

City of Hudson Planning Board
Minutes of Special Meeting
May 29, 2025

In attendance: Theresa Joyner, Chairperson; Randall Martin; Gene Shetsky; Dr. Bettina Young; Veronica Concra; Gabrielle Hoffmann; Victoria Polidoro and Cassie Britton, Counsel; Christian Bertram, Engineer
Absent: Kali Michael

Old Business

117, 119 & 121 Fairview Ave., 2 & 4 Parkwood Blvd. and 1 Oakwood Blvd. (Tax ID #s 110.10-2-12, 110.10-2-6, 110.10-5, 110.10-2-11, 110.10-2-10 and 110.10-2-7): Site plan application from HQO Properties LLC to merge all lots creating one large building lot and construct a mixed-use building with 26 residential units and seven office spaces known as The Boulevards, and parking at 23 Oakwood Boulevard, Tax ID #110.39-1-24.

Attorney Charles Gottlieb, representing the applicant, asked the board to consider a resolution to approve the site plan even though there were some minor outstanding engineering comments that could be conditions of approval. He said the lease issue for parking on a nearby lot had been resolved and a note stating that the nine spots dedicated to the project must be available for the life of the project had been added on the site plan. Failure to provide the spaces could result in cessation of use of the commercial space until a site plan amendment was approved.

Motion by Mr. Martin to grant site plan approval with the following conditions: payment of all fees and escrow; receipt of a sewer extension permit from the city and approval of the sewer connection as part of the city's state pollution discharge elimination system (SPDES) permit by the state Department of Environmental Conservation (DEC); addition of a note on the site plan set sheet stating the nine spots dedicated to the project must be available for the life of the project and failure to provide them will require approval of a site plan amendment, and in such event the code enforcement officer may issue a notice of violation to cease use of the commercial space until the amended site plan is approved; incorporate the landscaping plan into the final site plan set; receipt of an area variance for reduced parking space dimensions from the Zoning Board of Appeals; written confirmation from the fire code official that the site plan provides adequate emergency vehicle access; written confirmation from the fire code official approving the approximately 11.8-foot-wide exit and entrance was acceptable and met state fire code requirements; approval from the city of a public access easement over portions of the sidewalk located outside of the Department of Transportation (DOT) and city right of ways; approval from the city Department of Public Works (DPW) for all improvements in the city right of way; and inclusion on the site plan set of comprehensive and accurately labeled details for the underground detention system to the satisfaction of the board's engineer. Second by Dr. Young. Approved 6-0.

Public Hearings

431 Union St. (Tax ID #109.52-3-72): Conditional use permit application from Dr. William Lytle to house five adult hens in a 4' by 6' fully enclosed run with a raised nesting box in the rear of 431 Union St., Christ Church Episcopal.

Motion to open the public hearing by Mr. Martin, second by Ms. Concra. Approved.

Dr. Lytle, the new rector, said the hens would be secured, not wandering around the neighborhood. “They’re quiet, they’re clean and they have to be kept in the cage,” he said.

There being no public comment, motion by Mr. Martin to close the public hearing, second by Mr. Shetsky. Approved.

Motion by Mr. Shetsky to approve a conditional use permit with the following conditions: payment of all fees and escrow; no more than five hens may be kept on the property at any given time; the hens must be kept in the enclosure at all times; compliance with all setbacks and requirements in the City Code; and no sale of eggs or chicken meat on the property. Second by Dr. Young. Approved 6-0.

Mill Street Lofts (Tax ID #109.36-1-10): Site plan application from Kearney Realty and Development Group to build two four-story apartment buildings with 70 units between them on the 3.31-acre vacant lot at Mill and North Third streets.

Motion to open the hearing by Mr. Martin, second by Ms. Condra. Approved.

Sean Kearney of Kearney Realty and Development Group, and Andrew Learn and George Schmidt of CPL Engineering appeared on behalf of the applicant. Mr. Kearney said the board’s engineer submitted a review letter that confirmed that the development would not worsen any of the flooding conditions for the neighboring properties. “Regardless of the situation on Mill Street, we’re not going to be contributing to that problem,” Mr. Learn said.

