

Planning Board
Village of Tarrytown
Regular Meeting
January 23, 2006 7 p.m.

PRESENT: Chairman *Friedlander; Members Aukland, Tedesco, Stone; Counsel
Shumejda; Planner Geneslaw, Landscape Architect Yarabek;
Village Engineer McGarvey; Secretary D'Eufemia
ABSENT: Mr. Demers

APPROVAL OF MINUTES

Mr. Stone moved, seconded by Mr. Aukland, that the minutes of the Regular Meeting on December 21, 2005, be approved as submitted. Mr. Tedesco abstained. Messrs. Aukland, Stone and Friedlander assented. Motion carried.

Mr. Stone moved, seconded by Mr. Aukland, that the minutes of the Special Joint Meeting with the Board of Trustees on December 21, 2005, be approved as submitted. Mr. Tedesco abstained. Messrs. Aukland, Stone and Friedlander assented. Motion carried.

PUBLIC HEARING – PUTNAM AVENUE HOMES, CONTRACT VENDEE – 2 NEW SINGLE FAMILY HOUSES ON HILLSIDE STREET

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, January 23, 2006, at **7:00 p.m.** at the Municipal Building, 21 Wildey Street, Tarrytown, New York, to hear and consider an application by:

Putnam Avenue Homes, Contract Vendee
16 Riverside Place
Dobbs Ferry, New York 10522

To consider the application for site development plan approval for property on Hillside Street, Tarrytown, New York 10591 to construct two new single family homes on the filed Logan Subdivision Map – Lots 3 and 4.

The property is shown on the Tax Maps of the Village of Tarrytown as:
Sheet 21, Block 71, Parts of Lots 1, 3, 4, 5, & 6 (Building Lot 3)
Sheet 21, Block 71, Lot 7 and Part of Lot 6 (Building Lot 4)
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.

*Chairman Friedlander recused himself on this application.

Mr. Tedesco chaired this segment of the meeting.

Mr. Chris Pateman of C & L Pateman Design stated they are proposing two new single-family homes on lots, which were legally subdivided in the last few years. They are lots 3 and 4 of the previous Logan subdivision. The houses will be a colonial design. There will be 4 ft. to 5 ft. high retaining walls across the front. This will reduce the illusion of height in the front. Everything is in full compliance with the zoning. There will be terraced retaining walls in the rear of each house.

The Board reported receipt of the following memo dated January 23, 2006, from Stephen Yarabek, the Village's Consulting Landscape Architect"

"I reviewed the proposed landscape plan for Lots 3 and 4 on Putnam Avenue and request that the following information be provided to enable a full review of the landscaping:

1. Tree Preservation

- a. Create a list identifying the species, size (diameter base height) and condition of all trees to be preserved and removed.
- b. Provide a tree protection plan showing protective fencing located at one foot per one inch diameter base height distance from trunk.
- c. Provide a note stipulating that any blasting will be at the minimum threshold in order to protect the roots of specimen oak trees that are to be preserved. This condition is critical due to the continuous surface and subsurface rock ledge.
- d. Provide a replacement valuation for all trees to be preserved.

2. Site Plans

- a. The grading and landscape plans shall show all trees to be preserved, existing & proposed contours.
- b. Additional soil berming may be necessary to support the proposed evergreen buffer.
- c. Street trees should be provided at large enough caliper 4-4^{1/2}" for immediate impact."

Mr. Stone stated it would be beneficial for the Board to arrange a site visit before any approval is given.

The Board reported receipt of the following memo dated January 19, 2006, from Robert Geneslaw, AICP:

“Putnam Avenue Homes, Hillside Street, Lots 3 & 4

We visited the site mid-December 15th, when there was snow cover on the ground, therefore some features were not visible. Based on that visit and our review of the plans and supporting material, we offer the following comments:

1. Future submissions should include the names of owners of adjoining properties for reference.
2. The north arrow on the site plan and some other drawings does not appear to be oriented correctly.
3. The required and provided building height should be added to the Zoning Data Chart.
4. Dwg. S-4, Steep Slopes has the words ‘Building Envelope’, but the actual envelope outline is not on that drawing.
5. Areas of rock outcrop should be shown on the plan.
6. The amount of impervious surface should be calculated for each lot, including the area of exposed rock.
7. Any wetland areas on the lots should be shown.
8. On the Thruway side of the property, a sound wall extends away from the southeast corner of the property, protecting existing homes. Dwg. S-1, Aerial Photo with Topographical Contours, shows the wall ending just before the property line. We are concerned with the potential for increased traffic noise in the area after removal of trees and the effect on the future residents in the two new homes. It would be helpful to illustrate the elevation and orientation of the second floor windows in the rear of each home in relation to the topography along the Thruway boundary.
9. For clarity and consistency, and for the benefit of the newer members of the Board, and some of the consultants, it would be helpful; to show the area, particularly property lines, from Summit Street to the adjoining property at the end of Hillside Street. There are some inconsistencies in the information provided on the various drawings and aerial photo.”

