

Planning Board
Village of Tarrytown
Regular Meeting
August 22, 2005 7 p.m.

PRESENT: Members Tedesco, Demers, Shroff, Stone; Counsel Shumejda; Planner
Geneslaw; Secretary D'Eufemia

ABSENT: Chairman Friedlander

Mr. Tedesco chaired the meeting in Dr. Friedlander's absence.

APPROVAL OF MINUTES

Mr. Tedesco moved, seconded by Mr. Stone, and unanimously carried, that the previously approved minutes of 6/27/05 be amended to incorporate the following comments by Mr. Riedel relative to 68 Lake Avenue:

Mr. Erdman Riedel, a practicing architect for over 40 years and brother-in-law of Patricia Riedel of 56 Lake Avenue, submitted a diagram to the Board showing steep slopes on this property - in pink the property in excess of 25%, in green the property in excess of 33%. He stated each of these houses, particularly the one next door to Pat Riedel, is on steep slopes. It seems maybe this lot should not even be built upon. Drainage is a problem. Now it is natural surroundings. In the first paragraph of the General Provisions of the Subdivision of Land regulations it states that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties. There isn't a house on that street that approaches 2,000 sq. ft. in total. To double the size and more for these houses is not in character.

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

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

Mr. Tedesco reported the applicant has requested an adjournment until the Board's next meeting. No one appeared to address the Board on this matter. All agreed to continue the hearing at the September 26th meeting.

CONTINUATION OF PUBLIC HEARING – FERRY LANDINGS LLC AND FERRY
INVESTMENTS – WATERFRONT PROPERTY – SITE PLAN – MIXED USE

Mr. Tedesco reported the applicant has requested an adjournment until the Board's next meeting. No one appeared to address the Board on this matter. All agreed to continue the hearing at the September 26th meeting.

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

Mr. Tedesco reported the applicant has requested an adjournment until the Board's next meeting. No one appeared to address the Board on this matter. All agreed to continue the hearing at the September 26th meeting.

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

Mr. Tedesco reported this matter is adjourned to a Special Meeting on September 20, 2005, at 8 p.m. when a Public Hearing on the DEIS has been scheduled.

CONTINUATION OF PUBLIC HEARING – MARIC – 68 LAKE AVENUE

Mr. Tedesco reported the Planning Board has adjourned this matter since requested submissions have not been submitted. No one appeared to address the Board on this matter. All agreed to continue the hearing at the September 26th meeting subject to receipt of requested information in sufficient time for the Board's review.

PRELIMINARY PRESENTATION – BEATON/SERY – 143 MIDLAND AVENUE

Mr. Tedesco reported the Planning Board has adjourned this matter since no further information has been submitted and the applicant's attorney has advised the Board he is no longer representing the client. No one appeared to address the Board on this matter. All agreed to continue the review at the September 26th meeting subject to receipt of additional information in sufficient time for the Board's review.

PUBLIC HEARING – VILLAGE OF TARRYTOWN – NEPERAN ROAD

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, August 22, 2005, at **7:00 p.m.** at the Municipal Building, 21 Wildey Street, Tarrytown, New York, to hear and consider an application by:

Village of Tarrytown
21 Wildey Street
Tarrytown, New York 10591

To consider an application for Subdivision Approval, pursuant to Section 263.4 of the Subdivision Regulations, of property located on the north side of Neperan Road, Tarrytown, New York, consisting of 2.4 acres into two lots:

Lot 1 to consist of .366 acre (15,959 sq. ft.) on which a new single-family house is proposed

Lot 2 to consist of 2.166 acres which will be parkland

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 12, Block 46, Lots 10 and 28 and is located in an R-10 (Residential) 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 Secretary advised that the Certified Mailings had not been done.

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

The Board unanimously agreed to continue the hearing at their September 26th meeting to allow for the Certified Mailings to be done.