Mr. Kearney also highlighted some of the changes since first appearing before the board, including a changed façade, updated renderings of the buildings, walking trails to a wooded picnic area as well as a path down to the dry basin area and benches in a seating area for residents. Additional landscaping and trees were planned along Mill Street, the emergency access turnaround at the end of Mill Street was improved, sidewalks were planned for the site down to Second Street and a bus shelter built for anyone to use if they call for the bus ahead of time or, if there was enough demand, become part of the bus route. Lastly, the company planned to replace the water main on Mill Street with an eight-inch pipe. “We’re the developers. We’re the buildings but most importantly, we’re the owners and we’re the managers....,” he said.

Kearney has affordable, mixed income and market rate properties. “Issues come up but we’re going to be the face that addresses those issues,” Mr. Kearney said. “It’s always going to be us. We don’t flip it, we don’t sell it, we don’t deal with a third-party manager. It’s always us.”

Ms. Joyner asked about the trail that led to Second Street. He said the company would work with the Columbia Land Conservancy. The design was not completed so he did not know what Kearney’s role would be but said that would provide another way out of Mill Street in a sense. “It’ll be a walking trail meandering from Third Street to Mill.” The nearby Empire State Trail that runs up to Harry Howard Avenue can be used by emergency vehicles if necessary.

Mr. Martin asked if the units would be affordable in perpetuity. Mr. Kearney said there was a deed restriction for such.

Mr. Martin also asked about parking. Mr. Kearney said affordable and mixed income development had less parking demand than market rate units. A parking study found that 57 spaces—none designated—were more than adequate for the 70 apartments. The statewide average was .4 to .5 spaces per unit and this development would be .85 per apartment. It was noted that Bliss Towers had 40 spaces that were underutilized. Ms. Hoffmann asked where overflow parking would be if the spaces proposed were not underutilized. Ms. Joyner said she observed during a site visit that each house had a driveway except one on the opposite side of the street and each driveway could accommodate about three vehicles. Mr. Kearney said parking

overflow would become a management issue, but he did not foresee that happening. He said the company's other 70- and 75-unit developments had 30 to 35 parking spaces and during each visit there were spaces available. The only issue with parking occurred in developments with restaurants on the first floor. Ms. Polidoro asked if the developer issued parking permits. Mr. Kearney saw no need to do that but could if needed. "If someone's parking in the street illegally, parking somewhere else illegally that's on us as the manager to enforce our lease with them and either they have too many cars and they need to either move or reduce the number of cars." Dr. Young asked if there would be a lease provision allowing one vehicle per unit and was told that would only happen if it became an issue.

Ms. Hoffmann said she took residents at their word, and the project did seem to be in a unique location—a narrow dead-end street that is not in the center of the city. She said parking was already an issue on Mill Street and wondered if the city would get involved at any point. Mr. Kearney said if the issue was off site, it would be handled by law enforcement and by management if on site, "and if it's law enforcement it's going to end up with management anyway."

Mr. Martin asked the applicant to address mitigation of water. Mr. Learn said detailed reports on flooding and mitigation had been submitted. There were two issues—runoff produced by the site itself and runoff conveyed through the site from upstream. A drainage channel was designed to convey the flow coming through the site. Based on existing conditions, the site would produce 27 cubic feet of water per second during a 100-year storm. The water from the site will be directed to an underground detention system beneath the parking lot. The chambers were designed to release water slowly so the runoff would be the same or less. Mr. Learn said at present about 92 cubic feet per second of flow would come through the site during a 100-year flood. That water flows to existing pipes, backs up and overflows around the end of Third Street and flows into the site. The same flow rate at the other side of the site would not necessarily change. "We have designed the stream channel to convey the same amount of flow when it flows through the site. It's wider and shallow going through the channel. It's obviously deeper because it's a little narrower, but overall, the flow rate is the same and the travel time is the same or roughly the same, which in effect shows that we're not causing any changes to the flooding."

