

Planning Board
Village of Tarrytown
Regular Meeting
May 23, 2005 7 p.m.

PRESENT: Chairman Friedlander; Members Stone, Tedesco, Shroff; Attorney Shumejda; Planner Geneslaw; Engineer McGarvey; Secretary D'Eufemia

WELCOME TO MR. STONE

Chairman Friedlander welcomed Mr. Bob Stone to the Board noting that his background in engineering will be a tremendous asset in reviewing the documents and issues before them.

APPROVAL OF MINUTES

Mr. Tedesco moved, seconded by Mr. Shroff, that the minutes of April 25, 2005, be approved as submitted. Mr. Stone abstained. All others assented. Motion carried.

PUBLIC HEARING – MALONSO – 25 KERWIN PLACE

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, May 23, 2005, at **7:00 p.m.** at the Municipal Building, 21 Wildey Street, Tarrytown, New York, to hear and consider an application by:

Evelyn Malonso
25 Kerwin Place
Tarrytown, New York 10591

To consider the application for site development plan approval pursuant to Section 305-52 of the Zoning Code of the Village of Tarrytown for property she owns at the above address to permit second story addition.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 19A, Block 112A, Lot 28 and is located in an R-10 (Single-Family) Zone.

Documents are available for inspection in the Planning and Zoning Office. All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing-impaired; request must be made to the Village Clerk at least one week in advance of the meeting.

The certified mailing receipts were submitted.

Mr. John Turnquist, architect, stated they are proposing a second story addition. They were before the Planning Board preliminarily last month and have since been before the

Zoning Board of Appeals and received the required variances, which were for pre-existing conditions (lot size and front yard setback). The footprint of the house is not being expanded. The present house consists of 1,350 sq. ft. and with the addition will be 2,168 sq. ft. The new addition will provide a master bedroom and a bedroom for their son. The living room will have a cathedral ceiling. The family has outgrown the current house. There will be no site work done. The height of the building will be 25 ft. where 35 ft. is permitted. There will be new roofing and new double hung windows with shutters. The house is located on the corner of Kerwin Place and Barnes Road.

Neighbors questioned the height of the proposed addition in comparison to recent additions in the neighborhood. Mr. Turnquist stated it is about a one foot difference to the house next door and it is about 10 ft. lower than the house at the corner of Kerwin Place and Union Avenue.

No one further appeared to address the Board.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that the hearing be closed.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that the Board determines there will be no significant adverse environmental impact as a result of the proposal.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, to approve the proposed addition at 25 Kerwin Place subject to:

1. Approval of plans by the Building Inspector
2. Approval of needed variances by the Zoning Board of Appeals, which have been granted
3. Approval by the Architectural Review Board
4. Signing of the site plan by the Planning Board Chairman
5. Payment of any outstanding escrow fees.

PUBLIC HEARING – SPIRIT OF TARRYTOWN STEAMSHIP COMPANY, INC.
236 WEST MAIN STREET

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, May 23, 2005, at **7:00 p.m.** at the Municipal Building, 21 Wildey Street, Tarrytown, New York, to hear and consider an application by:

Spirit of Tarrytown Steamship Company, Inc.
65 South Broadway
Tarrytown, New York 10591

To consider the application for site development plan approval pursuant to Section 305-52 of the Zoning Code of the Village of Tarrytown for property located at 236 West Main Street, Tarrytown, New York, to permit docking and operation of a tour boat at the Tarrytown Boat Club Marina.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 9A, Parcel 72 and is located in a WGBD (Waterfront General Business District) Zone.

Documents are available for inspection in the Planning and Zoning Office. All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing-impaired; request must be made to the Village Clerk at least one week in advance of the meeting.

The Certified Mailing Receipts were submitted.

Mr. Chuck Pateman stated they were present last month for a preliminary presentation and the Board requested information with regard to parking spaces available at the Village's commuter parking lot.

