

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

PRESENT: \*Chairman Friedlander; Members Raiselis, Aukland, Tedesco, Demers, Counsel Shumejda; Planner Geneslaw; Building Inspector/Engineer McGarvey; Landscape Consultant Yarabek; Tree Warden Carsto; Secretary D'Eufemia

APPROVAL OF MINUTES

Mr. Demers recommended the following amendment to the minutes of September 25, 2006:

Page 12, Par. 2, line 1 – after word setback add word variance

Mr. Tedesco moved, seconded by Mr. Demers, and unanimously carried, that the minutes of September 25, 2006, be approved as amended.

REVISED PLANS – 13A NORTH WASHINGTON STREET

Mr. Sam Vieira, architect, stated they have gone to the Zoning Board of Appeals and received the required variances and to the Architectural Review Board and received their approval. They have submitted an updated site plan showing the removal of the two parking spaces and an increase in landscaping and lawn area. The Board also has received a letter from the Fire Department. They were able to bring in the ladder truck from the Washington and Main Streets firehouse.

The Board reported receipt of the following letter dated October 22, 2006, from Fire Chief Robert J. Scogna:

“As per my recent meeting with Sam Vieira at 13A North Washington Street, we were able to get the ladder truck in the driveway of 13 North Washington Street. This could only be accomplished by eliminating the parking spaces directly north and directly south of the driveway. I think, however, there could be a potential problem getting into the driveway when there is alternate side parking. The removal of the spaces directly across the street from this driveway will rectify this situation. I feel with the extra safety measures such as the sprinkler systems and the staircases on the back of the building to exit from the second floor as well as the removal of the trees hanging overhead in the driveway that the Planning Board should move forward with this building process.”

Mr. Vieira stated that portion of North Washington Street is not striped and cars encroach upon the curb cut. If the street were properly striped, that would be sufficient to gain access. As far as the parking on the other side of the street, there is only parking allowed

for three hours on two days. It is a total of six hours in the entire week that cars park there.

Mr. Demers stated at the Board's staff meeting there had been discussion that the smoke alarm system be connected among the three units, which he felt was a good idea. He noted this would mean that if one apartment caused the alarm to go off, it would go off in all three apartments so there should be a clause in the lease advising the tenants of this.

Mr. Demers noted under the wall to the north is a building with a chimney that goes above the wall so smoke from that chimney will be at the window level of these units. He stated Mr. Vieira should look at that. He questioned whether Mr. Vieira had considered placing lighting in the driveway. Mr. Vieira stated there is not a lot of space to mount lights and they also have to be concerned about lighting going into the 13 North Washington Street property. There will be lighting as per Village Code but they would look at this again.

Chairman Friedlander stated the Board would contact the Police Chief and the Fire Chief and have them get back to the Board with their joint response.

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

PUBLIC HEARING – CORTESE/CAPPA – 91 DEERTRACK LANE

Chairman Friedlander read the following Notice of Public Hearing:

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

Andrew Cortese and Robert Cappa  
122 East Sunnyside Lane  
Irvington, New York 10533

To consider the application for site development plan approval for property at **91 Deertrack Lane, Irvington, New York**, for demolition of existing house and construction of a new single-family house.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 29B, Block 127, Lot 38 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. Sam Vieira, architect, stated there is an existing single-family two-story residence on the property. Mr. Cortese requested Mr. Vieira design a reconstruction that stayed below the threshold, which would require site plan approval. Subsequently they put in an application to go to the Zoning Board of Appeals because the lot is undersized in width. The house was designed so it did not require any additional variances and that pre-existing lot width variance was approved and Architectural Review Board approval was received. Only after inspecting the property with Mr. McGarvey was it determined that the structural foundation was not sound and the house would need to be taken down. That is reason they are now coming to the Planning Board, rather than having begun the process with the Planning Board. The increase to the footprint is only about 300 sq. ft. so the house will only be about 600 sq. ft. larger than what exists. It is a very modest addition.

Chairman Friedlander questioned whether anyone wished to address the Board on this matter. No one appeared.

Mr. Tedesco noted there are three trees very close to the house – two in the front and one by the garage. He questioned whether they will come down. Mr. Vieira stated they will. “The house really doesn’t have a front lawn and probably a couple of other trees will have to come down. We will put in some more appealing landscaping in the front and rear.” Mr. Yarabek stated he had visited the site and the trees surrounding this house are not specimen quality. He stated a plan should be submitted showing the trees that will be removed and a new planting plan should be prepared.