Ms. Condra asked how that solved the current flooding issue if the numbers remained the same. "Nothing you do at this site will solve the problem," Mr. Kearney said. "It'll continue to flood the corner of Second and Mill streets." Water in the field goes through a stream channel. There will be a dry basin and then a connection into the city's stormwater system, but the flooding condition on neighboring properties, we can't solve with our site. We're just showing that by developing the site we're not making that condition worse for any of the neighboring properties." Ms. Joyner asked if developing the site would cause water to float on the site. Mr. Learn said it would not. The flood plain elevation is 11.3 feet. The site will be constructed so the floor elevation of the buildings will be at 20 feet "so our site will not flood." The site will be built 20 feet above sea level and aligned with the road so when the road flooded, there would be no flooding on site, rather water would flow down and away. "We're building a channel to try to capture as much of that."

Mr. Kearney said DPW indicated that flooding at the intersection of Second and Mill streets was not a concern for most vehicles and was not a concern at all for emergency vehicles, plus, the water usually dissipated within a matter of hours. Mr. Learn added that in a worst-case scenario, the Empire State Trail was designed to accommodate emergency vehicles.

Ms. Hoffmann asked who would be liable if flooding got worse and impacted the homes on Mill Street. Mr. Kearney did not believe anyone would be at fault if a storm beyond 500 meters occurred. Mr. Joyner felt that the city would not be on the hook and would likely attempt to hold the owner responsible.

Mr. Martin asked the project cost and was told it was about \$20 million. Mr. Kearney said the company guaranteed a lot of money and had borrowed as well.

Ms. Hoffmann asked if the deed to the property had been transferred yet and was told that it had not. Ms. Polidoro explained that the board handled applications where development was proposed on someone else's land, but the board did not review them unless the owner signed off on it. In this case the owner co-signed the application, which gave Kearney the authority to act with their agent. "It's between them and the owner about whether they're allowed to build it or not." Ms. Hoffmann was still concerned about the deed and its restrictions. Ms. Polidoro said that it was a general rule that Planning Boards did not enforce private deed restrictions; boards were tasked with looking at the land and its compliance with zoning law. "If there is a restriction on the property, that's up to the owner and the people that can enforce that restriction." Ms. Hoffmann countered that it was the board's responsibility to protect the health, welfare and well being of the community and referred to the issue over whether the field was supposed to be parkland forever. "The Planning Board's role is to implement the zoning law, which gets adopted by the Common Council so you're working within the confines of the zoning law. The Common Council has made a determination that allowing certain uses in certain districts at certain heights and certain densities is within the public benefit. That was their determination so you're just here really to implement that. As far as we know, the record doesn't have anything in it that says that this is dedicated parkland, but that's an issue for the Common Council, who's going to be conveying this land," Ms. Polidoro said.

Ms. Hoffmann also asked why a variance was needed for a fourth floor. Mr. Kearney said a provision of city code would be used that allowed a density bonus, meaning an extra story, if the housing remained affordable in perpetuity.

There being no further questions from the board, Ms. Joyner invited public comments. Adolfo Lopez, the assistant director of the Greater Hudson Promise Neighborhood, voiced support for the project "not because it's perfect, things rarely ever are, but because it's necessary. This is one of the few opportunities we have to use city-owned land for real affordable housing for people who are already part of this community or for the many children and families formerly a part of this community who have been displaced."

He worked specifically with the unhoused population on the county's multi-disciplinary team and said he could speak to the accuracy of the displacement and homeless crisis facing the city. He said the homeless population had neared 100 people and that there were no rooms in the county to house them and only one available in Rensselaer County. "This paints a harrowing picture of the reality that faces many who used to call the city home for generations. It seems like some residents are choosing between building housing or leaving people behind to live in our local parks, which isn't exactly looking out for the health, public welfare and well-being of all of our residents, especially the most vulnerable. Even when there is a very, in my opinion, reasonable solution present, the crisis here isn't gentle. The displacement isn't gentle so our response cannot be gentle either. Hudson can build responsibly, and we should, but let's not confuse stylistic preference for structural equitable justice. We don't need more design theory. We don't need more conversations about preserving neighborhood character when the semblance of neighborhood is being suffocated and made further exclusive. We need action. I urge this

board to move forward with courage not solely for the people who are already housed in the city, but for the people still yearning to belong to a once inclusive and responsive neighborhood.”