Mr. Pateman submitted a car count survey that was taken between April 6, 2005, and May 23, 2005. Mr. Pateman noted the Board was particularly concerned about Thursday and Friday evenings. The survey showed on Thursday evenings the number of empty spaces ranged from 100 to 251. On Friday evenings the number of empty spaces ranged from 77 to 127. He noted they have met with the Board of Trustees and have a preliminary lease ending at the end of 2005. It calls for the payment of \$20,000 to the Village for the use of the parking spaces. The agreement only allows the applicant to gain access to the area already leased to the Tarrytown Boat Club and it is subject to the applicant showing the Planning Board there is adequate parking. It is anticipated there will be 80 to 100 passengers so the survey submitted tonight shows there is adequate parking available.

Mr. Pateman stated they have submitted a survey and he submitted an access plan for the boat as well as an alternate access plan next to the area where the Village's fire boat is kept.

Mr. Thomas Smith, attorney for the Boat Club, stated the Club's concern is that they believe they own those docks. They built them and have maintained them for 87 years. Those docks are used for the emergency services in Tarrytown in the same location this boat is proposed to go. There are some legal issues about the lease the restaurant has with the Boat Club, which must be further reviewed. Mr. Smith stated the Boat Club is not expressing opposition to the proposal but there are legal issues that must be resolved.

Discussion followed with several members of the Boat Club stating they were looking favorably towards the proposal but there were issues that needed resolution.

The Board noted there are two proposals for docking. One, which is preferred, utilizes the Boat Club's dock. The other would be from property owned by the Village of Tarrytown. The Board stated they could consider approving the preferred location and set a public hearing for the alternative location, if approval is received by the Village, and outstanding issues with the Boat Club cannot be resolved. This would allow the matter to move forward without losing the boating season.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that the hearing be closed.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that the Board determines there will be no significant environmental impacts as a result of the proposal.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, to approve the docking and operation of a tour boat at the Tarrytown Boat Club Marina on a trial basis for one season assuming the necessary approvals and license agreements are obtained from the Board of Trustees and the working out of any outstanding issues with the Boat Club including lighting and railings; the adequacy of the parking and all aspects of the operation are to be reviewed at the end of the season; the approval is also subject to the applicant maintaining a significantly reduced fee schedule for civic groups, educational and school groups and senior citizens; and further subject to the amount of insurance as determined by the Village's consultant and the Board of Trustees.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that the Planning Board schedules a public hearing for their June meeting to consider an alternative docking proposal for the cruise boat on property owned by the Village of Tarrytown.

PUBLIC HEARING – ZOLLO – 21 SOUTH BROADWAY

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, May 23, 2005, at **7:00 p.m.** at the Municipal Building, 21 Wildey Street, Tarrytown, New York, to hear and consider an application by:

Doug Zollo, Contract Vendee
21 South Broadway
Tarrytown, New York 10591

To consider the application for site development plan approval pursuant to Section 305-52 of the Zoning Code of the Village of Tarrytown for property at the above address to permit conversion of existing first floor apartment into office space, removal of existing detached one-car garage, and construction of three space parking area at rear of property.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 10, Block 37, Lot 14 and is located in an R-R (Restricted Retail) Zone.

Documents are available for inspection in the Planning and Zoning Office. All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing-impaired; request must be made to the Village Clerk at least one week in advance of the meeting.

The certified mailing receipts were submitted.

The Board reported receipt of the following letter dated May 20, 2005, from Douglas J. Zollo:

“Please be advised that on May 9, 2005, a property which I am purchasing located at 21 South Broadway, Tarrytown, New York, was granted a variance by the Village of Tarrytown Zoning Board of Appeals. On May 23, 2005, the aforementioned property will be on the agenda before the Planning Board. Finally, I do believe that in the near future, the property I am purchasing will also be before the Village of Tarrytown Architectural Review Board. In all of these instances, the consideration or granting of the application or petition will not bring about or involve any violation of any of the provisions of Tarrytown’s Code of Ethics on the part of any officer or employee.”