Mr. Tedesco stated pictures of some neighborhood houses were provided. It would be helpful to know the size of these houses relative to what is proposed to be built.

The Board stated it would be helpful to have the plans updated prior to the site visit.

The Board agreed to have a site visit on Thursday, February 23rd at 10 a.m.

Counsel Shumejda stated the structures and driveways should be superimposed on the steep slopes plan.

Chairman Friedlander questioned whether anyone wished to address the Board on this matter.

Ms. Lillian Bagnato, Eunice Court, stated her back windows face where these houses will be constructed. There is a lot of rock and she is concerned about blasting. "I am concerned about the driveways which will shine into my house and backyard." Ms. Bagnato stated evergreens should be planted since the houses are close and there is not a lot of privacy.

Ms. Ann Parra, Eunice Court, stated the homes on Eunice Court are low and they will be looking up at these huge homes. She stated the Board should review that when they visit.

Mr. Ehrenreich, 9 Hillside Street, stated he had three concerns:

1. Dynamite and how that will be managed
2. There is currently a stone retaining wall between his house and Mr. Logan's property. What will happen to that wall?
3. What happens with the drainage?

Mr. Pateman stated the stone wall referred to is at the other side of the retaining wall. None of the work they are proposing is in that area. They will have a drainage swale and everything will be kept underground. They will stipulate there will be no blasting. They can also provide screening on the other side of the street to buffer the existing homes from the construction.

Counsel Shumejda stated Mr. Pateman should review the current steep slopes provisions in the code since it appears some of the driveway area may be in the steep slopes. That will be shown when the houses and driveways are superimposed on the steep slopes map.

No one further appeared to address the Board.

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

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

*Chairman Friedlander rejoined the meeting.

PUBLIC HEARING – WELDAY – 107 PAULDING AVENUE

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, January 23, 2006, at **7:00 p.m.** at the Municipal Building, 21 Wildey Street, Tarrytown, New York, to hear and consider an application by:

Jeanette and Michael Welday
107 Paulding Avenue
Tarrytown, New York 10591

To consider the application for site development plan approval for property they own at the above address to permit alterations to existing one family single story residence. Proposed work includes addition of a 1,094 sq. ft. second floor and 265 sq. ft. expansion of existing first floor. The removal of a 217 sq. ft. accessory structure is also proposed.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 23, Block 62, Lot 9 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. Earl Ferguson, architect, stated the applicant is requesting site plan approval for alterations and addition to a single-story one-family residence. The addition is 1,094 sq. ft. on the second floor. There is also a 265 sq. ft. expansion of the existing first floor. They will remove a 217 sq. ft. accessory building (shed) that exists. There is large old barn, which the Weldays would like to preserve. The existing house is quite small. The area is about 932 sq. ft. There are two bedrooms. The current living room is 200 sq. ft., the kitchen is 192 sq. ft., the bedrooms are 132 sq. ft. and 110 sq. ft. This application will require variances but many are for existing non-conforming conditions including the fact it is an R-10 District which requires a 10,000 sq. ft. lot and this lot area is only 5,000 sq. ft. The project will require a side yard and front yard setback; the required lot width is 100 ft. and 50 ft. exists; the front yard is required to be 25 ft, 12 ft. exists, and they are proposing 9.1 ft. One side yard is required to be at least 12 ft. The existing on one side is 12.8 ft. and they are proposing that become 8.8 ft. The combined side yards are required to be 26 ft. and they are proposing 11.4 ft. The principal building coverage permitted is 22%; 18.4% exists, and they are proposing 24.9%. Accessory building coverage permitted is 5.5%; 11.1% exists, and they are proposing 6.7%. Total coverage for all buildings permitted is 27.5%; 34.9% exists, and they are proposing 30.4%. The allowable Floor Area Ratio is 2,150 sq. ft.; 1,189 sq. ft. exists, and they are proposing 2,573 sq. ft. The FAR includes about 25% of the existing basement space. They are proposing changing the front entrance and having a covered porch. This owner had great concerns about the impact on the neighbors and they directed the architects to mitigate any negative impact on the neighbors. With the proposed additions the first floor will have a 172 sq. ft. kitchen, a 272 sq. ft. living room, a 188 sq. ft. library/office, and a 183 sq. ft. dining room as well as a powder room. There will be three bedrooms and two bathrooms on the second floor. The plans meet the height requirements. Mr. Ferguson stated, "We think we have answered the owners' needs. We tried to mitigate impact on the community. We believe the design of the house is an asset to the community. We feel it has no negative impact. There have been several large structures built in the back of this

house. Those houses took away from this owner. These owners have great pride in the neighborhood and they get along with the neighbors.”