Bryan MacCormack, a co-founder and co-executive director of the Columbia County Sanctuary Movement, also spoke in favor of the project. He said his organization’s membership—immigrants—were systemically excluded from most of the safety net services that people can receive in the area, such as Social Services and Section 8 housing. “This is an opportunity for our community to have access to affordable housing in a way that they never have before. Our community is a vibrant community and is responsible for a lot of the vitality that Hudson currently holds as well as the economy. They have rebuilt the city. They clean the city. They serve this city and all the service industry and they are excluded from living here. We need to find ways for both our historic populations and our newcomers to have access to affordable housing and I believe that this is one of the ways that we can do so.”

Fourth Ward Councilmember Jennifer Belton said she wanted affordable housing and liked the project, but she just did not like where it would be located because of the flooding. She feared that the project would force water away from the site and into the homes of people who live on Mill Street. She said the board chairman stated at a previous meeting that the city would be responsible for mitigating the water at the site. The applicant also stated that they would not do anything to make the situation worse but would not make it better either. “I’m really concerned that we’re going to have unhoused people because of flooding.” She said it would cost millions of dollars to stop water from coming down the hills and because Hudson was a sanctuary city it would not receive grant funding.

“There are other places you can build. There’s lots of empty space and these are dry,” she said. Mr. Learn said additional catch basins would be provided so water would back up and not increase flow downstream, which would cause additional flooding at the intersection. “We’ve designed the channel to convey all that water, assuming it’s 100 years or less, through this channel and it will convey the water through the site,” he said. “It will have no effect on these properties that are across the street that are not within the flood plain.”

“Climate change is real,” Ms. Belton said. There had already been significant flooding that was not from a 100-year storm, including Hurricane Irene and just a few weeks ago, when she went to the site when water was ankle deep. She asked the DPW superintendent at the Common Council’s last Informal meeting what could be done to help mitigate the water. “He said we’d need another study which would be thousands of dollars, would take a lot of time and we’d have to start trying to stop the water from above, so meaning build dams... There’s a lot of water coming from three different directions. Don’t build in a flood plain.”

Claire Cousin said the need for affordable housing was obvious. She made note that when Habitat for Humanity announced plans to build on Mill Street, “the concern wasn’t as loud,” which she said was relevant to this conversation. “I also think if we’re going to consider what quality of life means let’s ask the people that are saying they don’t want these folks to move down here or they don’t want new housing. Is your quality of life bad in this area?” She complemented the developers for their explanation of mitigation plans.

Hudson Catskill Housing Coalition Executive Director Tanya Jackson supported the project. She said the neighborhood, formerly in the Second Ward and now in the Fourth Ward, had a history of disinvestment and industrial concerns. “All of these things are not new and the folks who have lived there for generations have had to navigate these things while welcoming new people to their neighborhood who they’ve had to make space for,” she said. “I think it’s a shame that when it’s time to make more space for folks who’ve already put so much to building

the city, that there's all of these concerns around the flooding and the transportation, which in a small city like Hudson, we have the ability to address those concerns and so to keep harping on them seems like a distraction from the fact that people are not looking at the human cost of not moving this project forward."

The issues of homelessness and displacement have been brought up on one side and parking and flooding on the other "as though those things should be equated with safety for people and housing. We want families to be secure. We want the next generation of children to be secure and if the inability to move with the fact that we need affordable housing is not addressed now, then the city is being two-faced about what it considers a community."

Ms. Jackson said Habitat for Humanity helped that area become residential "so why is it now that we want to expand that affordable housing to more people that it's an issue?" I understand wanting to keep the character of a place, but this is not just an opportunity, it's a responsibility and we need to be able to take this responsibility on under the sheer urgency of the moment. Let's not get trapped in time. Let's move for the needs of our future."