Mr. Demers stated it was unfortunate that the sequence of Board appearance had not been followed since once variances are granted, a lot of the Planning Board’s authority is lost; however, he understood the circumstances in this case. Chairman Friedlander stated the Planning Board is not bound by the fact variances are granted. The process, however, has always been that the Planning Board recommends variances to the ZBA and that will continue to be the standard procedure. Mr. Vieira stated there had never been any intention of having to come to the Planning Board. It was only when it was determined that because of structural conditions, the house would have to be replaced.

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

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

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

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the Planning Board approves the removal of the current house at 91 Deertrack Lane and replacement with a new one-family two-story house subject to:

1. Approval of plans by the Building Inspector/Village Engineer, which includes approval of a storm water/drainage plan.
2. Approval of a landscaping plan by the Village's Landscape Consultant. New planting should be native species and any deviation from that must be approved by the Village's Landscape Consultant.
3. Submission of a tree protection and tree preservation plan for those trees that will remain which shall be approved by the Village's Landscape Consultant.
4. The applicant agrees to perform any tree pruning of existing trees determined necessary by the Village's Landscape Consultant at a time the consultant determines most appropriate.
5. Adherence to the section of the Zoning Code for the Tree Protection Fund for any trees with a 10-inch caliper or greater.
6. Approval by the Zoning Board of Appeals for any variances required.
7. Approval by the Architectural Review Board.
8. Payment of any outstanding escrow fees prior to the issuance of a building permit.
9. Signing of the final site plan by the Planning Board Chair.

PUBLIC HEARING – DANDY, LLC – 1 DIVISION STREET

The Chairman read the following Notice of Public Hearing:

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

Dandy, LLC  
1 Division Street  
Tarrytown, New York 10591

For site plan approval changing use at 1 Division Street from business machine offices with repair and storage of business machines to laundry/dry cleaning with new storefront with awning and extended canopy over parking

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 1, Parcel 11A and is located in an ID (Industrial) 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. Martin Diano, architect, stated since the last meeting he has received information from Mr. Yarabek and Mr. Geneslaw. They removed four parking spaces from the front of the building in order to create a drive-up area. They will now have 16 parking spaces, which is still 5 more than required. They will provide screening along the fence. The planting plan has been updated. Mr. Geneslaw had made comments about signage and they are reworking the signage for the property and that will be reviewed with the Architectural Review Board. For the last meeting Mr. Shin presented a business overview. He has been in business 21 years and this will be his fourth store. The dry cleaning method planned would be a closed-loop hydrocarbon system and there are no emissions from the machines. The operation will have to be permitted by the New York State Department of Environmental Conservation and the Westchester County Health Department. The business will operate Monday through Friday from 7 a.m. to 7 p.m. and Saturday from 8 a.m. to 4:30 p.m. It will be closed on Sunday.

Chairman Friedlander questioned whether anyone wished to address the Board on this matter. No one appeared.

Mr. Geneslaw stated he felt the sign at the top of the building is the most logical place; however, it will require a variance from the ARB. He stated he also understood the desire for the rendering on the canopy, which would identify the business and help people find it more easily.

Upon inquiry from Mr. Demers, Mr. Shin stated there is no real noise from the operation. There are only pressing sounds, which should not be heard outside the building. The cleaning machines don't make sound.

Mr. Aukland stated he felt there should be flexibility on variances for the signage because this is a hard location to find.

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

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

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

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the Board approves the proposed change of use for the property at 1 Division Street from business machine offices with repair and storage of business machines to laundry/dry cleaning with new storefront with awning and extended canopy over parking subject to:

1. Approval of plans by the Building Inspector/Village Engineer.
2. The use of the non-toxic organic dry-cleaning materials known as DF-2000.
3. Approval by the Westchester County Department of Health and the New York State Department of Environmental Conservation and obtaining any other required permits needed for this intended use.
4. Approval of all the changes in signage as well as the awning and extended canopy by the Architectural Review Board.
5. Compliance with the landscaping repairs and suggestions delineated in the memo dated August 24, 2006, from Stephen Yarabek to the Planning Board.
6. Payment of any outstanding escrow fees before the grant of a building permit.
7. Signing of the final site plan by the Planning Board Chair.

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

Mr. Don Walsh, representing Crescent Associates, stated tonight they have a plan showing where the sidewalk is contemplated.