Mr. Sam Vieira, architect, stated as he presented preliminarily last month, Mr. Zollo is the contract vendee for this property. His proposal is to eliminate the first floor apartment and convert that space into offices. Mr. Zollo is proposing to eliminate an unused detached one-car garage in the rear and construct a three-car parking area, which would allow the cars to enter and exit in a forward motion. When the offices are not in use, the parking spaces can be used by the residents in the second and third floor apartments. Variances for the parking were received from the Zoning Board of Appeals.

Upon inquiry from Mr. Tedesco, Mr. Vieira stated the aluminum siding on the building will be removed and the wood siding will be restored; there will be new windows and the front porch will be restored and the landing and steps will be redone.

No one appeared to address the Board on this matter.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that the hearing be closed.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that the Board determines there will be no significant environmental impacts as a result of the proposal.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, to approve the conversion of the first floor at 21 South Broadway to office space with the creation of three parking spaces in the rear subject to:

1. Approval of plans by the Building Inspector
2. Approval by the Architectural Review Board of façade changes

3. Approval by the Zoning Board of Appeals for needed variances, which have been obtained
4. Appropriate screening for the added parking in the rear with subject screening to be maintained in perpetuity
5. The added parking is to be made available to the residents of the building when the office use is closed
6. The signing of the site plan by the Planning Board Chairman
7. Payment of any outstanding escrow fees.

PUBLIC HEARING – NEW CINGULAR WIRELESS SERVICES, INC. – 1 RIVER PLAZA

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, May 23, 2005, at **7:00 p.m.** at the Municipal Building, 21 Wildey Street, Tarrytown, New York, to hear and consider an application by:

New Cingular Wireless Services, Inc.
f/k/a AT&T Wireless
15 East Midland Avenue
Paramus, New Jersey 07652

To consider the application for a special use permit and site development plan approval pursuant to Article IX and Section 305-52 of the Zoning Code of the Village of Tarrytown for property located at 1 River Plaza, Tarrytown, New York, to permit installation of a co-located wireless telecommunications facility on the roof top of an existing building.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 2, Parcel 1 and is located in an M-1 (Multi-Family) Zone.

Documents are available for inspection in the Planning and Zoning Office. All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing-impaired; request must be made to the Village Clerk at least one week in advance of the meeting.

The certified mailing receipts were submitted.

Ms. Lucia Chiocchio, attorney for the applicant, stated they are seeking approval for locating a wireless telecommunications facility at the rooftop at 1 River Plaza. There will be up to twelve panel antennas and related equipment on the roof. The antennas will be in three sectors. Two will be mounted on an existing penthouse painted to match the penthouse. The third sector will be mounted on an enclosure, which will enclose the equipment cabinets, and they will be painted to match the enclosure. The facility complies with the height requirements for rooftop facilities. It requires a monthly

maintenance inspection by a technician. The applicant has provided a structural integrity analysis and a radio frequency energy analysis and the report says the cumulative emissions are well below the federal limits. This facility is being proposed to provide coverage mainly along North Broadway.

Mr. Tedesco reported that the Board today received a letter, dated May 16, 2005, from its consultant, AKF Technologies (attached to these minutes.) He asked the applicant to respond to the comments in this letter in advance of the Board's next meeting.

Upon inquiries from Mr. Tedesco, Ms. Chiochio stated the project will be done in two phases. They have no future plans for additional antennas on this building.

Chairman Friedlander questioned, "You don't feel there is any building on Broadway that is superior to or equal to that building?" Ms. Chiochio stated they did look at other buildings and they submitted that report to the Board.

Chairman Friedlander noted in a past application the Board had recommended Christ Church on Broadway and the Village's consultant had felt it was a good location. "I think it would behoove everyone if you would look at that." Ms. Chiochio stated they would do so. The Board suggested the applicant also look at the light poles at the commuter parking lot.