David Quituisaca, a community organizer with the Columbia County Sanctuary Movement, spoke in favor of the project. Though not a native of Hudson, he said he grew up with many who were and watched them be pushed out of the community. "I'm watching them not being able to actually live within the City of Hudson. When I do my organizing calls I'm calling them and telling them 'Hey, come to City Hall. We're fighting for housing justice,' but they don't feel like it matters if they don't live in Hudson proper," he said.

Immigrant communities do not have access to social services or housing and with changes in government agencies, they and low-income people will be looking for housing and that search will become critical. "Everybody, it sounds like to me, in this meeting wants affordable housing to happen. It's just figuring out the nuts and bolts of it and that should not be a point of contention to stop this project from moving forward."

Mill Street resident Lakia Walker said the development had been sold in the community on the concept of it being affordable housing. However, that was not clearly defined. She said the U.S. Department of Housing and Urban Development (HUD) referred to affordable housing as having occupants that pay no more than 30 percent of their gross monthly income for housing costs, including utilities. She said the general guidelines did not specify income thresholds or unit allocations, which could vary significantly. "People in the community should be aware that affordable housing is not the same as low-income housing. Even though affordable housing programs take housing voucher programs such as Section 8 and public assistance, affordable housing is usually determined by a percentage of the median income level in an area, which for the City of Hudson is quite high. This is a concern because there hasn't been anything in writing to show the community what the affordable housing plan looks like and who will be eligible."

Ms. Walker said the Depot District project was an example of city officials "promoting a huge affordable housing initiative with community support to just become something other than what was promised."

She posed the following questions: Will all 70 units be affordable or will some of them be designated for certain income levels? What are the income thresholds for each unit? Will there be minimum and maximum income thresholds and how many units would be designated for each income category? How many will be for 30, 50 and 80 percent of the average median income (AMI)? What will the rent be for each unit type (one-, two- or three-bedrooms) and how do they compare to local market rate? Besides income, are there other eligibility requirements for an apartment, for example, employment status, family size, credit check or background checks?

How will people hear about the building and how will they apply? Will current residents of Hudson receive priority over out of towners? What mechanisms are in place to ensure that these units remain affordable over time? Is there a contract with term limits in place? Who was the development intended for—families, young single workers or senior citizens?

Mr. Kearney said the terms affordable and low-income housing were ambiguous and could mean a lot of different things. He said he proposed mixed income housing for different AMI bands. Units would be for individuals and families at 30 percent, 60 percent and all the way up to 100 percent of AMI. A single person could have a minimum annual income of just under \$24,000 and on the highest end, at 100 percent, a three-bedroom unit for six people would allow a maximum annual income of \$143,000. He said there would be 43 one-bedroom units, 21 two-bedrooms and six three-bedroom units.

Asked if preference would be given to current Hudson residents or whether there would be a lottery for the units, Mr. Kearney said legally they could not give a preference. “Our market plan has to get approved by the state. What happens in every instance is we’ll have more applications than we have units, so we’ll set a deadline. Anyone can submit an application, even after that deadline... We have a lottery, and we assign those randomly generated numbers to each application... and we start processing from that.”

Mill Street resident Kevin Johnson asked exactly what percentage of units would be low income or affordable. He also expressed concern about flooding. “The field is constantly under water and you said yourselves that you were not going to make it better. You just weren’t going to make it any worse.”

Mr. Kearney said 54 units would be for those that were up to 60 percent of the county’s AMI, nine for up to 30 percent AMI and seven for up to 100 percent AMI. He said the maximum annual income for one person at 60 percent AMI was about \$47,000.

Ms. McCalop said she approved of the project “and let’s make America great again.”

Mill Street resident Eliza Orange said affordable housing was extremely necessary, yet she was concerned about flooding. Her property is diagonal to the project “so any runoff water is going directly into my property.” She said there was a catch basin, but it was often clogged.