JARDIM ESTATES – SOUTH BROADWAY – COMMENTS FROM VILLAGE’S LANDSCAPE ARCHITECT

Mr. Stephen Yarabek, the Village’s Consulting Landscape Architect, stated there have been concerns about the progress of the work at Jardim Estates. There was a meeting on May 6th with the Building Inspector and the developer’s representatives to review the proposed site work plans. On Tuesday, May 10th, there was a meeting with Mr. McGarvey and Jardim representatives to review the proposed road and utility landscape construction documents. It was agreed the existing stone wall along Broadway would be relocated as per NYS DOT requirements. It was agreed the best trees would be preserved. Beginning at South Broadway to the Old Croton Aqueduct, those were along the north side of the road. The cherry trees toward the entrance were impacted by the DOT road widening and wall reconstruction. The cherries were mature specimens and the construction would have reduced their relatively short life span. A required landscaping plan to replace the quantity and value of trees lost will include cherry trees at the Route 9 entrance. From the Old Croton Aqueduct east to the bend in the northern road, the best trees were along the south side of the road. Most of the mature trees along the north side were in decline. Grading was adjusted to protect the trees along the south side. Proceeding along the north road to Sheldon Avenue, the most significant trees are along the east side of the road. The utility plan called for a line to be installed east of the eastern trees and if done would probably kill the trees which were to be saved. Con Ed agreed to have the utility line kept entirely along the western side of the road. Jardim proceeded with the site work based on the amendments. Neighbors were not aware of the

amendments and many were shocked by what happened. There has been a meeting with the neighbors and in the future there will be a better line of communication. The Village is working to improve its tree preservation standards. Next month Jardim will be applying for the first two site plans. The public will get to review that and make comments. They are also preparing a detailed landscaping plan. When trees come down, they will be replaced in kind. Obviously, some large trees cannot be replaced but one large tree can be replaced with ten smaller trees. Every due diligence is being taken for the preservation of trees.

PUBLIC HEARING – WHEATLEY – 100 SOUTH BROADWAY

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, August 22, 2005, at **7:00 p.m.** at the Municipal Building, 21 Wildey Street, Tarrytown, New York, to hear and consider an application by:

Robert Wheatley
4 Front Street
Tarrytown, New York 10591

To consider the application for site development plan approval for property he owns at 100 South Broadway, Tarrytown, New York, for addition of a second story to an existing single story building to allow for an apartment dwelling, pursuant to Section 305-52 of the Zoning Code of the Village of Tarrytown.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 15, Block 57, Lot 47 and is located in an R-10 (Residential) 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. Robert Wheatley stated they are proposing to add a second story to the building at 100 South Broadway to allow a 750 sq. ft. apartment. Zoning variances – use and area – have been granted.

The Board reviewed the long Environmental Assessment Form, which the applicant submitted.

Mr. Stone stated the Board needed the height to the peak of the roof shown on the drawings.

Upon inquiry, Mr. Wheatley stated the exterior of the addition will match the existing.

Mr. Tedesco questioned whether anyone wished to address the Board on this matter. No one appeared.

Mr. Tedesco moved, seconded by Mr. Demers, and unanimously carried, that the Board declares itself Lead Agency on this application.

Mr. Demers moved, seconded by Mr. Stone, and unanimously carried, to continue the hearing at the Board's September meeting.

APPLICATION UNDER SECTION 305.72 – FERRY LANDINGS – WATERFRONT

Mr. Carl Monheit of Ferry Landings stated they were seeking permission for temporary storage of clean fill material on the site. He noted a letter has been submitted which included information certifying the fill has been tested clean.

Upon inquiry from Mr. Tedesco, Mr. Monheit stated they are anticipating collecting about 60,000 cubic yards of fill to be stockpiled temporarily in the center to southern portion of the site. They enclosed a site plan drawing showing the fill area and showing the control measures that will be taken to control erosion.

Mr. Demers questioned how long the fill will be stored at the site. Mr. Monheit stated they are hoping it won't be long – a period of time after site plan approval is received. "We are taking this on at our own risk if something happens with the site plan." Mr. Demers questioned, "It will only be used at the site?" Mr. Monheit replied, "That is the intent."

Mr. Stone questioned how dust control works. Mr. Monheit stated it is a water operation to dampen the soil and prevent wind from kicking it up and then it is covered.

Mr. Tedesco questioned whether anyone wished to address the Board on this matter.

Mr. Michael Farley, Neperan Road, expressed concern that they would be covering areas that require soil testing. Mr. Monheit stated the DEC has tested everything.

Mr. Stone stated vapor emissions still need to be addressed in the FEIS. Mr. Tedesco stated a lot of issues will be addressed in the FEIS. This is just approval for temporary storage of the soil and it doesn't reflect the overall FEIS.