Counsel Shumejda stated the submittal dated May 17, 2005, from Ms. Chiochio should be sent to the Village's consultant.

Chairman Friedlander stated the Board likes to have a master plan from a company. Ms. Chiochio stated they had submitted a map showing existing and proposed sites and she could provide more detail on those.

Ms. Lourdes Jimenez questioned whether residents of 1 River Plaza had to be notified of this application. The Secretary explained the Management Association for the building has a lease agreement with the applicant. Notification is done to property owners within 100 feet of the building.

Mr. Tony Jimenez stated there are new studies that show people in areas with a high usage of cell phones have a higher rate of brain cancer. He understood the FCC has approved these facilities; however, the FDA has approved medications that years later have been found to cause serious health problems. "I would like to see these go on buildings other than residential."

Chairman Friedlander stated the Board shares Mr. Jimenez' concerns; however, the Village has lost court cases when attempting to not have the antennas on residential buildings.

All agreed that the hearing will be continued at the Board's next meeting.

CONTINUATION OF PUBLIC HEARING – WRIGHT – 13 JOHN STREET

The Board reported that the applicant has requested the hearing be adjourned until the next meeting. No one appeared to address the Board on this matter.

The Board unanimously agreed that the hearing will be continued at their June meeting.

CONTINUATION OF PUBLIC HEARING – FERRY LANDINGS LLC AND FERRY INVESTMENTS – WATERFRONT PROPERTY

The Board reported that the applicant has requested the hearing be adjourned until the next meeting. No one appeared to address the Board on this matter.

The Board unanimously agreed that the hearing will be continued at their June meeting.

CONTINUATION OF PUBLIC HEARING – HOLY SPIRIT ASSOCIATION FOR THE UNIFICATION OF WORLD CHRISTIANITY – SOUTH BROADWAY – NEW CHURCH

The Board reported that the applicant has requested the hearing be adjourned until the next meeting. No one appeared to address the Board on this matter.

The Board unanimously agreed that the hearing will be continued at their June meeting.

CONTINUATION OF PUBLIC HEARING – VILLAGE OF TARRYTOWN – WEST MAIN STREET – RECREATION/AQUATICS CENTER

The Board reported that the applicant has requested the hearing be adjourned until the next meeting. No one appeared to address the Board on this matter.

The Board unanimously agreed that the hearing will be continued at their June meeting.

CONTINUATION OF PUBLIC HEARING – OI SIN WONG – 17 MAIN STREET

The Board reported this matter has been withdrawn at the request of the applicant.

PRELIMINARY PRESENTATION – GALGANO/GHEEN – LINCOLN/HIGH STS.

The Board reported that the applicant has requested this matter be adjourned until the next meeting.

PRELIMINARY PRESENTATION – BEATON/SERY – 143 MIDLAND AVENUE

Mr. Norman Sheer, attorney, stated, “As the Board may recall, we were here a couple of months ago for this two-lot subdivision. We proposed a re-subdivision of the 1972 subdivision, which would create instead of three lots, two lots and a new home behind the existing home, which is being renovated. The original plan showed we would take access to the new home from Midland Avenue. We have been discussing with counsel and Mr. McGarvey and have not gotten a definitive answer so we have shown a second plan, which shows access to Crest Drive. In 1959 or so the Tarrytown Crest subdivision was adopted and Crest Drive is shown on that map. In 1972 the property owned by Mr. Beaton was subdivided out of the original Tarrytown Crest subdivision. At that time the Planning Board understood either Crest Drive or Midland Avenue would give access to this three-lot subdivision. My client is not that interested in using Crest Drive. We think it is the wrong answer. Without any answer from the Village that we can use Midland Avenue, we proposed this alternative. This subdivision is in an R-10 District and is 10,000 square feet. This combined lot is over 27,000 square feet, which is nearly three times as required and no variances will be required. We can’t get a decision which way we are going. We have not responded to Mr. McGarvey’s memo because we can’t make decisions until we know where we are headed. We need guidance.”

