



**Briarcliff Manor**

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**January 2007- Minutes**

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VILLAGE OF BRIARCLIFF MANOR, NEW YORK  
 PLANNING BOARD MEETING MINUTES  
 Tuesday, January 9, 2007  
 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, January 9, 2007 at 8:00pm.

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

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

Absent: Ed Nolan, Alternate Member

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

PB-09-2005-CPP BRIARCLIFF OWNERS, LLC-SIGN PERMIT APPROVAL: The Planning Board reviewed an application for a sign permit. Property located at 555 Pleasantville Road. Mr. James Millard, owner of Briarcliff Campus requested permission from the Planning Board to add US1 and Chas H. Sells to its freestanding directory sign. The sign will be made of black granite and will be mounted where the current sign is located. The applicant noted that the sign will be externally lit. David Turiano, Village Engineer, noted that he will have a professional light consultant review the proposed lighting. On a motion made by Member Neveloff and seconded by Member Gorlin the sign was approved unanimously.

PB-01-2007 ?YAMA FUJI SUSHI- SIGN PERMIT APPROVAL: The Planning Board reviewed an application for a sign permit. Property located at 1914 Pleasantville Road. Mr. Roger Chang noted that the restaurant was changing its name from Yama Sushi to Yama Fuji Sushi therefore a new sign would be required. The sign proposed is a wood sign, burgundy painted background with painted engraved letters. On a motion made by Member Lotter and seconded by Member Teitelbaum the sign was approved unanimously.

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, reviewed the history of the application for the public and made the following comments: the only property owners that would be placed in the sewer district would be property owners of Lot 1, Lot 2 and Lot 3; the property owners along the proposed sewer line will have the option to connect into the sewer as opposed to have to connect; the applicant is willing to work with the Fire Department with regard to its request of a wider road and a turn around; with regard to the State Quality Review Act (SEQRA) and the Critical Environmental Area, professional consultants have not identified any significant impacts; and finally the applicant will be working to identify the potential impact of trees along the right of way due to the installation of the sewer and water mains.

Chairman Tung asked the applicant to provide a count of trees that will be impacted by the work to be performed by the applicant. Mr. Tim Allen, engineer for the applicant, noted that he will provide a count of trees that are located in the right -of -way, as well as a photo inventory. Member Gorlin asked is there a plan if the sewer is underutilized and flow is diminished. Mr. Allen noted that issue has been considered, in fact, in Somers there was an application where two sewer lines were installed that would allow for different capacities. The applicant will determine possible scenarios for this problem.

Member Lotter asked the applicant to provide details of the trench and a synopsis of how excavation would be handled. Chairman Tung asked the applicant to provide cross sections of the road.

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Member Teitelbaum noted that the Chairman of the Conservation Advisory Committee (CAC), submitted a letter from the CAC that did not represent the thoughts of the majority of the CAC. He wanted the letter to be removed from the record.

Member Teitelbaum noted that applicant's Environmental Assessment Form has many discrepancies. He noted that there are many questions that the applicant answered "no", where there should be an answer of "yes" or "do not know". He noted that in part 2 of the Environmental Assessment Form, the applicant answers "no" to impacts on land, water, air, agriculture and land resources, open space and recreation and transportation. Member Teitelbaum noted that this is inappropriate as it has not been determined that these issues will not have a negative impact.

The Planning Board agreed that all environmental impacts will be considered and reviewed and the Planning Board will make its final findings apart of the resolution.

Chairman Tung asked the Assistant Village Manager to report on the Board of Trustees meeting where there was a discussion about the Village's law on sewer hook ups.

Ingrid Richards, Assistant Village Manager, noted that the Board of Trustees are desirous of changing the Village's existing sewer hook up law to match its practice of not requiring property owners within 100 feet of a sewer to hook up to said sewer. Therefore the Board of Trustees directed the Village Manager to instruct counsel to provide a law for their review that states that only when a septic is failing shall a property owner be required to connect to a sewer if it is within 100 feet of its property.

Chairman Tung asked David Turiano, Village Engineer to report on the measurements of Old Sleepy Hollow Road.

David Turiano, Village Engineer, provided a photo presentation to the Board of Old Sleepy Hollow Road with measurements of the road. The road measures between 15 and 20 feet. He noted that the Village standard for a road is 22 feet. It is not the intent of the Village to make this road 22 feet.

Nicholas Evanchik, 119 Alder Drive, stated that the Planning Board should: elevate the review to require a Final Environmental Impact Statement; understand the potential of increased recreational activities given the beauty of the area; and determine if this subdivision is compatible with the Comprehensive Plan.

Steven Kavee, 20 Ingham Road, noted that the letter written by the CAC Chair was inaccurate and the conclusions based on his conversation with Ms. Geirloff are inaccurate. In fact, Ms. Gierloff will be writing a letter noting that her job is only to delineate New York regional wetlands for the purpose of issuing an Article 24 permit and not to provide a comprehensive review of natural resources. He asked that the letter be removed from the record.

He suggested that the applicant speak to Michael Klemens, senior conservationist of the Bronx Zoo to get suggestions on preserving wildlife while developing a particular piece of property.

Richard Sider, Member of the CAC, 82 Long Hill Road East, explained the circumstances surrounding the CAC letter and noted that there was not a quorum present when the contents of the letter was discussed and of the people present not all members were in agreement with the letter.