Mr. Farley stated 60,000 cubic yards of fill is a "mountain" of fill. Mr. Monheit stated there are many depressed areas and they will need at least that amount of fill to be consistent with what has been submitted in the site plan. It is clean soil. It has been

tested and it is an opportunity for them and the Village to benefit from getting such clean soil.

Upon inquiry, Mr. Monheit stated they have completed the brownfield remediation, and the only additional requirement is that the fill is clean.

Ms. Roula Nedo, Stephens Drive, stated this is the same old story. Everyone who comes before the Board feels they are entitled to things. This is only a convenience for a developer. Mr. Tedesco stated it is not a convenience for the developer. This project is in process. What comes out in the FEIS will be a result of the work of the Boards and the public process. The fill is necessary to do the project. It is clean fill and it is temporary storage.

Mr. Shroff stated he did not feel the Board should block this move just for the sake of blocking it. They are trying to get the project underway. The developer is taking the risk. They have said they will comply with restrictions the Board will place on them.

Ms. Nedo stated a condition of any approval should be to have a qualified person or company verify the documentation submitted stating that the soil is clean.

Mr. Demers moved, seconded by Mr. Stone, and unanimously carried, that the Planning Board determines there is no significant environmental impact from the proposed temporary storage of fill material at the Ferry Landings property on the waterfront.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, to approve the request by Ferry Landings LLC for temporary storage of fill material at their waterfront site subject to:

1. The temporary storage of the fill material is done at the applicant's own risk.
2. How much soil and where it is to be placed to be reviewed and approved by Michael J. McGarvey, Village Engineer, and this soil is not to be stockpiled on top of any area of remediated or contaminated soil.
3. The initial approval for the stockpiling shall be for six months with the Planning Board considering an extension application after that time but if site plan approval is not received in one year, the soil would have to be removed.
4. Proper erosion controls would have to be in place and these controls would be approved by the Village Engineer.
5. Dust control for the operation, whether watering or something else, subject to review by the Village Engineer and his recommendation being implemented.
6. When not placing fill at the site, the stockpiled area shall be covered by tarps or some other mechanism.
7. A specialist in remediation review, approved by the Planning Board and the Village Engineer, shall review the soil testing analysis provided by the applicant to make sure the fill the applicant wants to store temporarily on site does not mask

any remediation efforts to date or any remediation efforts that may come up and the cost for this review shall be borne by the applicant.

8. A cash bond would be provided by the applicant to cover the removal of this material, if necessary, at any time and for any reason determined by the Planning Board because of environmental concerns and the amount of that bond would be approved by the Village Engineer.
9. The Final Environmental Impact Statement must take into account this temporary storage.

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

Mr. Richard Blancato, attorney for the applicant, stated at the end of June they had a serious flood at the hotel, which delayed submission of some documents to the Board. They now have a plan, which shows further safeguards to prevent future flooding. They have a landscape plan, which they will submit to Mr. Yarabek tonight. “What concerns us most is Chairman Friedlander’s comments about a potential traffic study on Broadway. We are concerned because we don’t want such a study to hold up this project. We think the traffic study we have submitted, which your traffic consultants reviewed, does not indicate a substantial impact on the traffic in the area. We are at a point where it is becoming urgent to get this process finalized so while the hotel is closed we can start doing some of the renovations.”

Ms. Ann Cutignola of Tim Miller Associates, traffic consultants for the applicant, stated the studies indicate for the most part there are some traffic issues on Route 9 south of the hotel but they will not be exacerbated by this project. The hotel is an existing hotel and an asset to the Village. The site plan application is to upgrade the hotel and make it a better facility. The flood situation has given them an opportunity to do the project in a concise manner. The site plan application deals with the onsite parking, which meets the code and should adequately provide the parking for the banquet space.

Mr. Tedesco questioned whether the Board of Trustees has authorized Adler Consulting to do the corridor study. Counsel Shumejda stated not as yet but it is on their next agenda.

Mr. Demers questioned what variances are being requested. Mr. Blancato stated one is for height – 28 ft. where 25 ft. is permitted and the other is for coverage – 24% where 20% is permitted. They satisfy the parking requirement even without their agreement with the JCC.

Mr. Tedesco noted the Board still needs input from the Village Engineer and Mr. Yarabek. Mr. Geneslaw has provided a memo, which will be given to the applicant tonight, and that will also need feedback.

Ms. Cutignola stated there are some capacity issues on Route 9, which are beyond the scope of this site plan application. Doubletree can control the signal times of the light at their entrance.