Mill Street resident Brian Vosburgh said that based on current conditions, it seems like there was more water than there ever was in the past. “My house was wasn’t originally designed part of the flood plain and they changed the district where half of my house is considered part of the flood plain. I’ve seen tremendous changes where I have flooding in my basement now where I never had.”

Still, he supported affordable housing but was skeptical about the project’s location. “We’re trying to squeeze an awful lot into a very tight space. In terms of displacement of the water, if you’re adding a lot of cubic yards of fill and building it up, the displacement of the water, I feel, is going to continue up this way. The flooding...it’s been so deep where I own a truck, and I couldn’t drive through it.” He added that flooding also brought debris.

“Based upon the size of the project and the footprint of the blacktop, water has no place to go even though you’re doing piping and things. There’s a possibility that things might not work out well so my concern would be what recourse do I have?”

Mr. Vosburgh said he lived on Mill Street prior to the construction of the Habitat houses and it had always been wet, but it became worse. “Now it’s basically a pond if we get a lot of rain.”

Fourth Ward resident Al Weaver asked if parking studies were done on the applicant’s other projects and how many of those developments were located on a dead-end street in a small

town. He disputed the applicant's description of Bliss Towers having ample parking, stating that several units were uninhabitable so the need for parking could be lower.

Mr. Weaver said there were several other suitable sites for development, such as the lot on State Street that Kearney planned to develop, 604 Washington Street and property at State and Front streets next to Kite's Nest. "There's lots of alternative sites where this could be built so I don't understand the urgency to build this in a flood plain."

Mill Street resident Josh Kipp urged the board to reject the project. "This development highly risks flooding our homes, violating a deed and stems from Mayor Kamal Johnson's pressuring the school district to break a promise in 1983. The school district sold the land to the city with a forever recreational clause. Kamal Johnson's push to remove this reverter in 2023 betrays 40 years of trust. The ball field, in a Federal Emergency Management Agency (FEMA) flood plain, shields our homes across Mill Street as a natural catch basin."

Mr. Kipp said the types of storms that have occurred recently were no longer once in a lifetime. "Global warming is real. Filling this field will flood our properties, spiking insurance and repair costs and, God forbid, costing lives. The environmental review demands scrutiny, but we all know this was given minimal importance as most of you were asking one another which boxes to check when it came time to fill out the state Environmental Quality Review Act (SEQRA) form."

He asked board members to use common sense and keep in mind that a rushed review would invite an Article 78 challenge. "Besides the flooding, Mill Street's narrow dead-end can't handle 70 more households, risking safety. The park slated to be revitalized soon is already going to have a severe impact on traffic, parking and children's safety. Find a safer housing site, save our homes and trust."

Mr. Kipp asked if the impact of an ongoing sewage leak was known. He said DPW tried to fix it about a month ago. He also worried that children might drown in the proposed ditch.

Jayden Cross, who sits on the city's Comprehensive Plan Steering Committee, noted that one could not have quality of life without life in general. "There's a lot of people who are being displaced. There's people who aren't able to work and live within the city," he said. "I agree with this project on the basis of adding a higher quality of life, on the basis of at least there's life in general and at least these people are able to move and continue where they're going in life."

First Ward Councilmember Margaret Morris made note that 70 families would be unable to exit Mill Street if and when it flooded, "and it floods frequently. There's a plan for emergency vehicles, but that's not going to be any help to the 70 families living in it. I just want to make sure that we all remember it."

Mayoral candidate Lloyd Koedding asked how the project aligned with the comprehensive plan currently under revision.

A woman who identified herself as Janessa said people with "pork and beans budgets" were struggling to survive and needed affordable housing. "Are you trying to build a project for everybody to survive in? There's a lot of homeless people and... a lot of them can't even afford to go nowhere. Like the last person said, there's no housing for them anywhere. They're sleeping in the park; they're sleeping under bridges. Whether they choose to or not, they're still doing it and if they don't have a safe haven to go to, how are they going to survive?"

