



Briarcliff Manor

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December 2006, Minutes

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VILLAGE OF BRIARCLIFF MANOR, NEW YORK
PLANNING BOARD MEETING MINUTES
Tuesday, December 12, 2006
APPROVED



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, December 12, 2006 at 8:00pm.

Members Present: Andrew Tung, Chairman
Bill Gorlin, Member
Shelley Lotter, Member
Jay Teitelbaum, Member

Also Present: Sarah Yackel, Planning Consultant
Daniel Pozin, Village Attorney
Ingrid Richards, Assistant Village Manager
David Turiano, Building Inspector/Village Engineer

Absent: Jay Neveloff, Member
Ed Nolan, Alternate Member

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

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. Mr. Anthony G. Piscionere, attorney for the applicant, presented the application to the Board. Chairman Tung informed the public of the site walk conducted of the area by Member Gorlin and Village Engineer Turiano on Thursday, November 30, 2006. The Planning Board noted that a grading plan for the realigned portion of the trail and design and maintenance plans were needed for the culvert, by the applicant. The Board directed the Village Attorney to provide a resolution at the next planning board meeting for the application.

PUBLIC HEARING: 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.

Ms. Linda Whitehead, attorney for the applicant, provided an overview and historical timeline of the application for the public. It was also noted by Ms. Whitehead that a full environmental assessment form for the application has been provided to the Planning Board. She also noted that the project in Mount Pleasant was a 50 unit subdivision, which cannot be compared to the addition of two homes.

On a motion by Member Lotter and a second by Member Teitelbaum the public hearing was opened.

Chairman Tung asked Village Engineer, David Turiano, and Village Attorney, Daniel Pozin, to present their staff reports to the Board and the public.

David Turiano, Village Engineer noted that the Village is generally satisfied with the low pressure system proposed by the applicant. The Village will be responsible for: maintaining the force main in the street; keeping an inventory of parts and appropriate equipment in case of emergency and creating Village standards for the system. The Board asked about the cost to the resident to enter into the sewer district. Mr. Turiano stated that he contacted the Westchester County Department of Health (DOH) and the Westchester County Department of Environmental Facilities (DEF) and he noted that there would be an approximate surcharge of \$310.00, to be paid in 10 \$31.00 increments. The Board then asked about the cost to connect to the proposed sewer. Mr. Turiano noted that he spoke to a sanitary sewer contractor who has done work in the Village of Briarcliff Manor. The contractor noted that potential costs to the residents would be to: hire a licensed engineer to design the system and obtain permits, \$3,000; electric work to wire

the pumping system and controls, \$3,000-\$5,000 and lastly excavation and plumbing work including materials to connect the house to the main line and abandon existing septic system \$21,000 to \$28,000. Thus, the projected total cost would be between \$21,000 and \$28,000.

In response to questions from the Board, the Village Engineer confirmed that the details of such system, including the requirements for individual homeowners, still needed to be reviewed and determined. In addition, the estimated cost for individuals to hook into the system did not take into consideration the specifics of each site.

Member Teitelbaum asked about the impact to the trees along the roadway and the character of the neighborhood given the disturbance to the road bed by installation of the proposed sewer as well as the road modifications requested by the fire department including the widening of the road to 20 feet from its current dimensions of between 13 and 16 feet and a turnaround at the end of the road. The applicant will review the impacts further.

There was discussion regarding the effect of county and village laws regarding whether homeowners could or would be compelled to hook into such a sewer if one was made available. It was generally stated that the informal policy of the Village and the County was not to require hook ups unless the existing septic was failing or inadequate. However, there was concern expressed by the Board and members of the public that such an informal policy may not be sufficient to protect them from the extraordinary expense and burden of mandatory hook ups.

Dan Pozin, Village Attorney, noted that the County sanitary code section 873.727 states that a property may be required to connect to the sewer within 90 days after a date of order in writing issued by the commissioner to do so, provided that such sewer is within 100 feet of the property line. He also noted that Village law, chapter 168-5, states that a property is hereby required to connect to the sewer within 90 days after a date of official notice to do so, provided that such sewer is within 100 feet of the property line.

Ingrid Richards, Assistant Village Manager, noted that the Board of Trustees as the policy making Board of the Village will review its law with respect to this issue and decide how to proceed with regard to enforcement and determine whether or not the law needs to be changed to conform with the practice of the Village. It was noted that the Village practice has been not to enforce the above law absent compelling circumstances where hooking into a sewer would remedy a failing or inadequate septic system.

Chairman Tung explained the SEQRA process to the public and the Board.

John Cohen, Old Sleepy Hollow Road, Town of Mount Pleasant, he noted that the Pocantico Lake is a valuable potential source of drinking water. He also shared maps with the Board of the Pocantico Lake and the water basin.