Mr. Mark Fry, representing Crescent Associates, stated at the last meeting there was a request that the Westchester County Planning Department and the Old Croton Aqueduct State Historic Park be contacted since the Board had not had any recent input from them. He noted he spoke with Chris Gomez in the Planning Department and Peter Iskendaria from the State Historic Park and both indicated they were satisfied with the plans. The Board's Secretary also spoke with both gentlemen and they confirmed this to her as well. Both agencies were sent all the information and they have received signatures back that they received the information. Chairman Friedlander questioned whether they would be submitting this approval in writing. Mrs. D'Eufemia stated both gentlemen indicated their offices were seriously backlogged and their verbal approval would have to suffice since they were unable to submit written approval.

Mr. Peter Karas of Insite Engineering reviewed the sidewalk plan with the Board. He noted there is an existing sidewalk along Route 119 and that would be extended into this site. There will be a bike rack. It will provide walkability and bicycle access throughout the site. This plan will be incorporated into the final site plan.

Mr. Demers questioned whether there could be a sign at the bike rack saying it can be used by the public. Mr. Fry stated they could do that.

Mr. Geneslaw questioned how the crosswalk close to the entrance will be marked. Mr. Fry stated it will be painted white. Mr. Geneslaw stated traffic moves quickly there so there needs to be something prominent and the white painting should work. Mr. Karas stated they could also add signage.

Chairman Friedlander questioned whether anyone wished to address the Board on this matter. No one appeared.

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the public hearing on the FEIS be closed.

Mr. Geneslaw stated his office is preparing a Findings Statement and that draft will be provided to the Board as soon as possible. Hopefully the Board can adopt the Findings Statement at their next meeting.

The Board unanimously agreed to continue the public hearing on the site plan at their next meeting.

#### PUTNAM AVENUE HOMES – HILLSIDE STREET – 2 NEW SINGLE FAMILY HOMES

\*Chairman Friedlander recused himself on this application. Mr. Tedesco chaired this portion of the meeting.

Mr. Tedesco stated since the last meeting Mr. McGarvey came up with what the Planning Board feels is a scenario that would permit two homes on a re-subdivided site that would need only minor disturbances on the steep slopes areas. It allows a significant house on Lot 4 – 3,312 sq. ft. – which is larger than what was most recently proposed. It allows for a substantial house on Lot 3 – 2,340 sq. ft. – which is smaller than what was proposed – but the same as approved on the site plan in 2001 and fits in with surrounding homes. It is a viable two-house site plan. The Planning Board has been trying to honor the applicant's request for two homes. The plan does require a variance for the front setback on Lot 3.

Mr. McGarvey stated at the Board's request he sited two houses on this property with the minimum impacts on the steep slopes. He took the original layout plan approved in 2001 and showed on another site plan minimal or no impacts on the steep slopes. This plan (current plan by Chris Pateman) shows some grading that would have to be done that would affect the steep slopes. On Lot 4 on this plan new grading would be eliminated if you add retaining walls up the driveway and thus there would little or no impact on the steep slopes.

Mr. Chris Pateman, engineer for the applicant, stated they are looking at aesthetics and proper planning but with the retaining wall they could have minimal impact on the steep slopes. As Mr. McGarvey has presented it, it could work but is it right and aesthetically pleasing and safe. On Lot 4 the front yard is steep slopes. On Lot 3 the rear yard is unsafe and uninhabitable. On Lot 4 there would be 20 steps from the driveway to the front door. No landscaping or grading could be done there. He stated everyone has to think about aesthetics and planning to have two beautiful home sites and he felt the homes they presented are the best alternatives for the property.

Mr. Richard Blancato, attorney for the applicant, stated this property was approved for two lots with subdivision and site plan approval in 2001. At that time this Planning Board was the lead agency and said there would be no impacts with regard to steep slopes, wetlands, etc. There was a steep slopes law then. There has since been an addition to that which says the Planning Board and Zoning Board shall prohibit development on steep slopes. Mr. Blancato stated if this means the Planning Board cannot allow development on steep slopes and the Zoning Board cannot grant a variance from that, then nothing can be built.

Counsel Shumejda stated Mr. Blancato has filed an application before the Zoning Board of Appeals asking for an interpretation of that code section and that is the proper methodology to use in this case. The Zoning Board of Appeals will make that determination.

Mr. Blancato stated they have been before the Planning Board for many months and his client has spent over \$15,000 on reviews and if it is the determination that neither the Planning Board or the Zoning Board can grant any kind of variance, then they need to know that. Mr. McGarvey did a plan that minimizes steep slopes but it has severe problems. Aesthetically it is a disaster and it requires variances.