The Rev. Kim Singletary was glad to hear that housing was being developed to help alleviate homelessness and housing instability. "I came and I thought that I could put 100 percent behind support for the project, but listening to how few apartments will be actually affordable for the people in the community we're trying to house, I have that concern. I understand what you're

saying about building 20 feet up above the flood plain and the catch basins and the pipe that's going to be wider, diverting water. ... You wouldn't want to be throwing money down into the sewer, but six apartments of 70, \$47,000. We don't have that kind of income in the community. I know as developers you make an investment. You want to recoup your investment, so I don't know where we go, but I know that's not the answer."

Kayah Payton, assistant asset manager for the Hudson Housing Authority, asked if the \$47,000 annual salary would be the cap. She said units for those at 30 percent of AMI were offered in Bliss Towers, Schuyler Court, Hudson Terrace Apartments and Providence Hall, and Crosswinds for workforce housing. She said there was nothing available for middle class people working at nursing homes and schools. She said \$50,000 was not a lot of money, but just because one earned that much "doesn't mean you can pay \$2,000 in rent. These apartments are definitely needed. You have so many people who every time they get a raise with that 30 percent they're going to be pushed out."

Ms. Payton said there was a difference between affordable and low-income housing. "You need that affordable in place because everybody isn't on public assistance and everybody doesn't get SSI."

After a short recess, Usha Berlin, a member of the city's Housing Trust Fund Advisory Committee, said she had seen many changes in the community over the last 35 years. "I've seen houses go from serving three to four families to being for one. I see that Hudson really needs housing. I always think of a city as a person. You need all the parts of the person to work to make it an integrated city."

She hoped that the location could be worked out and be environmentally approvable. "Basically, I just would like to see a place for people who work here to have a place to live here. I don't see that happening. I see a lot of Airbnbs where people come and go. You could be famous today and have your fall tomorrow, but there are people that live here, lived here before I ever came here, and this is who we want to keep here. That's what makes a city healthy. It's not just money status and your position. It's more than that, to make something grow, prosper and include all."

Mr. Learn again explained how water would flow through the site using a narrower and deeper channel. He said the company would remove twice as much material from the flood plain that it put in, which would effectively make it so the flood elevation did not change. The firm was complying with all regulatory requirements for stormwater and requirements for flood plain development. He said DPW officials reported that water reached around 12 inches three times in the past, a depth that was traversable by emergency vehicles and large passenger vehicles. Plus, he was told that the water receded within hours, so people had the ability to come and go.

Mr. Martin asked if there was a maintenance schedule that would keep the ditch clean. Mr. Learn said part of the on-site stormwater prevention plan included requirements for maintenance in perpetuity.

Mr. Learn said that the trench was sloped to six or seven feet deep. Asked if it would be fenced, he said plans called for guard rails along the sidewalk. Members had safety concerns. Counsel suggested conditioning approval on signage and safety features such as fencing, guard rails or a combination of both.

Mr. Kearney addressed parking and said the company had at least two projects on dead-end streets and in cities, villages and the suburbs. The parking lots, on average, had around 35 spaces. "Across the board we don't provide one parking space per unit." He added that information about the company's projects was available on its website.

Mr. Kearney also addressed income limits. “We try to provide a broad range of income limits, this way you can capture a lot of households and individuals and if someone begins to earn too much, there’s an opportunity to stay in the development.” The maximum annual income for someone at 60 percent of AMI is \$47,300 and \$54,120 for two people. “Someone can make under that, but they can’t make over that.” Asked what the monthly rents would be, he said someone who earned up to 30 percent of AMI would pay \$513 while someone who earned up to 60 percent of AMI would pay more than \$1,000.

Mr. Kipp suggested that the applicant write down all of the questions asked and that the answers be posted online.

Lengthy discussion ensued on the drainage channel and safety, as well as the detention system beneath the parking lot. The applicant indicated that they would put up a fence if desired.

A resident asked how Kearney would monitor and ensure that, after the lottery, Hudson residents would get first dibs on available units. Mr. Kearney said there would be local marketing efforts and could provide a preference. “I get what you’re saying, you can’t legally ostracize people out but would you guys be willing to at least keep track of data where if you see an influx of people coming from the city... you’ll do more marketing or something after the lottery period?” a woman asked. “I don’t want this development to be run over by folks coming from outside areas. It’s not going to be helping the people that are fighting for it,” Ms. Payton said. “We just need to stop making excuses that we keep coming up with to stop the project. We need to stop arguing.”