Mr. Blancato questioned the timeframe for the corridor study. Mr. Tedesco noted the Board needs to hold this over for the additional input he mentioned and after that Mr. Blancato can make his argument about this being done before a corridor study is finished.

Mr. Tedesco stated there is an increase in the building coverage and the important thing is how that will affect the traffic. The applicant has made an argument there is no increase in rooms and it is going to a group type of use so there will be less in and out but the larger ballroom will attract more people. The Board needs to know the net affect on traffic as compared to what has existed.

Mr. Shroff stated this is a change in the use and it would seem that would change the peak load dramatically. Ms. Cutignola stated they project an additional 96 trips during the peak hour. Mr. Shroff questioned whether that was realistic since there will be a termination of a meeting and people will be leaving. Mr. Mark Shapiro, project coordinator, stated when there are 240 rooms there are multiple groups and they have the need to meet and eat. They will have meetings and then break for meals. When there is a usage of the ballroom for social gathering functions, it will be on weekends. Those events usually don't require guest room usage.

Mr. Shroff stated the hotel has not been a vibrant commercial center for years. Mr. Shapiro stated their traffic study was reviewed by the Village's traffic consultant and they have not received his comments. Mr. Geneslaw stated he has reviewed Mr. Canning's draft memo and he has raised a number of technical issues. Ms. Cutignola stated they would at least like to see a copy of that draft. Mr. Geneslaw stated, "I would suggest to the Board that apart from whatever approval the Village gives to a corridor study, Mr. Canning be asked to complete the draft so the applicant can address the issues."

Mr. Shapiro stated they would like to get the reports because the hotel is closed and they need to move through this process as quickly as possible.

Mr. Demers stated the proposal will increase traffic and when the Planning Board is reviewing this they must look at it in a broader context. "We are approaching a limit of development in Tarrytown. The impending development does threaten the quality of life in Tarrytown. When we give a variance to increase your capacity, we have to decide if we can afford that much. We can't rush the project and we must consider all these circumstances and consider them in light of what is happening in the rest of the Village."

Mr. Shroff stated, "I travel that road every day and something has happened with the signalization that has created a confusing traffic situation. It has increased the potential

for accidents.” Ms. Cutignola stated, “We have said we will work with the State on that light.”

Mr. Shapiro stated they have shown they have an over capacity for parking. In regard to traffic, they will work with Adler Consulting to assure they have satisfied, to the best of their ability, the traffic situation. The additional net square footage to be added to the building is 8,000 sq. ft. What is being calculated into the variance calculation is the outdoor covered porches. It is not additional outdoor space. That space exists today with a temporary awning. They are just putting a small roof over it so it must be figured into the calculation.

Mr. Blancato stated, “I understand the Village’s problem with Route 9. We have a hotel that is deteriorating. It can’t compete with other conference centers and hotels. In order to compete and be a benefit to the community, some things must change and one is the size of the ballroom. We are proposing a tremendous upgrade to the hotel. When you look at all the facts, I think you will be satisfied that what we are proposing will not be a tremendous detriment to Route 9.”

Mr. Tedesco stated, “We are all concerned about the traffic and we would agree to you consulting with Mr. Canning and Mr. Geneslaw should be a part of that.”

The Board reported receipt of the following memo dated August 22, 2005, from Mr. Geneslaw:

“Subject: Doubletree: Environmental Assessment Form Part 1

We received the EAF on August 13 and have reviewed it and offer the following comments:

1. A number of questions were not answered.
 - A.8 regarding depth to the water table
 - A.15 regarding streams within or contiguous to the project area
 - B.1.g. regarding maximum vehicle trips generated
 - B.8,9 regarding jobs to be created
 - B.17 regarding disposal of solid waste
 - B.23 regarding water usage
2. B.1 Project Description. Items a, b, and c should be reviewed as numbers do not appear to be consistent.
3. B.25 regarding required approvals should be reviewed. Some of the listed agency approvals may not be correct.
4. C.1 has a footnote that appears to be incorrect
5. C.3 has a narrative response where a quantitative response is appropriate
6. C.7 should be reviewed for accuracy
7. C.11.a response appears incomplete
8. C.12 is not completed (regarding traffic generation)

The preparer of the form should sign and date the last page. We will continue the review when the form has been revised/completed.”

Mr. Tedesco asked Mr. Shapiro to comment on why the hotel is presently closed.