Mr. Geneslaw stated, “My primary question is whether they can demonstrate they have access, both legal and physical, from Crest Drive.”

Mr. Sheer stated, “There is an existing house on Midland Avenue shown on the subdivision plat. There is no indication Midland Avenue was dedicated – the open portion or the portion which has not been opened. The driveway for the existing house is on the unopened portion and yet there is no record of the dedication on the open portion.”

Counsel Shumejda stated there was a letter from a title company submitted in January and the conclusion was it should be a Village road and should have been dedicated to the Village and that was based on an 1871 reference in a deed but no deed to the Village could be provided. Counsel Shumejda received another letter dated May 19, 2005, from the same title company saying they had determined that title to the centerline of Midland Avenue fronting the premises owned by Mr. Beaton is currently owned by Mr. Beaton since this portion of Midland Avenue was never dedicated and title to it continued to come down the chain to the current owner.

Counsel Shumejda stated Village Law of the State of New York states the applicant must show access to an improved road and that has not been shown.

Mr. Sheer stated they have access to a road on an approved subdivision plat. Obviously someone in the Village approved a subdivision and determined it had access.

Mr. Jim Walter, Crest Drive, stated there is water coming off that property and flowing onto lower Crest Drive.

Mr. Daniel Richmond, attorney for Mr. and Mrs. Sohn, 291 Crest Drive, stated the alternative plan needs to be rejected. It is inappropriate to the site. The question is whether or not this road has been abandoned. A road will be deemed abandoned by operation of law so long as the evidence establishes that a road has not been traveled or used as a highway for six years. This portion of Crest Drive has not been used for far more than six years. He plans to go to the Village Board and ask they propose a moratorium on development of this property. The Planning Board needs to determine this a major subdivision. Beyond that, the Board needs to consider the environmental impacts and consider them under SEQRA. This application triggers a full SEQRA review and the Board is urged to commence the environmental review process. "The Planning Board should approach this application with significant skepticism."

Chairman Friedlander stated the access issue needs to be resolved.

Mr. Sheer stated Mr. Richmond feels the road has been abandoned and there is case law that says when a road is abandoned, it reverts back to the previous owner in which event his client would own to the midline of the road.

It was agreed that a work session would be scheduled for Monday June 6th at 6 p.m. at Village Hall with the Planning Board, Counsel Shumejda, Mr. Sheer, and Mr. Richmond to discuss the outstanding issues on this property.

PRELIMINARY PRESENTATION – VIEIRA – 224 SOUTH BROADWAY

Mr. Sam Vieira stated he was proposing a change of materials for the six-family house he is constructing at 224 South Broadway. Originally he had proposed the entire building be stucco, similar to the existing building on this property. He is now proposing stucco on the first level and a high-end vinyl siding on the second and third level. He stated he has been to the Architectural Review Board and they liked the larger exposure cedar shake which gives the appearance of making the house look less tall. In addition, during the excavation a lot of stone was removed. There is a small retaining wall in the back – 2-1/2 ft. to 3-1/2 ft., which was to be in split block. The contractor has said for the same price he would build a stone wall utilizing this material so they are also requesting that amendment.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, to set a public hearing for the Board's June meeting to consider amendments for façade materials and retaining wall materials for the property at 224 South Broadway.

PRELIMINARY PRESENTATION – C.M. PATEMAN & ASSOC. – CONTRACT VENDEE – PROPERTY ON PROSPECT AVENUE

Mr. Chuck Pateman stated this proposal involves subdivision of two lots from the existing Christian Science Church property. There will be no changes to the church property which will remain on 2.1 acres. The new houses will meet all zoning requirements. All utilities will connect to public utilities. He urged the Board to consider this a minor subdivision and set a public hearing for the next meeting.