Alex Kenner, 70 Old Sleepy Hollow Road, noted that the homeowner is responsible for maintaining a sewer system on his/her property, and if the homeowner does not maintain the equipment then it will affect surrounding homeowners. The Planning Board should understand this issue and determine solutions to this issue.

Robert Katz, 593 Sleepy Hollow Road, noted that the County law will always supersede the Village law. If this system is approved the Planning Board will be approving a very complicated system. He wanted to know why additional homes are being built.

Lynn Kenner, 70 Old Sleepy Hollow Road, noted that the applicant is proposing the sewer so it can fit one home, and asked if the cost justifies adding one home.

Nancy Pine, 25 Aspinwall Road, noted that the SEQRA process is not a long process. The length of the process has to do with the type of application being reviewed. The applications that were reviewed in the past by the Village were very big projects. The benefit of requesting a FEIS is that all questions asked by the public must be answered by the applicant.

Lois Lober, 55 Old Sleepy Hollow Road, asked why the driveway for Lot 1 was placed so close to the property line.

Member Neveloff asked that the applicant be prepared to answer all of the questions asked by Member Teitelbaum and the question about the proximity of the driveway to the property line.

Member Gorlin asked that the applicant assess the development of their property as it relates to the larger

environment.

Barry F. Bosak, 15 Old Sleepy Hollow Road, asked will it be easy to hook up to the sewer when the trench is open.

Chairman Tung thanked the public for their comments. The public hearing was adjourned to the February, 13 2007 regular meeting of the Planning Board.

PB-04-2005-LRM/LONG HILL ROAD: AMENDMENT TO SUBDIVISION PLAT (Various Residents of the Subdivision) IMRICH: The applicant did not appear in front of the 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. Greg McWilliams, engineer for the applicant, submitted a landscape plan to the Board members for their review. Mr. McWilliams and the Planning Board had a general discussion with regard to the grading of parking spaces. It was noted that regular spaces are shown to be graded at 9%; the standard is no more than 5%. It was also noted that the handicap parking space is shown to be graded at 5%; the standard is no more than 2%. Mr. Anthony Matra, noted that if he were to adhere to the standards there is a potential that the ramp and existing tree would be destroyed.

It was also noted that the applicant was one space short from meeting the Village Code standards of number of parking spaces. The Planning Consultant, recommended sharing a parking space as the two uses of the building do not overlap (proposed use are restaurant {evening} and office {day time}). It was noted that the applicant, if the Planning Board recommends this solution, would have to obtain approval from the Board of Trustees for such a request.

The Planning Board and the applicant also discussed the addition of new pavement and roof area and the need to demonstrate 0% run off, due to the additional impervious surfaces. The applicant noted that Village installed a 24 inch pipe in back of the stores and it should be sufficient to capture any additional run off.

Chairman Tung asked that the applicant resolve the grading, drainage and parking issues. The Planning Board referred the application to the Architectural Review Advisory Committee to review elevations.

PB-17-2005 ? SLEEPY HOLLOW COUNTRY CLUB, SPECIAL USE PERMIT RECOMMENDATION: The Planning Board reviewed an application for a Special Use Permit. The Board of Trustees referred the above application to the Planning Board for a review and recommendation. Member Teitelbaum noted to the Planning Board and the public that he lives adjacent to the property and he has had ongoing issues with the applicant.

Susan H. Sarch, of Zarin and Steinmeitz, noted that Sleepy Hollow Country Club has operated as a Not for Profit, pre-existing nonconforming since 1911. This operation has occurred under section 220-6I of the Village's Zoning Code.

Chairman Tung asked that the applicant submit a plan that shows existing facilities, the lot lines of the property, all points of ingress and egress and a Village of Briarcliff Manor/Town of Mount Pleasant boundary line.

There was a discussion with regard to the definition of member and how it relates to the number of parking spaces required. The applicant stated that members will be defined for its next submission.

Harlan Sexton, Village Planner, suggested that applicant memorialize, by listing, the nonconformities on the site and make it apart of the approval resolution.

Member Teitelbaum noted that the seasonal skeet shooting that occurs on the property should be formalized, by providing set hours. He also wanted to know if the activity is in compliance with the Village's noise ordinance. The Planning Board asked the applicant to look at ways to lessen the noise of skeet shooting.

Member Teitelbaum also noted that there is a drainage channel that enters a pond on the applicant's property. He noted that that drainage channel should be maintained. The applicant should provide a maintenance plan for maintaining the channel as there is a potential of flooding on adjacent property owners.

The Planning Board requested that the applicant appear at its regular meeting in February and have a plan to deal with skeet shooting, the drainage issue and memorializing all nonconformities on the property.

ZBA CASES: The Planning Board had no comments on the cases listed below:

V-1-2007 - Benza, Robert 45 Washburn Road

V-2-2007 - Kittay Parker, Debra 33 Cottonwood Lane

VILLAGE ENGINEER'S REPORT: David Turiano, Village Engineer, reported on various Village issues.

MINUTES: The Planning Board approved the December 12, 2006 Planning Board minutes.

The meeting was adjourned at 11:35 PM

Respectfully submitted,

Ingrid M. Richards  
Assistant Village Manager

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