Mr. Shapiro stated on June 29 of this year during an incredible rainstorm 8 ft. of water went into the basement of the hotel. It blew out the entire fire life safety, electrical and mechanical. The last month and one-half has been spent getting everything out of the building. The creek overflowed and brought water toward the hotel. All the loading dock water also went into the hotel. They are changing the grading.

Ms. Roula Nedo, Stephens Drive, stated the traffic study should take into account that there will be a significant number of houses built in Gracemere. There will be a lot of development right in the area of the hotel. There will probably be at least 100 additional cars coming in and out of that location. The traffic studies need to be done at all times of the day. If there are 500 people in the ballroom, people will leave at the same time. The increase in size will increase the number of people coming in and out and that is hazardous. Mr. Geneslaw stated the traffic study done for Doubletree included traffic from the hotel and four other locations – 155 White Plains Road, the proposed HSA-UWC church on Broadway, Jardim Estates, and Tarry Grand. In addition, Mr. Canning was asked to include 16 units in Irvington, 44 in Sleepy Hollow and 19 apartments in Irvington.

All agreed to continue the hearing at the Board’s September 26th meeting.

CONTINUATION OF PUBLIC HEARING – C.M PATEMAN & ASSOC., INC.,
CONTRACT VENDEE PROPERTY AT CORNER OF PROSPECT AND BENEDICT
AVENUES

Mr. Chuck Pateman, President C.M. Pateman & Assoc., stated subsequent to the last meeting they submitted a package, which included:

1. Proposed Subdivision Plans consisting of the following drawings:
 - CS – Cover Sheet dated 6-6-05 revised 7-15-05
 - S-1 – Subdivision Plan dated 6-6-05 revised 7-15-05
 - S-2 – Site Plan – Lots 2 & 3 dated 6-6-05 revised 7-15-05
 - S-3 – Slopes Analysis dated 6-6-05 revised 7-15-05
 - S-4 – Steeps Slopes Analysis dated 6-6-05 revised 7-15-05
 - S-5 – Erosion Control dated 6-6-05 revised 7-15-05
 - S-6 – Details dated 6-6-05 revised 7-15-05
2. Subdivision Plat prepared by Riley Land Surveyors, LLP dated June 8, 2005
3. Landscape Plan prepared by Stephen Lopez, ASLA, AICP dated June 2005 revised July 2005 addressing issues discussed at the July meeting – they minimized site grading, revised the site plan and proposed walls to save as many of the trees as possible. Lot 2 – Total trees: 42 of which 17 will be removed and

- 25 saved. Lot 3 – Total trees: 23 of which 14 will be removed and 9 of the existing trees will be saved. The plan proposed the planting of 38 additional trees to compensate for those removed.
4. Full Environmental Assessment Form
 5. Colored rendering of the site depicting the tree canopy of the existing trees which will remain after development
 6. Photographs of neighboring properties and an aerial map depicting their proximity to the proposed site.

Mr. Pateman stated they anticipate having the tree work completed in about a week.

Chris Pateman stated the revised drawings took into account the comments raised by the Planning Board. There is more of a setback on Lot 2 and the houses have been oriented to open the view shed. They moved the driveway on Lot 3 to the other side of the property. They analyzed sight distance conditions and they are in acceptable requirements. With the proposed planting there will be a net gain of five trees.

Mr. Pateman submitted a rendering of the houses. He noted they comply with Floor Area Ratio and all other zoning requirements.

Mr. Tedesco noted Lot 3 is approximately 60% of the area of Lot 2 and Lot 3 is 98% of the maximum allowed. He stated he would have expected the house on Lot 3 to be significantly smaller. Chris Pateman stated the shape of the lot required a different design. "I could have made Lot 2 smaller and Lot 3 larger but this keeps more separation from the church. The garage of Lot 3 is larger than the garage of Lot 2 which results in about 90% of the increase."

Mr. Tedesco questioned how the height is measured. Chris Pateman stated it is 29 ft. 6 in. from the average grade to the midpoint of the roof.

Mr. Stone stated the Board asked for the distance from grade to clear height. Chris Pateman stated that has not been completed but will be supplied.

Mr. Stone stated there is a drawing that shows the building and the grades from the road and it shows absolute levels. It shows the clear height is 22 ft. above the edge of pavement, which is less than what Mr. Pateman is saying. Mr. Pateman stated they would review that.