Mr. Tedesco stated he appreciated the attempts that have been made in thinking about the neighbors; however, there are a lot of significant variances. There are big increases in already existing non-conformities. There were some conforming situations, which are becoming non-conforming. The FAR is a 20% increase above what is allowed. This is a big house for the size of the lot.

Mr. Ferguson stated it is not a severe variance in terms of FAR since 25% of the basement space has to be included. They also made a decision to go vertical with the proposed addition and only went horizontal to make reasonable size rooms.

Mr. Stone stated the Board would need to see details in regard to the buildings that surround the property in regard to size, separation, and height.

Mr. Ferguson submitted photographs of houses in the area including the house at 76 Paulding Avenue, which received many variances - larger variances than what the Weldays are requesting.

The Chairman questioned whether anyone wished to address the Board on this matter.

Mr. Dave Cusick, 113 Paulding Avenue, stated one of his fears is if the Weldays move and sell the house, a developer will come in and build something that would block the views. He stated he has no objection to what the Weldays have proposed.

Ms. Madge Halpern, 90 Paulding Avenue, stated when the two new houses went up in the neighborhood, they were immense things in a neighborhood of mostly modest houses. “I think what the Weldays are trying to do is accommodating the needs of their family in a neighborhood they love. The new height they are proposing is well within reason and I think this addition would be welcomed to the neighborhood.”

Mr. Paul Birgy, 94 Paulding Avenue, stated, “I have lived on the street for fourteen years and we would like to see the Weldays get this addition to their home. They are terrific neighbors. We feel it is critical that people like this stay in the neighborhood. Some things they are asking for may seem more than you like to grant but there are special circumstances in this neighborhood. This would be a positive impact on the neighborhood. We have a lot of respect for the work Mr. Ferguson does and we are pleased the Weldays picked him as an architect. We feel this is a win-win situation for the neighborhood. This is the right thing to do.”

Ms. Victoria Weisel, 8 Washington Place, stated, “This family has taken such pains to accommodate the neighborhood. They have taken people into consideration. It is smart

growth and growth this community should strive for. They have talked to everyone about these plans. They are setting an incredible example of smart growth.”

Mr. Stone suggested the Board visit the property on February 23rd, following their visit to Hillside Street. All agreed.

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

Mr. Stone requested the height to the ridge of the roof be shown on the plans.

PUBLIC HEARING – GENERAL MOTORS TRAINING CENTER – 425 SOUTH BROADWAY

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, January 23, 2006, at **7:00 p.m.** at the Municipal Building, 21 Wildey Street, Tarrytown, New York, to hear and consider an application by:

General Motors Corporation
30500 Mound Road
Warren, MI 48090

To consider the application for site development plan approval for property it leases at 425 South Broadway, Tarrytown, New York 10591 (General Motors Training Center) for permission to modify the training and service facilities to accommodate General Motors' Hydrogen Fuel Cell vehicles which will involve the renovation of a portion of the training and service space within the existing General Motors Training Center and the installation of a hydrogen refueling area to be located at the rear of the facility.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 24, Parcels P3D, and P3F2 and is located in an LB (Limited Business) 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. Ruth Roth, attorney for the applicant, stated, “We are seeking site plan approval in order to construct a small hydrogen refueling area in the rear of the property. The property is in the Limited Business zoning district, which permits technical training facilities for instruction of personnel in the methods of sales, engineering, repair and maintenance of motor vehicles and automotive products, which may have permitted uses

accessory thereto. Last time we submitted some material which we would like incorporated into the record.”

Mr. Bill Shepard of General Motors stated the proposal will enable General Motors to provide dealership technical training for fuel cell vehicles. General Motors has been operating fuel cell vehicles for eight years in upstate New York. They are trying to extend what they have been doing at the Tarrytown facility for fifty years but they can't go down the street to get the hydrogen fuel. He stated they believe this will be a safe installation and safer than the uses that have been at the property.

Mr. Shepard presented a video showing what hydrogen and fuel cell vehicles are about.

Mr. Shepard stated, “It is our corporate belief we need to be doing more with hydrogen. We are trying to work the costs down where it will be affordable. General Motors is looking to begin demonstration activity in the northeast region. We have demonstration vehicles in Virginia and California. Our site plan really calls for the addition of a 36 ft. x 30 ft. refueling area. There is a small dispenser that provides the fuel. There are cylinder packs that hold the hydrogen. There will be cinder block walls on three sides. The vehicle would be pulled in from the rear. It is clearly communicated to us by our neighbors that safety is the overriding concern. We have brought a third party expert.”