Mr. Kearney was asked if there would be eligibility requirements such as employment status, family size and background and credit checks. He said there would be background, criminal and credit checks and employment verification. “We verify everyone’s income.” He added that the state had new guidelines that had less focus on credit scores, “especially when it comes to medical bills or student loans, so if there’s an issue with credit, you actually have to dive into what’s the issue with the credit. What happened? Was it for not paying the rent or was it for a single medical incident?” As for a person’s criminal history, he said there was a checklist to go through to see when infractions occurred, whether there were repeated patterns or repeated violent offenses.

Fourth Ward Supervisor Linda Mussmann said it was difficult to visualize the project. She referred to the Depot District building, the size of which was a surprise to someone after it was actually built. “Maybe there’s a way you all could stake this out, really show the community where it all is and the height so that we could actually see it and visualize it,” she said. “It’s only fair that the community actually have a visual presentation of what we’re going to be seeing in such a limited space.” She was told that renderings and elevation profiles were provided and appeared on the board’s online portal.

Mr. Koedding believed that Ms. Mussmann’s suggestion was brilliant and could easily be done with a three-dimensional scaled model. He asked if the project was aligned with the city’s housing study and comprehensive plan. Ms. Joyner said the project was supported by the comprehensive plan, which encouraged use of incentive zoning for affordable and multi-family housing.

Ms. Orange asked if the traffic study took pedestrians and bicyclists into account, given the project’s proximity to the Empire State Trail. Mr. Kearney said the study included counts of people walking, running and bicycling.

There being no further public comment, motion to close the public hearing by Mr. Martin, second by Ms. Joyner. Approved 5-1 with Ms. Hoffmann voting against.

Motion by Mr. Martin to grant a height variance under incentive zoning regulations with the following conditions: Planning Board and city attorney approval of a legal document restricting the units as affordable housing in perpetuity, and site plan approval. Second by Ms. Joyner. Approved 5-1, with an abstention by Ms. Hoffmann.

Motion by Mr. Martin to grant site plan approval with the following conditions: payment of all fees and escrow; receipt of a sewer extension permit from the city and approval of the sewer connection as part of the city's SPDES permit by DEC; Planning Board and city attorney approval of a legal document restricting the units as affordable housing in perpetuity; submission of written correspondence from the DPW confirming coordination and final design details for the sidewalk and guide rail locations, and hammerhead turnaround on North Third Street; submission of written confirmation from the city and/or state that the Empire State Trail may be used as an emergency access route for the project; revision of the site plan set to include no trespassing signs in the area of the drainage ditch; and board approval of safety features around the drainage ditch, including but not limited to guard rail, fencing or a combination of both. Second by Ms. Joyner. Approved 4-2 with Ms. Concra and Ms. Hoffmann voting no.

Minutes

Motion by Mr. Shetsky to approve the minutes from March 13, second by Mr. Martin. Approved.

Attorney-Client Session

Motion by Mr. Martin to enter into an attorney-client session at 9:42 p.m., second by Ms. Joyner. Approved. The board returned from the session at 9:51 p.m. and Ms. Joyner announced that no decisions had been made.

Motion to adjourn at 9:52 p.m. by Mr. Shetsky, second by Mr. Martin. Approved.

Reschedule Meeting and Public Hearing

Ms. Joyner remembered that the June 10 meeting had to be rescheduled because members would be at a training session. Motion by Mr. Shetsky to reopen the meeting and reschedule next month's session for June 11 at 6:30 p.m. at city hall, second by Mr. Martin. Approved.

Motion by Mr. Shetsky to reschedule a public hearing for the 10-12 Warren Street project to June 11, second by Ms. Hoffmann. Approved.

There being no further business, motion to adjourn at 9:57 p.m. by Mr. Martin, second by Dr. Young. Approved.