John Lacey, 581 Sleepy Hollow Road, raised concerns about the actual costs to individual homeowners and that such cost cannot be determined until the specifications of the system are determined and must be examined on a case by case basis. For example, based upon the distance and terrain of his property, Mr. Lacey stated that the cost of \$20,000-\$25,000 is not representative of his cost, particularly when considering the repair of on site property damage that may occur to connect the sewer. He also asked a question about the generator for the low pressure pump system.

Alex Kenner, 70 Old Sleepy Hollow Road, noted that she spoke to a Mr. Pompa, representative of Westchester County, and he noted that it is the County's objective to have every home connected to sewer. She also noted that Ms. Doyle, representative from the County, stated that there is at least an informal financial formula used by the County when it considers requesting a homeowner to hook up to a sewer. Generally, if the cost to the homeowner is more that five times greater to connect to sewer than to repair his/her septic, then that may justify allowing the homeowner to remain on the septic.

Ms. Kenner also informed the Planning Board that there is an April 18, 2000 letter from the former Village Manager, Thomas A. Ferguson, noting that if a property owner removes his/her property from the sewer district and decides to place it back into the sewer district at a future time he/she will incur fees and taxes retroactive to the time of removal.

Nicholas Evanchik, 119 Alder Drive, noted that Thomas A. Ferguson, former Village Manager, was advised by the Village's legal professionals at the time the letter was written. He discussed the issue of water capacity for the Village and also discussed the potential impact to Village services and schools by the proposed two new homes.

Lynn Kenner, 70 Old Sleepy Hollow Road, noted that a full environmental review is needed of the application due to presence of the critical environmental area, and the road may need to be widened by the applicant. He also noted his concern for the trees on the road, due to the potential widening of the road.

Barry F. Bosak, 15 Old Sleepy Hollow Road, noted that at this time fire engines can not easily turn around at the end of the road and that there may need to improve the road considering the addition of two new homes.

Joshua B. Parker, 33 Cottonwood Lane, noted that a property owner has a right to buy land and develop it in an appropriate manner. He noted that the Village consultant has noted that there is minimal impact to the wetland. He also noted that septic systems can contaminate natural water sources.

Steven Kavee, 20 Ingham Road, he noted that the issues to be considered by the Planning Board are: is this proper planning and possible impacts to the site. He noted that the Village consultant (Jim Nash, wetlands consultant) has not done a comprehensive review of the impacts to the site. In his opinion, there also needs to be an environmental impact statement. He noted that Jim Nash's report states, when describing the site, that "the matrix of wetlands east of the site, extending north and south along the shores of the Pocantico River, is unique in this vicinity of Westchester due to its large size, . . .". He further stated that a complete ecological analysis is needed. In response to questions from Member Teitelbaum, Mr. Kavee agreed that among the environmental impacts to be considered are the impacts on surrounding properties, including the potential development of such properties and the cumulative impact of such development.

Bob Mogul, 2 Stonington Heights, thanked the Planning Board for all the work they do, and noted that he is in support of the project, upon his belief that it has been determined by Village consultants that there will not be any substantial negative impacts.

Cliff Stern, 40 Old Sleepy Hollow Road, noted to the Board that he is against changing Old Sleepy Hollow Road by widening of the road as it would change the charm of the area. The Village and the Planning Board need to obtain more back up with regard to the sewers. The Board needs to understand the environmental impact to the property and the financial impact to all potential residents who may have to connect into the sewer.

Susan Bodansky, 678 Old Sleepy Hollow Road, indicated that the beauty of the property will be compromised and the negative financial impact to the surrounding neighbors who have to connect into the sewer concerns her.

Wallace F. Forbes, 609 Sleepy Hollow Road, expressed concern with regard to the potential negative impact of connecting into the sewer.

Alex Socolof, 70 Tuttle Road, noted to the Board that the Village professionals have not determined that this property cannot be subdivided in an appropriate manner. Therefore, he supports the project.

John Cohen, Old Sleepy Hollow Road, Town of Mount Pleasant, noted that the applicant has not proved that there will not be negative environmental impacts to the property.

Member Lotter, noted that the Planning Board can request a conservation easement from the applicant for environmentally sensitive areas of the property.

Chairman Tung thanked the public for their comments. The public hearing was adjourned to the January 9, 2007 regular meeting to the Planning Board.

VILLAGE ENGINEER'S REPORT: David Turiano, Village Engineer, did not have any issues to report to the Planning Board.

MINUTES: The Planning Board approved the November, 2006 Planning Board minutes.

Chairman Tung noted that Planning and Zoning Board members must now have four hours of training per year.

The meeting was adjourned at 10:30PM

Respectfully submitted,

Ingrid M. Richards
Assistant Village Manager

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