Mr. Jack Woycheese, Vice President of Hughes Associates, stated his company employs over 150 engineers, scientists and other technicians to provide services worldwide in the areas of combustion science and technology, fire safety protection, code compliance and alternative fuel technology, including hydrogen. He stated he has over forty years experience in the field as a fire protection engineer and his particular expertise is in the area of combustible liquids. They have looked at methanol, compressed natural gas, and electric vehicles. As the video described, hydrogen is an energy source. There are always things to be dealt with when a project involves these kinds of products. The key is learning to deal with concerns by using a professional design, proper installation, and operation and inspection techniques. The hydrogen fuel is not burned as a fuel. A series of plates react with the hydrogen and convert it to electricity. The vehicles are essentially electric vehicles. What is happening at this site is critical. There needs to be training for the people who will fuel the vehicles, refuel the storage containers and maintain and inspect the vehicles to be sure operational procedures are followed. Mr. Woycheese stated there are a lot of safety features including pressure release devices that would safely vent the hydrogen. In the United States, the National Fire Protection Association develops a series of standards. “In general, if it were me, I would have no problem living within the code standards. In this case, it far exceeds the code criteria. There will not be an incident at this facility that would impact the public.”

Mr. Frank Hassid, Executive Director of the Jewish Community Center, next door property owner, stated no one is against getting different fuel resources but they did not feel it is appropriate in this community. “With so many potential options, is a residential

location with a day care center the best location?” Mr. Hassid stated hydrogen is not a core part of General Motors’ business. What they are aspiring to do threatens the core of the community and the JCC. One family has already decided not to continue at their facility when they learned the potential of this happening. No one is opposed to the research but this is not the appropriate location.

Ms. Victoria Weisel, 8 Washington Place, submitted the following petition signed by 46 area residents:

“We, the undersigned, urge the Board of Trustees and the Planning Board of Tarrytown, New York, to deny the application submitted by General Motors to 1. revamp the existing garage bay for hydrogen fuel cell vehicle technical training, and 2. install a hydrogen fueling facility in an outdoor back lot at their 425 South Broadway Training Center. The property is located in a Limited Business District zoning area that does not provide for the refueling of vehicles, as stated in Tarrytown code – a point to which General Motors has adhered in their past technical training capacities until now. The proposed revamping of their garage bay is adjacent to the day care center at the Jewish Community Center; the proposed installation of their hydrogen fueling facility is located at the north edge of property, which abuts family homes on Paulding Avenue. Since the technology for hydrogen fuel cell vehicles and their refueling is still being refined and not yet ready for commercialization, we are concerned that the current level of reliability and safety as well as the startling absence of regulatory guidelines places the children, adults and real estate values of our Irving Neighborhood at a distinct risk. A Limited Business District pressed against a Residential District is no place for the research and development of technologies that rely upon potentially hazardous and unregulated refueling practices. It is our collective opinion that General Motors should continue to refine its fuel cell technology, but in an industrially zoned area.”

Ms. Weisel stated, “We take issue with the validity of the SEQR submitted by the General Motors Training Center to the Planning Board. One the application, section 8 asks, ‘Will proposed action comply with existing zoning or other existing land use restrictions?’ They answered, ‘Yes,’ yet their proposed installation of a hydrogen fueling pump does not meet with the Limited Business Code of Tarrytown. In fact, it doesn’t meet with the Neighborhood Shopping District across the street where the gas stations are either. The gas stations are ‘pre-existing, non-conforming.’ On the application, section 10 asks, ‘Does action involve a permit approval, or funding, now or ultimately from any other governmental agency (federal, state or local)?’ Should General Motors be allowed to install a hydrogen fuel pump for the refueling of their prototype vehicles, there is no regulatory agency required to inspect or uphold safety standards. Since there is no ‘How To Permit a Hydrogen Fueling Station’ process or guidebook regarding the codes and standards that should be referenced in permitting hydrogen fueling pumps or stations, General Motors and Tarrytown would most likely be inventing those guidelines as GM goes along in their research and development process. I spoke to a representative at Hydrogen Safety.com who acknowledged that the National Fire Protection Association