Upon inquiry, Mr. Chris Pateman stated this is an R-15 zone. Lot 2 will be 25,000 sq. ft. and Lot 3 will be 15,319 sq. ft.

Mr. Tedesco stated at the next meeting Mr. Pateman should provide the following:

1. Size of homes and heights particularly relative to surrounding homes in the area
2. On the tree survey indicate the type and size of trees where trees are to be removed, indicate specimen trees, indicate sight distances and drainage and storm water should be shown.

Upon inquiry from Mr. McGarvey, Mr. Chris Pateman stated the pond is on a 13,500 sq. ft. area. There are 37 spaces for the church and based on the pew count, 27 are required.

Residents stated they were concerned about safety and noted that school busses will not even stop in this area.

Mr. Geneslaw suggested there should be surveyor's ribbons on the center line of each of the proposed driveways put up. Mr. McGarvey stated the wetlands area should also be flagged.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that the Board declares its Intent to be Lead Agency on this application.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, to set a public hearing for the Board's June meeting to consider the proposed subdivision of the Christian Science Church property, 190 Benedict Avenue, and the Board will determine whether this is a minor or major subdivision at a later date.

CONTINUATION OF PUBLIC HEARING – 455 HOSPITALITY, LLC – 455 SOUTH BROADWAY (DOUBLE TREE HOTEL)

Mr. Richard Blancato, attorney for the applicant, stated they have submitted a traffic survey to the Board. He submitted a letter agreement relative to parking rights with the Jewish Community Center, 371 South Broadway. He stated this agreement allows Double Tree to use the JCC's parking lot during weekend evenings, which will

accommodate an additional 75 cars for events with valet parking. This parking is in addition to what has been proposed.

Chairman Friedlander asked with this additional parking, would it be necessary to remove the existing recreational facilities. Mr. Mark Shapiro, designer, stated the tennis courts are rarely used so at this point they don't want to amend their application. Mr. Blancato stated the agreement with the JCC is not a permanent arrangement. Either party could pull the string on it.

The Board stated the Village's traffic consultant would be asked to review the submission from Tim Miller Associates, Inc. The Board stated the Village's traffic consultant would also be asked to review cumulative effects on Route 9 from Route 119 to the Village's border. Mr. Stone stated there should also be traffic review of the riverfront projects in Tarrytown and Sleepy Hollow. It was noted that the Village's traffic consultant is reviewing those.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, to authorize Double Tree Hotel's traffic report to be submitted to Adler Consulting for review and that they be asked to look at it in light of the other traffic reports they are reviewing.

No one appeared to address the Board on this matter.

Mr. Tedesco stated the long form EAF with visual addendum should also be submitted. Mr. Blancato stated this will be done and at the next meeting they will be making a full presentation with visual aspects as well.

All agreed to continue the hearing at the Board's June meeting.

CONTINUATION OF PUBLIC HEARING – CRESCENT ASSOCIATES – 155
WHITE PLAINS ROAD

Mr. Mark Fry stated they submitted this evening their Alternate 8C. They have made a number of changes based on input from Board members. Mr. McGarvey has asked for a letter from the Fire Department signing off on this plan and that will be submitted when it is received.

Mr. Peter Karas, Insite Engineering, stated, "The one change on this Alternate 8 plan is that six parking spaces were eliminated that were touching on the steep slope area. We have ample parking per code. The grading and overall concept remain the same." Mr. Fry noted it also saves the 40" maple tree in that location.

No one appeared to address the Board on this matter.

All agreed to continue the hearing at the Board's June meeting.

CONTINUATION OF PUBLIC HEARING – WILSON PARK HOME AND LAND COMPANY, LLC – WILSON PARK DRIVE

Mr. Norman Sheer, attorney for the applicant, stated they were hoping for a Notice of Completion so they can move forward with public hearings on the Draft Environmental Impact Statement.

Mr. Geneslaw reviewed with the Board and the applicant his memo dated May 18, 2005. Mr. Sheer stated it would be helpful in the future if Mr. Geneslaw's memos could be submitted to applicants – in draft form – in advance of the meetings.

