discussed putting stone work on either side which will help break up the flow. Bruce had agreed to send the camera up from the other end as a check. The important thing is that the silt is cleared, and I am happy to leave this to your satisfaction based on what I have said.

Village Planner Walker: The Architectural Review Board would like to have a meeting to review the design elements that have not yet been submitted: the railing and the garage doors.

Mr. Ginsburg: This is a process before you get a building permit, and after the approvals that the Planning Board and the Village Board would do. So we would still have to meet that requirement.

David Leavitt, Hastings Manor: I would like to thank everyone from the Boards, the Village Manager, the Building Inspector, and everyone else. They have always been very cooperative and have treated us with courtesy and dignity. It has been a long road to where we are now. We are better and stronger going into the marketplace with the new revised project.

ADJOURNMENT

On MOTION of Trustee Keaney, SECONDED by Trustee Holdstein with a voice vote of all in favor, Mayor Kinnally adjourned the Joint Meeting at 10:02 p.m.