



Briarcliff Manor

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November 2006- Minutes

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VILLAGE OF BRIARCLIFF MANOR, NEW YORK
PLANNING BOARD MEETING MINUTES
Tuesday, November 14, 2006



A regular meeting of the Planning Board of the Village of Briarcliff Manor, 1111 Pleasantville Road, Briarcliff Manor, New York 10510, was held in the Village Hall on Tuesday, November 14, 2006 at 8:00pm.

Members Present: Andrew Tung, Chairman
Bill Gorlin, Member
Shelley Lotter, Member
Jay Neveloff, Member
Jay Teitelbaum, Member
Ed Nolan, Alternate Member

Also Present: Patrick LaRow, Planning Consultant
Daniel Pozin, Village Attorney
Ingrid Richards, Assistant Village Manager
David Turiano, Building Inspector

Call to Order: Chairman Tung called the meeting to order at 8:00pm.

PB-17-2006- CHASE-SIGN APPROVAL: The applicant was not in attendance to present the application.

PB-21-2006- HAVEN SPA- SIGN APPROVAL: The Planning Board reviewed an application for a sign permit. The property is located at 1326 Pleasantville Road. The applicant submitted a free standing sign on a single post, burgundy in color with gold leaf lettering, measuring 4' by 4'. It was the general consensus of the Board that the sign was too big. On a motion by Member Neveloff and a second by Member Lotter the Board approved a 2' by 2' sign with burgundy color and gold lettering, provided that the proposed revised sign was first reviewed and approved by the Chairman.

PB-05-2006- OLD SLEEPY HOLLOW ESTATES, LLC-SUBDIVISION AND WETLAND APPROVAL: The Planning Board reviewed an application to subdivide 5 acres into three (3) residential building lots in an R-40 zone. Each lot is proposed to be serviced by public sewer and water and individual driveways. The property is located at 61 Old Sleepy Hollow Road.

Chairman Tung reviewed the October 21, 2006 site walk for the public.

There was also a review of the wetlands report prepared by Jim Nash, AKRF and the ground water and surface water report prepared by LBG, John Benvegna.

Mr. Jim Nash had a question and answer session with the Board.

The AKRF report noted that alternative mitigation or "impact avoidance" measures may be considered in lieu of wetlands mitigation that is currently proposed by the applicant. The report noted that the eastern and western mitigation areas on the plan may do more harm than good, the disturbance that will ultimately occur to create the wetlands mitigation areas will disrupt the area unnecessarily.

Member Teitelbaum asked if the analysis considered the proximity of other open space areas and the ecological impact of developing the area.

Mr. Jim Nash stated that he did not consider those issues.

The LBG report noted that no ground water or surface related issues associated with the development were identified.

The Planning Board had a general discussion with regard to the review of the Critical Environmental Area (CEA). It was noted that the CEA will be considered by the Board in its overall review of the application.

Member Neveloff noted that the general discussion regarding potential sewer connections and mitigation should not be construed by the applicant to mean that the Board was in agreement that the sewer proposal was in the best interests of the Village or that the ability to mitigate impacts justified creating the impacts in

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the first instance.

There was a general discussion with regard to letter dated: October 30, 2006 from Linda Whitehead, attorney for the applicant. It was noted in the letter that the Westchester County Department of Health confirmed that the Pocantico Lake is not considered a potential water source, even as an emergency supply.

Member Teitelbaum asked that Ms. Whitehead provide the Planning Board with the names of the Westchester County Department of Health employees she spoke to with regard to this issue and to clarify which statements in the letter were based upon statements from the County and which were conclusions drawn by counsel or the applicant.

Ms. Whitehead noted that she would be happy to supply the Board with the names.

Ms. Whitehead noted in her letter that since the lake is now County Parkland it cannot be used for any other purpose without an act of State Legislature to alienate it as parkland. Thus, Ms. Whitehead concluded that it cannot be used to provide water. Not all members of the board accepted this representation and counsel was asked to review and confirm the potential for such uses.

Member Neveloff asked that the Village provide an annual cost for maintaining the new sewer infrastructure and maintenance schedule.

In response to a question by Member Teitelbaum, the applicant's engineer Tim Allen stated that the proposed sewer line was to be sized for the maximum number of hookups- approximately 19.

Member Lotter requested that the applicant and the Village provide cost estimates for property owners to tie into the proposed sewer.

Member Lotter also noted that the Planning Board should consider requiring a conservation easement for the property.

There was a general discussion among the Planning Board members with regard to whether such an easement was appropriate in the first instance and issues concerning the enforcement of such an easement.

Member Teitelbaum again noted that this site has been the subject of extensive study and litigation over the past 10 years and requested that all available public information regarding prior hearings and decisions be made available to the Board.

The Planning Board decided to set a public hearing for the application for the December 12, 2006 regular meeting of the Planning Board.

PB-14-2006- MATRA- AMENDED SITE PLAN APPROVAL: The Planning Board reviewed an application to amend a site plan. The applicant is requesting approval to build a two story rear yard addition to the existing mixed use building. The property is located at 1133 Pleasantville Road. Mr. Gregory McWilliams, of Gemmola and McWilliams, represented the applicant. He reviewed the FP Clark and Cronin memos with the Board. He noted that he will provide grades for the parking areas for the Board's review, in response to its request to show compliance with the Village's 5% maximum slope requirement and the New York State Building Code's requirements for accessible spaces. Mr. McWilliams also noted that his client will also provide a cross access easement for the left side of the property. The applicant noted that the addition will provide increased space for the restaurant and offices. In response to suggestions from the Board that 2 parking spaces along the side of the property closest to the entrance be removed, the applicant agreed, but noted that this would require a waiver of the minimum parking requirement for the proposed uses. The Board agreed that such a waiver could be considered. Chairman Tung requested a revised planting plan, to be prepared by a landscape architect, for the rear parking area.

PB-04-2005-LRM/LONG HILL ROAD: AMENDMENT TO SUBDIVISION PLAT (Various Residents of the Subdivision) IMRICH: The Planning Board reviewed a request for an amendment to the final plat approval for a property located on Long Hill Road East. The applicant is requesting that the location of the existing trail be modified. More specifically, the application is to relocate approximately 780 feet of walking trail, 20 to 60 feet south and east of the location approved as part of the Long Hill Estates subdivision (LRM). The walking trail is a wood chip pedestrian way between Long Hill Road, the North County Trailway, and the Village's Pocantico Park. It was noted that grading would not be required and the trail would not be muddy; even though, it would be moved closer to the wetland buffer. It was noted that the trail easement would have to be amended and approved by the Village Board. Member Gorlin and Village Engineer Turiano will conduct a site walk of the area and report back to Board their findings. The applicant agreed that if it was determined by the Building Inspector that any safety rails were needed by virtue of the relocation, they would be installed

VILLAGE ENGINEER'S REPORT: Village Engineer provided a report to the Planning Board on ongoing projects. Village Engineer Turiano noted the following:

- ? Cyntmar subdivision improvements does comply with the approved plans;
- ? Stafford subdivision is under construction;
- ? Washburn Road water main replacement project will provide a rear access to the Todd Lane School;
- ? To date work has not commenced on the Trump 12th hole project;

MINUTES: The Planning Board approved the February, 2006 and October, 2006 Planning Board minutes.

ZBA CASES: The Planning had no comments on the V-13-2006 -Mac, Kit 288 South State Road case.

The meeting was adjourned at 10:10 PM

Respectfully submitted,

Ingrid M. Richards
Assistant Village Manager

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