Chairman Friedlander stated at the Board's work session they discussed the advisability of a site visit which would be useful before the Board declares the DEIS complete. Mr. Tedesco noted this would also allow some time for the drainage study to be completed and it would give time for the applicant to respond to Mr. Geneslaw's comments as well as comments from the Village's traffic consultant.

Chairman Friedlander stated it would be helpful if before the site visit the applicant could lay out the lots and homes and the park area – based on the preferred cluster plan. Mr. Saccardi stated they could stake it to show all the important characteristics.

Mr. Michael Farley, Neperan Road, questioned whether the public could address issues that were not addressed in the Scoping document during the public hearing period. Chairman Friedlander stated they could.

Mr. Farley stated he felt it was a mistake for the Planning Board to be the sole Lead Agency and the Board of Trustees should have been co-lead agency.

Mr. Tedesco noted the Board of Trustees is involved in many aspects of this proposal – the new cluster zoning which they will have to adopt and the possible purchase of some of the lots.

All agreed to continue the hearing at the Board's next meeting.

CONTINUATION OF PUBLIC HEARING – CALIBER BUILDERS – 612 SOUTH BROADWAY

Mr. Jeff Weinberger, Caliber Builders, stated, "We have made a resubmission of the DEIS to the Board. At the last meeting there were comments received by members of the Board regarding the completeness of the statement. Tonight we have our professional planner, Richard Price, who will summarize these changes. We have not received any comments from anyone regarding the revisions to the statement so tonight we are asking the Board to accept the DEIS so the public can make their comments."

Mr. Price stated they submitted the revised DEIS and submitted a memo dated May 5, 2005, which is a guide to the changes made to the body of the DEIS. The necessary changes to the DEIS were made and the memo indicates where in the DEIS the changes were made.

Mr. Tedesco stated the Board needs more detail on several items, although not necessarily before the DEIS is determined complete. He stated the Board needs to know where the project abuts on Tarryhill and what the size of those proposed homes will be and the size of the Tarryhill homes. There needs to be more detail, lot by lot, of the sizes of the homes. In regard to trees, it would be helpful to know where the trees are located according to category and type. There needs to be a landscaping and screening plan that would be sent to the Village's landscape consultant so he can review adequate tree replacement – not just plantings replacement.

Mr. Tedesco questioned whether the revisions had been sent to Ms. Gaines since she is affected by utilities. Ms. Gaines stated they had not.

Mr. Weinberger stated these are not issues that go to the completeness of the document. During the public hearing process all these issues will be addressed.

Mr. Tedesco stated, "I would agree on the tree issue and the size of the homes but an impact on a neighboring property should have some resolution before the document is accepted."

Ms. Cherie Gaines, 612 South Broadway, stated, "We met. We walked all the land. That was over two months ago and I was told before this Board was asked to accept anything as complete I would receive a copy of it. At the May meeting I submitted a letter. I am not the public with respect to this property. This property will subdivide my property as well as theirs. This Board agreed I would have a right to look at the draft document so it is fair to all fourteen lots this document will create. When I submitted my letter in my absence last month, I addressed several things. What has been said might be agreeable to me but I ought to see those documents and those maps. I object to your accepting it as complete tonight."

Mr. Weinberger stated, "We did tell her when the DEIS was revised it would be sent to her and I thought one was sent to her address. I don't know why she did not receive it. All Ms. Gaines' issues will be properly addressed during the public portion of this process."

Chairman Friedlander stated, "We said there would be satisfaction to Ms. Gaines' concerns. You need to get her something that she accepts."

Chairman Friedlander stated the Village's traffic consultant will be asked to look at the cumulative impacts including this property.

Chairman Friedlander stated at the Board's work session they decided they would like to do a site visit. He requested the property be staked showing each of the lots and each of the houses. A determination of completeness can be made after that.