Mr. Tedesco stated the Board would be interested in knowing the square footage of surrounding homes as well as the heights. Chris Pateman stated he could get a rough idea but could not provide actual numbers without the ability to inspect each home.

Mr. Tedesco stated Mr. Yarabek met with the arborist hired by the applicants. They responded with a revised landscaping plan; however, they should also respond to each of the items in the memo from Mr. Yarabek. Chris Pateman stated they will be addressing that.

Mr. Demers noted at a Board of Trustees meeting a resident suggested leaving the westernmost part of the property with the underbrush and coverage to preserve the natural look. Mr. Yarabek, the Village's Consulting Landscape Architect, stated that would not work. Once the clearing is done for the houses, there would be no screening for the neighbors on Detmer Avenue. It is scrub material and not desirable. Chris Pateman stated the westernmost portion is used by the neighbors for disposing brush debris. They need to clear that area. It is an eyesore. "It is not a woodland habitat." Mr. Yarabek stated the intent is to save the prime trees but in the field they felt additional evergreens were necessary.

Mr. Tedesco stated the Board has discussed trying to provide extra storm water protection. "I think it might be useful if you met with Mr. McGarvey and Dvirka & Bartilucci and come up with what you feel is the optimum level of drainage and do that as something separately that the Board can review." Chris Pateman stated they will do that.

Mr. Demers stated on the EAF they indicated there are no existing aquifers on the property and he questioned how they knew that. Chuck Pateman stated they dug deep test holes, which were witnessed by Mr. McGarvey. They did this in response to comments made by Mr. Lynch and at the suggestion of Mr. McGarvey. The property pitches to the rear and no water will go to Prospect Avenue from these houses. They have done a drainage study and doubled the capacity of the dry wells. "We will be submitting in the complete package additional help for the Loh Park area. We will be raising the weir by 2 ft. We will be providing a benefit to the Loh Park area and Mr. McGarvey will confirm that." Mr. Pateman noted they will be retaining an additional 100,000 gallons of water in the pond.

Mr. Pateman noted the Board of Trustees has scheduled a public hearing for September 6th to consider a moratorium for the Loh Park drainage district. He questioned whether they would be exempt from that moratorium. Counsel Shumejda stated the moratorium would preclude any approval but there is a hardship provision.

In reviewing the EAF Mr. Tedesco stated it would be helpful to show where terraced walls would be located.

Mr. Demers noted the EAF states construction is anticipated to last six months. He asked what hours of the day they would be working. Chuck Pateman stated they would comply with the Village's code.

Mr. Demers stated on page 16 of the EAF No. 11, Impact on Aesthetic Resources – he felt the answer should be Yes since it does seem the houses are somewhat out of kilter with surrounding houses. Column 3 should state yes that they are attempting to mitigate that. “I am hoping you can mitigate it more. This will stand out among the other houses and I would like to see that mitigated even more perhaps with landscaping.”

Mr. Stone stated as you drive down Prospect Avenue now you have a forest. That is a concern. Chuck Pateman stated, “That is why we are spending so much time on the landscaping. We believe it is a benefit to our project to keep as many of the trees as we can. We believe it adds to the value of the house.”

Ms. Tracy Ellis-Ward, 191 Prospect Avenue, stated health, safety and welfare is a concern. The houses are large and there will be families living there. There is no sidewalk on Prospect Avenue and the street is narrow. Something should be done about the safety on Prospect Avenue. It is a cut through to I-287. Chris Pateman stated they would support any improvements to the traffic situation. “We don’t believe our project will make the situation worse.” Chuck Pateman stated the safety issues on the street should be brought to the Board of Trustees and they would support the residents in those efforts. Mr. Tedesco stated the Planning Board will also discuss this matter with the Board of Trustees.

Mr. Demers stated the Planning Board can condition any approval on there being sidewalks for these two houses. Chris Pateman stated, “We would have no problem amending the plans to show sidewalks for our project.”

Upon inquiry from Mr. Geneslaw, Chris Pateman stated the garages for both houses have a front entry and are two car garages. Mr. Geneslaw suggested there be a driveway turnaround for Lot 3. Chris Patemen stated they could probably do that. There was a tree they were trying to save; however, the arborist has determined that tree is in bad shape and will probably have to be removed.

No one further appeared to address the Board on this matter.

All agreed to continue the hearing at their September 26th meeting.