Counsel Shumejda stated the plan prepared by the Village Engineer only requires a front yard setback variance, which the Zoning Board can grant. It can be done without impacting the steep slopes. To say things are not pleasing or livable is a matter of interpretation.

Mr. Blancato stated the house on Lot 3 is almost on the street, which is dangerous. There is no backyard. "I don't think the most important issue of planning on these lots is the steep slopes impact. That forces development and design that is not appropriate. This Board must determine the appropriate planning for the site." Mr. Blancato stated steep slopes are relevant because of runoff but that is handled through the proper engineering. The Planning Board must weigh all aspects of a particular site. When this plan was approved in 2001 the Planning Board looked at everything, including the steep slopes.

Mr. Tedesco stated the steep slopes ordinance with the prohibition was done for an important purpose. A lot of land left in Tarrytown that could be built is on steep slopes.



The ordinance is to try to preserve the space with steep slopes. Mr. McGarvey presented a plan with minimum invasion in the steep slopes. The safety issues could be addressed on Lot 4 as well as Lot 3. Aesthetics are in the eyes of the beholder. There might be the possibility of reducing the density or increasing the height, which might require a variance. The Planning Board went a long way to keep the two homes and preserve the steep slopes. As long as the law is on the books, the Planning Board should try to come up with a plan that is creative and supports that law.

Mr. Demers stated the Planning Board has been saying all along they cannot ignore the steep slopes ordinance. The language was changed to make it stronger and the Board must respect that. Steep slopes are not just a question of runoff; they are a serious aesthetic issue for the Village as a whole. The Planning Board has to be concerned about development throughout Tarrytown and they have to try to be consistent and they have to take into account not just the good of the developer and the good of the neighborhood but the good of the whole community. The steep slopes are very visible and when they are all built on, the Village has a cluttered look, which reduces the quality of life for the people living here. The Planning Board has to be serious about the steep slopes and the developer needs to be flexible in dealing with this issue.

Mr. Blancato stated the houses shown on Mr. McGarvey's plan would be an embarrassment and they could not build them.

Mr. Pateman questioned whether the steep slopes ordinance leads to proper planning. Mr. Demers stated the law is not on trial. The Planning Board must determine if within the limits of the law and other laws, two houses can be built here. Mr. Pateman stated they are asking if the Planning Board feels this is proper planning.

Mr. Tedesco stated the Planning Board has presented a beginning process for two homes, which the Board is willing to see tweaked, which would avoid invasion in the steep slopes.

Mr. Blancato stated the reason they have applied to the Zoning Board of Appeals is because they need an interpretation as to what authority the Planning Board has and what authority the Zoning Board has to vary the steep slopes ordinance. If there can be no variation, then it is a taking of property. If the Zoning Board determines there can be a waiver or variance, then they can present the best plan to the Board. If this Board has the discretion to do what is best, that is a different story and they will be back to start again but if the Zoning Board says there is no authority, then they will have to go to court.

Mr. Blancato stated the Village's steep slopes ordinance is double dipping. It says a portion of the lot area must be deducted for the steep slopes and then it says you can't build on the steep slopes.

Mr. Aukland stated the applicant is still proposing to build on the steep slopes and is still proposing homes that are much larger than homes in the neighborhood. "What I would have expected is you would have responded with an alternative showing a reasonable alternative on this site." The applicant has reduced the square footage somewhat but the houses are still very large and there has been no concession on the steep slopes. The Board is looking for something that gets away from the steep slopes disturbance.

Mr. Blancato stated they would wait for the Zoning Board hearing on November 14<sup>th</sup> to see what authority the Planning Board or the Zoning Board has. After they get that determination, they can decide whether to proceed before the Planning Board or not.

\*Chairman Friedlander returned to the meeting.

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

Chairman Friedlander stated the Final Environmental Impact Statement has been submitted. The Board tonight is acknowledging receipt. The document will be reviewed by the staff and consultants to determine whether it is complete.

Mr. McGarvey stated there has been mention at meetings about a pipe, which drains into the lakes. He has asked the applicant to provide information as to where that pipe originates and he has yet to receive that information. He will review the FEIS to see if that information is included in the document. Chairman Friedlander stated if it is not in the report, Mr. McGarvey should write to the applicant asking for this information.

Chairman Friedlander stated once the Board determines the FEIS is complete, it will be circulated to the interested agencies and made available to the public and after that the Board will schedule a public hearing at a special meeting.

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

Chairman Friedlander stated he has contacted Joe Cotter stating the Board needs architectural drawings and was advised they are being prepared.