provides some standards for these situations, the technology is so 'cutting-edge' that there is no single authority to oversee this other than the company's own 'personal certification.' By the way, I have a list of Honda's NFPA codes, which are far more stringent than the one's GM listed at the JCC meeting. In a meeting at the JCC, GM offered that Mike McGarvey, village building inspector, could perform inspections; however, Mike is not a chemical engineer with an expertise in hydrogen and pressurized storage vessels. Hydrogen Safety's webpage also states that 'even vessels located safely within NFPA guidelines could in fact cause severe to catastrophic damage to other property and resources should abnormal conditions be suddenly introduced into their environment or operation.' I asked the representative what that might be and topics mentioned included seismological changes, tampering, terrorism, the human error of intended/unintended impact. Here's a quote from an article in today's Westchester County Business Times, "GM would also use the training center for maintenance of its hydrogen car fleet and refueling of vehicles. The latter is risky enough Romm said, to require the highest industrial standards, something GM has promised to uphold." Risky enough? Fleet of vehicles? What is that adage about putting lipstick on a pig? At the end of the day when the lipstick has worn off, we've got GM refueling vehicles with controversial compressed hydrogen gas from an unregulated refueling pump, with a day care center and playground no more than 50 feet away on one side, and family homes no more than 50 feet away on the other side, in an area that is currently zoned to prevent this very usage! Isn't this a 'no-brainer'? For every article GM produces about how safe hydrogen is, experts in their very own industry are also writing counterpoint articles refuting it. In California, Honda is touting the safety and easy use of their new hydrogen refueling stations. In contrast, Ford and the Chicago Transit Authority require their fueling operators to wear special fire resistant clothing, leather gloves and eye protection. Is Tarrytown ready to make decisions about this controversial hydrogen work in progress? My neighbors and I feel that this is not just our issue, but looms largely as a South End issue as well. There are so many tangential issues tied to this proposal. Currently we have no fire station in the South End. The school busses drop children off on the GM lawn after school. Children from several river towns attend the JCC daily for day care and classes. According to their website, the newly proposed Hudson Riverwalk Greenway Trail may flow along the back of the GM parking lot after crossing along Monroe Street in our neighborhood. Basically you have a lot of human beings milling around the site for many different reasons – it was zone wisely for those purposes to happen - safely and without the experimental industrial concerns that GM now imposes upon us."

Mr. George Gasperini, 47 Paulding Avenue, presented photographs showing a backhoe on GM's property as well as a flat bed trailer and other cars using the property as a parking lot. "These are all potential people in the area who are not trained with that tank." He noted General Motors may say this is safe, but it is not. This may start out small – a couple of cars, but that will increase and so will the amount of hydrogen being kept at this site. "I also don't want 24-hour lights in my neighborhood. I am not against progress but I don't think this is the right site."

Ms. Nancy Lonky of the JCC stated their facility provides needed services to the community. The Board has the responsibility to protect the future of the JCC. She stated on January 9th she met with Mr. Shepard along with their attorney and public relations person. Many questions went unanswered. "The perceptions of risk threaten the future of the JCC."

Ms. Stacey Cusick stated she has a child attending JCC programs. She has not renewed her nursery school registration because of her concerns. Her 2-1/2 year old child is in that playground. On December 29th Chevron had an article, which stated fault has been found with the storage technologies for hydrogen. "This is not the right area to be experimenting."

Ms. Theresa Fante, Paulding Avenue, stated she resides next door to General Motors and she did not receive notice of this hearing. When she and her husband bought their property GM was there; however, it operated as a school. Every day by 3:30 p.m. cars were gone and there was no operation on weekends. There have been changes over the years; e.g., now cars are stored there. Ms. Fante submitted pictures showing this facility will only be feet from her house. "I have tenants and no one will want to rent from me." Ms. Fante stated she has grandchildren and she fears her children will not bring them to her house. "I am for technology but there is a place for it. It should not be here upsetting my life."

A resident of 24 Paulding Avenue stated she agreed with Ms. Fante and this proposal does not belong in this neighborhood.

Mr. John Lynch, Crest Drive, noted he is chemical engineer with hydrogen expertise and he stated he has submitted information to the Mayor on hydrogen codes. The Department of Energy is looking at hydrogen as a fueling structure. As it stands now, there is no hydrogen code for infrastructure. "To argue this is a training facility, goes beyond the pale. This is an experimental facility that has no zoning. This is embryonic." Mr. Lynch stated the Village Board should call this a Type I action under SEQRA. It is not common sense to put this in a residential area next door to a day care center.

Mr. Gasperini stated Village Officials should check out the fence GM put up and the vehicles being stored there to determine if there are violations.

Mr. Shepard stated, "I heard the impassioned pleas. I do believe we could convince you it is no more risky than anything else you are living with in your lives. General Motors will revisit our site plan application. I respect the opinions of the neighbors."

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

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

Chairman Friedlander stated the applicant has requested further review of the DEIS not be held this evening since they are still reviewing submissions. It was noted the Dvirka & Bartilucci report and the PCI report have just been received.

Chairman Friedlander stated the applicants' planners have submitted three alternative subdivision plans and he felt tonight it would be beneficial to distribute these to the public so there could be input.