PRELIMINARY PRESENTATION – POWERS – 34 LINCOLN AVENUE

Mr. Robert Barstow, architect, stated, “I have submitted preliminary drawings that indicate what we would like to do with the property. This is on the corner of High Street and Lincoln Avenue. It is 150 ft. long by 100 ft. wide. The subdivision would create two lots of 7,500 sq. ft. each of which meets the zoning for the area. We have done a study on the proposed construction and a layout that meets all the zoning criteria for the new construction. We would not be looking for any variances. What does present a variance

issue is the existing dwelling, which would need a variance for the rear yard. This dwelling was built about 1910 and the dwelling is essentially on the property line.”

Mr. Tedesco questioned the size of the existing house and the proposed house. Mr. Barstow stated the proposed house would have a maximum coverage of 1,800 sq. ft. They don’t have an exact floor plan. They are in the preliminary analysis of that. The ideal square footage would be in the 4,000 sq. ft. range. The current house is roughly 3,000 sq. ft. The existing house has a walk-out basement and the new house would not. The exposure of the new construction would be lower than the existing house.

Mr. Stone stated the Board would need to know the height of the new and the existing and the footprint for the existing and new.

Mr. Tedesco stated the Board would need a more complete tree survey – the existing, those to be removed, those to remain, and those to be added. The Board would also like to have the size and heights of the surrounding homes. “It is an existing non-conformity and when I look at the lots divided, the division of the property magnifies the effect of the non-conformity in my eye.”

Mr. Demers stated, “I visited the site and it was a pleasure to visit. Now it is a beautiful place. I would be sorry to see something big built to overshadow it.” Mr. Demers stated there would need to be substantial landscaping to mitigate this new large house. He questioned how there would be entry to the existing house if this portion is sold off for a new house. Ms. Donna Powers stated they will move into the new house. The driveway for the existing house is on High Street. The entrance would be a High Street address, which is why they are saying they would need variances for a rear yard.

Mr. Stone stated he would be concerned about sight distances.

Mr. Stone questioned whether there are any steep slopes on the property. Mr. Barstow stated not on the new construction. The only area where it gets into a steep slope condition is at the top of the site. “It is actually pretty level.”

The Board stated the applicant should submit information about the size of houses in the area - Lincoln Avenue, High Street, and Walnut Street.

Mr. Geneslaw stated the zoning data table should be amended to show both lots.

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

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that the Planning Board sets an escrow account for this project in the amount of \$2,500.

Mr. Tedesco moved, seconded by Mr. Stone, and unanimously carried, that the Planning Board sets a public hearing for September 26, 2005, on a proposed two lot subdivision at 34 Lincoln Avenue.

PRELIMINARY PRESENTATION – DENARDO/RANCIC – 118 SHELDON AVENUE

The Secretary reported this application was for demolition of an existing structure and construction of a new residence. No one appeared to address the Board. It was agreed to put this over until the next meeting.

RESOLUTION RE HYDROLOGY STUDY FOR WILSON PARK

Mr. Tedesco moved, seconded by Mr. Demers, and unanimously carried, that the Planning Board recommends to the Board of Trustees that they hire Dr. Paul Menkiewicz to do a review of the hydrology study being done by Dvirka & Bartilucci for Wilson Park and that this be done for the Planning Board as an extra layer of review on that study.

The Board stated if Dr. Menkiewicz is hired, there should be commentary added to the DEIS stating he will be conducting that review.

NEW CINGULAR WIRELESS SERVICES, INC. – 1 RIVER PLAZA

Mr. Tedesco stated this application was approved at the Board's last meeting. Mr. Stone raised a question about moving the equipment cabinets to make them less visible. They thought there were constraints and sent a letter confirming that there are constraints.

Mr. Stone stated they sent a study in response to the request that showed locations on four or five places on the building. The new drawing actually moved the equipment closer to the corner. "I had a problem with that."

Mr. Tedesco stated the approval was conditioned on the chairman signing the final site plan. "I would suggest as a Board that we send Mr. Stone's comments to them and hold off the signing of the site plan." All Board members concurred.

Mr. Demers stated the Village's consultant, Dr. Cooper, sent a memo regarding the signage. That also should be referred to New Cingular and that language should also be included in the letter to them. All Board members concurred.

MEETING ADJOURNED 9:45 p.m.

Kathleen D'Eufemia, Secretary