CONTINUATION OF PUBLIC HEARING - FIRST KOREAN METHODIST CHURCH OF NEW YORK – 500 SOUTH BROADWAY

Chairman Friedlander reported the applicant requested an adjournment.

No one appeared to address the Board on this matter. The Board unanimously agreed to continue the hearing at their next meeting.

CONTINUATION OF PUBLIC HEARING – ROWLAND – 75 NEPERAN ROAD

Chairman Friedlander reported that the Board met with the applicant and his representatives at a work session on October 12<sup>th</sup>. Dierdre Carsto, the Village's Tree Warden, was present at that meeting and was asked to prepare a memorandum.

Mr. Brian Brooker, engineer for the applicant, stated he just received Ms. Carsto's memo this evening.

The Board reported receipt of the following memo dated October 22, 2006, from Deirdre Carsto, Tarrytown Tree Warden:

"After further review of all the tree protection documents done by Brooker Engineering and Bruce Donohue, the following amendments are recommended to the Planning Board;

- The footprint of the house and garage should shift to the right at an angle to give more room for protection to the outside Willow, Beech and Tulip trees. Please refer to sketch dated 10-13-2006.
- The following trees are accepted for removal because of their hazardous condition; the leaning willow, the back Locust and the Serbian Spruce. All noted for removal on the plan.
- An 8-10" layer of wood chips will need to be placed around each of the remaining trees especially the front Beech, remaining Willow and large Tulip. (past their drip lines for added protection to their root zones.)
- Each tree must have a tree protective barrier, which will consist of orange plastic web snow fencing on steel posts 4' O.C. with an 18" depth. This fence must be under the drip line of each tree where possible. This is considered the Tree Protective Zone. The trunk armor specifications on page 2 of the Brooker Engineering plan are approved and should be applied to all saved trees on the property.
- No construction activity, grade changes, surface treatment or excavations of any kind is permitted within the Tree Protection Zone.
- All remaining trees should be cleaned up by a certified arborist. All pruning of tree roots and branches must be in accordance with good arboricultural standards.
- No machinery or construction vehicles will be able to pass between the Tulip tree and the house or between the Beech tree and the house. The beginning construction entrance will be to the left of the beech tree until the driveway is in place with item 4 gravel, then this side will be used as the main construction entrance. The same orange plastic barrier fencing will be used to cut off these areas from being used as access.
- All amendments as outlined above will need to be approved on site by the Village Landscape Consultant or the Village Tree Warden."

Mr. Brooker stated even though he did not have the memo, he prepared revised plans based on the discussions at the work session. He presented these plans to the Board.

Mr. Brooker stated at the work session it had been agreed they should keep 15 ft. away from the tulip tree and rotate the house to accomplish that. The revised plans show the walk 16-1/2 ft. off the copper beech and they can probably make that a bit more. The driveway can be slid closer to the entry to gain an additional 5 ft. distance from the willow tree. He stated they would prefer to move the garage and have it geometrically line up with the house.

Mr. Tedesco questioned whether the driveway could be made narrower. Mr. Brooker stated it is shown as 10 ft. wide but they could make it 9 ft.

Ms. Carsto presented a plan she had prepared which she stated was a schematic sketch and a suggested layout. She stated she has contacted the applicant's Landscape Architect, Bruce Donohue. The tulip tree, the beech and the willow were the trees they attempted to save. The plan she presented gives each of the trees more root space. Ms. Carsto stated the only difference between her plan and the one presented tonight by Mr. Brooker, is that her plan shows a greater distance from the beech tree and the house is angled more.

Chairman Friedlander stated a good compromise lies between the two plans. "I think the changes are accomplishing what we wanted – saving the trees and siting the house so it is beneficial for the park and the applicant. I think we are close to accomplishing what we want."

Mr. Demers stated, "I agree. I think the applicant has been very cooperative in moving the garage. I think he also has a strong argument in asking the front of the garage be parallel with the back of the house."

Chairman Friedlander stated that by moving the driveway and reducing it in size it may help protect the roots of the willow tree.

Mr. Bruce Donohue, Landscape Architect for the applicant, stated it had been his suggestion that by removing both the 10-inch maple tree under the tulip tree and the 6-inch maple tree, there would be a reduction in competition on the tulip tree. This would help to keep the tulip tree in good health. Mr. Yarabek agreed.

Mr. Donohue noted they had agreed at the work session that a willow tree of significant size would be added in the park.

Counsel Shumejda stated all the parties should work together before the next work session so the Board can review the revised plans at that meeting.