Mr. John Saccardi of Saccardi & Schiff, planners for the applicants, stated the proposal is for 17 lots. The three plans tonight are for 15 lots. The notion is two lots would be purchased by the Village. "We attempted to create a 'Wilson Park'. We have nine to ten acres that would be a unified park area for Wilson Park." Mr. Saccardi stated Plan A has a park of approximately ten acres with its entire frontage on Wilson Park. Closer to the trail would be six smaller lots off a private road. Plan B is a park of approximately ten acres from Wilson Park Drive to the trail with three lots on either side. Plan C is similar to Plan B with six lots with a different configuration and a slightly different park area. He stated their preference is Plan A. On all three plans, the remaining 9 lots are on the northern portion of the site.

Ms. Ann Barschall, 80 Benedict Avenue, stated, "I have horror with any development on this pristine site. I can't imagine how anyone can consider development in the watershed. If this was the New York City reservoir, no one would think of building in the watershed. The Village should be working with private agencies and the federal government to invest in a public land trust. This site is a prime candidate for this."

Ms. Linda Viertel, Gracemere, stated as we continue the planning process, a couple of more lots may be eliminated, which will affect the way the community will look at this plan. Chairman Friedlander stated the question still in front of the community is do you want to take the density from the north side or the south side. It allows a different type of open space. Ms. Viertel noted the area next to Lot 9 has always stayed green and she questioned why. Mr. Saccardi stated there are two hilltops and you can't develop there. Either it is open space or it becomes a part of Lot 9.

Mr. Dan Richmond, an attorney representing area residents, stated they are working with Carpenter Environmental in reviewing this project. They have received the Dvirka & Bartilucci report and their consultant has said it did not address whether the proposed drainage works. The project has drainage issues that have not been addressed. Chairman Friedlander stated tonight the Board is just looking for preliminary input regarding the parkland. Mr. Richmond stated, "I think you have to go beyond A, B, and C."

Chairman Friedlander stated, "When the Dvirka & Bartilucci and PCI reports are reviewed, it may affect what can be done. There are two ways of looking at the park. Initially we tried to get it in the north and south. Then there was a concern we wanted a bigger chunk of parkland. There was a concept for a ten acre park with more integrity as a full size park. Then there was concern about people who use the trail about access from the trail and opening it up with the houses on the side and having open space from the trail. We are looking at how people feel about the two alternatives. There may be less houses and maybe additional purchases. In terms of the input for today, we want to know how people feel – do they want it in the middle, on the side, and why."

Mr. Richmond stated, "We need to look over this with our engineers from a storm water analysis standpoint. I applaud the applicant for looking at it in regard to open space. I am not sure why this isn't part of the SEQRA process." Mr. Saccardi stated it will be incorporated into the SEQRA process.

Ms. Carole Griffiths, 251 Martling Avenue, stated during the scoping session she suggested a wildlife and plant survey, which has not been done. When it comes to designing open space for the park, it would be good to have an ecologist look at this as well.

Ms. Karen Brown, 5 River Terrace, stated Plan A has the appearance of a gated community and she was not comfortable with that. Plans B and C are similar and go in the right direction but the entire ridge area is important to the Wilson Park neighborhood and Lots 15 and 10 change the whole character of the neighborhood. "To come up with an ideal plan, the density is still too high."

Mr. Joseph Barschall, 80 Benedict Avenue, stated many families in the community have used the path and that opportunity should continue. With buildings, the entire idea of a reservoir becomes implausible. With a powerful storm, sewage could be released into the reservoir. "These plans do not work."

Mr. Tobin Kent, 200 South Grove Street, stated the scale of the homes are not in scale with what people in Tarrytown want. There should be smaller homes on larger pieces of property. "I like to see the hillside so Plans B and C give more hillside. Lots 10, 11, and 12 should not have homes and the other lots should be larger with smaller homes."

Mr. Michael Farley, Neperan Road, stated no building should be allowed. These discussions should not even be taking place until the two reports from the consultants have been reviewed.

Ms. Ann Hull, 111 Wilson Park Drive, questioned whether these houses will be similar to the ones built on County House Road. Mr. Saccardi stated most of those lots are smaller. The size of the houses has not yet been determined. What this plan tries to do is have a variety of lot sizes. Ms. Hull questioned whether these lots will be clear cut. Mr.

Saccardi stated the trees have been marked and the intent is to preserve the trees. Ms. Hull stated the width of the street on Wilson Park Drive is very narrow. Mr. Saccardi stated the notion of widening the road is something they will get into. "I would like to keep it narrow because that keeps traffic moving slowly but that is a decision the Board will make with input from their planners and engineers." Ms. Hull questioned how big the houses will be. Chairman Friedlander stated those are matters the Planning Board has the power to determine with their consultants during site plan review for each individual lot. Ms. Hull stated in regard to the plans tonight, she would prefer A or C with Lots 10 and 15 eliminated but knowing specifics would help.