Mr. Shroff noted Mr. Esposito came to the last meeting and recently visited the Tarryhill Homeowners Association representing himself as a contract vendee of this property. He questioned whether the traffic impacts of the Esposito property needed to be evaluated as well.

Mr. Weinberger stated Mr. Esposito is not a contract vendee of this property and the applicant is not proposing to make access to any adjoining properties. The property is being marketed. As of today, Caliber Builders is the owner of the property. "Over a year ago this Board agreed to a scope of the DEIS which we diligently pursued. Now you are making additions and subtractions to that document. We should be following SEQRA. The document should be declared complete and it should be released to the public for review."

Mr. Tedesco stated this process has gone on a long time but the DEIS was a long time in coming to the Planning Board. To take one more meeting's time to do the site visit and address Ms. Gaines' problem is worth one more meeting. Ms. Gaines should also be invited to attend the site visit.

Mr. Weinberger stated whatever Ms. Gaines wants in regard to public utilities and wherever she wants it, he would give it to her. Ms. Gaines stated she appreciated that statement but there were issues relating to her property and other concerns that were in the Scoping document that were not in the original DEIS. The delays are not the Planning Board's fault. There were significant omissions.

Chairman Friedlander stated this is a significant area in the Village. It is surrounded by an Historic Commons District, Taxter Ridge Park, steep slopes, and another developer in another jurisdiction commenting on his rights. Six months is not a long time to review a preliminary DEIS.

Mr. Weinberger stated, "These are environmentally sensitive areas and I do appreciate the scrutiny you do. I felt the SEQRA process should throw the door open to the public for comment."

Mr. David Steinmetz, attorney for the Coppollos, adjoining property owners, stated they have spoken with Mr. Weinberger and his brother. He stated he was not present in opposition but they would like to be notified of any site walk or any other material events with regard to this property. He stated he would work with the Village Attorney on any issues like easements or titles.

Ms. Linda Viertel, Gracemere, questioned if the DEIS is accepted as complete and Mr. Esposito is declared a contract vendee, how is the DEIS dealt with? Does it go back to the beginning and if so, the Board of Trustees should be co-lead agency. Counsel Shumejda stated the Planning Board can ask for a supplemental to any document.

Mr. Weinberger stated, "The application before you tonight does not propose anything more than thirteen lots off a cul-de-sac and is not open to any property other than that owned by Caliber Builders. If an owner in the future asked for something different, then I guess you would get a whole new scope for any DEIS, but the application before this Board tonight is the application that has been before you for two years.

The Board stated a site visit would occur before the next meeting.

The Board unanimously agreed to continue the hearing at their June meeting.

PRELIMINARY PRESENTATION – MARIC – 68 LAKE AVENUE

Mr. Paul Petretti, engineer for the applicant, stated this is an application for a two-lot subdivision on Lake Avenue. There is an existing house that will be demolished and the proposal is to put up two new houses. Both houses will conform with the zoning even after steep slope calculations are applied to the lots.

Chairman Friedlander stated he would like to know the size of the footprint of the house to be demolished. Mr. Geneslaw stated at the public hearing the height of the proposed houses should be shown. Mr. Tedesco noted that the height of the new houses should be shown in relation to the height of the surrounding homes.

Residents stated they would like to see the whole area laid out on a map and a tree survey should be shown. They requested the Board visit the property since this is a solid rock hill and they felt at best only one home could be constructed. They further noted that when the houses on Putnam Avenue were constructed, neighbors suffered from the "unbearable noise" created from the extensive rock drilling over a long period of time. The applicant should, therefore, provide the Board an estimate of the hours of drilling that will be involved for these houses.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that the Board declares its Intent to be Lead Agency on this project.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that Board sets a public hearing for the June meeting to consider a two-lot subdivision on Lake Avenue.

ADJOURNMENT

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that the meeting be adjourned – 11 p.m.

Kathleen D'Eufemia
Secretary