Mr. McGarvey stated the Neperan Road repaving project is coming to an end and the water and sewer lines to this property need to be installed before that final paving is done.

Ms. Carsto stated the curb cut shown on her plan and Mr. Brooker's plan are in the same place so that is not going to change. Board members agreed this would be the location for the curb cut when they grant approval.

Mr. McGarvey stated he was not in agreement with Mr. Brooker's dry well plans and those would have to be revised.

All agreed to continue the public hearing at their next meeting.

HOLY SPIRIT ASSOCIATION FOR THE UNIFICATION OF WORLD  
CHRISTIANITY (HSA-UWC) – JARDIM ESTATES EAST – SHELDON AVENUE

Chairman Friedlander stated the applicant is not present tonight. The lots are being flagged tomorrow for the wetlands. A memo has been received from the Village's environmental consultant. A Board visit to the property will be arranged after the wetlands are flagged.

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

Ms. Linda Viertel, Gracemere, stated on the original Jardim project the developer has left stumps and has not finished clearing. The church was to have been responsible for 25 ft. on either side of the road. The Planning Board needs to enforce what was required of them. That work needs to be done before the Planning Board entertains any further requests from the Church.

PRELIMINARY PRESENTATION – FRIEDLANDER – 15 SOUTH DEPOT PLAZA

\*Chairman Friedlander recused himself on this application.

Mr. Tedesco chaired this portion of the meeting.

Mr. Michael Friedlander stated he is proposing to operate an indoor sports facility, primarily for youths, at this building, which had previously been used as a warehouse. There are currently 16 parking spaces and he is proposing to add 24 spaces in front of the building.

Mr. Tedesco reported receipt of the following memo dated October 20, 2006, from Scott W. Brown, Chief of Police:

“Application – 15 South Depot Plaza

I have reviewed the preliminary request to operate an indoor sport's facility at this location. Although, in principle, I am not opposed to the idea I would respectfully suggest the Planning Board address the following points:

1. Noise – Even though this is located next to the Metro-North Railroad, there are still residences in the immediate area, which could be adversely affected by noise either from events at the location or persons and/or vehicles coming and going.
2. Lighting – Must be substantial enough to provide adequate security for attendees.
3. Security Fences – Should be adequate to prevent access to adjacent railroad tracks as well as to discourage loiters.

Additionally, is this open to the public or private? Is it open year-round or seasonal? Will any precautions be taken to prevent the area from becoming a hang-out? Would the Board consider mandating the closing time at 11:00 p.m. instead of the requested 12:00 a.m.?

Please contact me if you wish to discuss this matter further.”

Mr. Tedesco stated Mr. Friedlander should be prepared to address these issues at the public hearing.

Upon inquiry, Mr. Friedlander stated they are planning to have two permanent employees. Most of the youth instruction, which will have coaches present, will take place weekdays after 3 p.m. through the early evening hours. There will probably be league play in the later hours on weekdays and on weekends. Mr. Friedlander noted when league play would occur, the commuter parking lot is empty which would provide the area for extra parking if it were necessary.

Mr. Tedesco requested the plans be forwarded to the fire department for comment.

Board members stated they felt this use could be a good one for the area. Ms. Raiselis suggested Mr. Friedlander consider offering some youth scholarships.

Mr. Demers suggested since most of the youths will be dropped off, Mr. Friedlander should consider providing a turn-around area for drop off.

Upon inquiry, Mr. Friedlander stated the use will primarily be in months when outdoor fields cannot be used; however, the facility would be available during inclement weather also.

Mr. Yarabek suggested Mr. Friedlander consider having parallel parking rather than perpendicular spaces which might be a safer layout.

Mr. Geneslaw questioned whether there would be food service. Mr. Friedlander stated there would probably just be vending machines.

Mr. Geneslaw questioned whether there would be equipment sales. Mr. Friedlander stated there are offices in the building. They may use some of that space for equipment sales or rent out some of that office space.

Mr. Tedesco moved, seconded by Mr. Demers, and unanimously carried, that the Board declares its intent to be lead agency on this application.

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

Mr. Tedesco moved, seconded by Mr. Demers, and unanimously carried, that the Board sets a public hearing for November 27, 2006, on this application.

\*Chairman Friedlander returned to the meeting.

ADJOURNMENT

Mr. Tedesco moved, seconded by Mr. Demers, and unanimously carried, that the meeting be adjourned to Executive Session to discuss a personnel matter.

Kathleen D'Eufemia  
Secretary