Ms. Diane Cohen, 4 Walden Road, read the following letter dated January 23, 2006, from Angela Schneider, 16 Fairview Avenue:

"We, the people who are interested in the general well being of Wilson Park, observe with continuing dismay the horrendous destruction of trees on this property. What was once a magnificent and well maintained area now suffers the appearance of war zone. While storms of the last couple of years have taken their natural toll, serious neglect of diseased or dead trees has compounded the mess. Currently, huge limbs and trees are crashing down, severing or damaging (possibly irrevocably) otherwise perfectly healthy counterparts, resulting in a domino effect situation. Now that it is established that the Tarrytown Lakes are adversely affected by run-off from Wilson Park, would it not be pertinent to address this issue? Heavy loss of trees will surely create more run-off problems. Is the owner of this property not responsible for taking care of it?"

Ms. Elizabeth Siegel, 33 Fairview Avenue, stated absent a lot of information not yet available, she did not feel comfortable saying which plan is better.

Mr. Johnathan Gleit, Barnes Road, stated it would be helpful to have these plans on the web site. With respect to the trees, Greenburgh requires a tree bond. If Tarrytown does not have that, maybe we should. Mr. Stone stated the Tree Ordinance is currently being updated and bonding is being reviewed. Mr. Yarabek stated the Village has required bonding in the past.

Mr. John Lynch stated the Memorandum of Agreement with Ferry Landings calls for \$2,000,000 for recreation and that money could be used for open space acquisition.

Mr. Tedesco stated there are many complex issues, which must be looked at. When you look at Plans B and C one of the advantages is a connection to the park and open space to the east. One of the reasons Plan A was developed is when the Board walked the site, some of the most valuable trees were on Lots 14 and 15. Plan A was an attempt to save those large trees. "If you had Plan A with less lots in the east, it answers having a real park that would be used by the public and make as many connections between open space as possible."

The Board unanimously agreed that the public hearing on the DEIS for Wilson Park be continued at the Board's February meeting.

CONTINUATION OF PUBLIC HEARING – CRESCENT ASSOCIATES – 155 WHITE PLAINS ROAD – D.E.I.S.

This portion of the meeting was transcribed by a court stenographer and that transcript represents the Official Minutes.

The Board closed the hearings on the DEIS and requested the applicant move forward with preparation of the FEIS incorporating comments from Hitachi, comments from the Westchester County Planning Board, and an addendum to the Traffic Study to include the Sheraton Hotel being built on Route 119 in Greenburgh and the previously approved 60,000 sq. ft. office building at the Talleyrand site in Tarrytown.

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

Chairman Friedlander reported this application has been adjourned pending issuance of a Findings Statement by the Lead Agencies.

The Board requested the Secretary arrange a joint work session with the Architectural Review Board to review proposed architecture for the Ferry Landings buildings.

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

Chairman Friedlander reported this application has been adjourned at the request of the applicant.

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

Mr. Norman Sheer, attorney for the applicant, stated they understood the Board's concerns about the design of the building. They are continuing to work on that.

In regard to parking, Mr. Keith Staudohar, Project Engineer, reviewed with the Board the following letter dated January 20, 2006, which he sent to Glenn Boucher, P.E., of the New York State Department of Transportation:

“Pursuant to our meeting on January 17, 2006, at your office with Mr. John Canning of Adler Consulting, the Traffic Consultant to the Village, this letter will confirm the

findings of our discussion regarding the Westrock Family Church proposal on South Broadway in the Village of Tarrytown.

As discussed and field measured on December 15 with Mr. Canning, it was determined that the intersection sight distances along Route 9 from the proposed site entrance looking left was measured to be 510 feet and looking right the sight distance was also measured to be 510 feet.

By relocating the proposed site entrance to the north, centered 130 feet from the south property line, the intersection sight distance will be reduced to 450 feet and based on the latest edition of the NYSDOT Policy and Standards for Entrances to State Highways, the sight distance requirement is 445 feet. This would also increase the separation between the site entrance and the American Bookseller's driveway, as well as allow for the provision of a north bound left turn lane into the site.

Based on the above, it was determined and agreed by all, that the proposed site entrance should be centered 130 feet from the south property line and a north bound left turn lane should be provided for the site. This would ensure a design that will comply with the State Standards.

We will revise our plans accordingly and upon conclusion of the Site Plan approval process with the Village, a permit application will be filed for formal approval through the Highway Work Permit process. Should you have any questions or require additional information, please contact me at the above number. Thank you for your time and assistance in this matter."

Chairman Friedlander stated there is also concern about the left-hand turn in front of American Booksellers. Mr. Staudohar stated that area is being re-worked with Mr. Canning and the D.O.T. and the left-hand turn will be extended farther north. They are waiting for the surveys.

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

PRELIMINARY PRESENTATION – SISTERS OF THE SACRED HEART OF MARY
– 50 WILSON PARK DRIVE – 2 LOT SUBDIVISION

Ms. Susan Fasnacht of Charles H. Sells, Inc. stated this is a subdivision that was approved in 1990 but was not properly filed. At the time the Sisters had a potential buyer and it fell through so they did not file the subdivision plat. They now have a buyer and they have a contract on it and found they need to have the subdivision reaffirmed. The zoning has not changed. No variances will be required. The site is bordered by Beech Lane and Wilson Park Drive.

The new lot will consist of 0.9725 acres. The zone is R-40.

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

Mr. Tedesco moved, seconded by Mr. Stone, and unanimously carried, that the Board sets as an escrow account in the amount of \$2,500 on this application.

Mr. Tedesco moved, seconded by Mr. Stone, and unanimously carried, that the Board sets a public hearing for the Board's February 27, 2006, meeting on the subdivision.

PRELIMINARY PRESENTATION – FIRST KOREAN METHODIST CHURCH OF
NEW YORK – 500 SOUTH BROADWAY

Mr. Norman Sheer, attorney for the applicant, stated this is an application for site plan approval. The church would like to build a parking lot. The property is on South Broadway located between Walter Street and Lakeview Drive. It is an R-7.5 District. It is simply to provide parking for the church. They presently have an arrangement with Rushneck that permits them to park on Sunday's in their spots except on Sundays where Rushneck is holding a sales promotion and then there is no parking. The proposal is for 47 parking spaces.

Mr. Bruce Donohue, Landscape Architect, stated the sole purpose for this application is to get on-site parking. The major issue is the existence of wetlands on a great deal of the property. The character of the wetlands is such that at one time it was extensively used as a garden. The watercourse is a stone lined channel. Much of the area is second growth, much of which is low quality wetland growth. This would require filling in a fair portion of the existing wetland but they propose to build a new wetland so the actual net loss of wetland would be limited to about 1,600 sq. ft. There will be new wetlands planted with a greater level of wetland shrubs. Mr. Donohue stated they have done a lot to reduce the impact on the wetlands and they propose to remove the pastor's house. The parking will be screened with a solid cedar fence and evergreen and deciduous trees.

Counsel Shumejda stated the Village's Wetlands and Watercourses legislation requires if there are impacts to a wetland, replacement wetland must be 1.5 times larger. In this case, that is not being done and the wetlands is actually being reduced by 1,600 sq. ft.

Mr. Donohue stated they are trying to provide a greater variety of wetland types, which will improve the quality.

Mr. Donohue noted this not a recognized F.E.M.A. flood plane. Other than the Village, only the Army Corps of Engineers has jurisdiction.

Mr. Stone stated there should be a detailed plan showing the trees that will be removed and the replacement trees.

Chairman Friedlander stated, "The fundamental problem is how do they conform to the law. It requires a significant variation from the existing law." Mr. Donohue stated they are trying to improve the quality of the existing wetland and the quality of the church that now parks on local streets.

Mr. Sheer stated the church is non-conforming and it is causing a disruption with cars traveling and parking on local streets. "We think we can come out of this with a better piece of property. We may have to approach the Village Board. I don't know if the Village Board when they adopted their wetlands law considered properties like this. We hope to move forward with this. I think it will be an improvement for the neighborhood and the church."

Chairman Friedlander stated, based on previous discussions with the church, their actual parking requirement is in the area of 80 spaces. Now they are proposing 47. "Maybe the Village should make an effort to put out inquiries to get some of the neighboring properties who have vacant parking on weekends to allow the church to have the 80 spaces. This isn't the solution for the church's problem. It doesn't meet your current needs and it is foreseeable the church will grow." Mr. Sheer stated the church has weekday activities so even if they could obtain some Sunday parking, that would not help them during the week.

Chairman Friedlander stated it should be determined how many parking spaces could be created which would be the least offensive to the Village's codes.

Mr. Tedesco moved, seconded by Mr. Stone, and unanimously carried, that given the environmental sensitivity and the significant disturbance to the wetlands, the Planning Board declares this a Type I action and a long Environmental Assessment Form should be prepared addressing drainage, wetlands, trees, and traffic.

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

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

The Board requested the submissions on this application be forwarded to the Village's Environmental Advisory Council.

The Board unanimously agreed to continue discussion on this matter at the Board's February meeting.

ADJOURNMENT

Mr. Stone moved, seconded by Mr. Tedesco, and unanimously carried, that the meeting be adjourned – 11:40 p.m.

Kathleen D'Eufemia, Secretary

