

Planning Board
Village of Tarrytown
Regular Meeting
September 25, 2006 7 p.m.

PRESENT: Chairman Friedlander; Members Raiselis, Aukland, Tedesco, Demers;
Counsel Shumejda; Planner Geneslaw; Building Inspector/Engineer
McGarvey; Landscape Architect Yarabek; Secretary D'Eufemia

APPROVAL OF MINUTES

Mr. Tedesco moved, seconded by Mr. Aukland, that the minutes of June 19, 2006, be approved as submitted. Messrs Tedesco, Aukland and Friedlander assented. Mr. Demers and Ms. Raiselis abstained. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, that the minutes of June 20, 2006, be approved as submitted. Messrs Tedesco, Aukland and Friedlander assented. Mr. Demers and Ms. Raiselis abstained. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, that the minutes of June 26, 2006, be approved as submitted. Messrs Tedesco, Aukland and Friedlander assented. Mr. Demers and Ms. Raiselis abstained. Motion carried.

Mr. Tedesco moved, seconded by Mr. Demers, that the minutes of July 24, 2006, be approved as submitted. Messrs Tedesco, Demers and Friedlander assented. Mr. Aukland and Ms. Raiselis abstained. Motion carried.

Mr. Yarabek suggested the following amendment to the minutes of August 28, 2006:
Page 14, line 2, change licensed arborist to licensed landscape architect.

Mr. Tedesco moved, seconded by Mr. Demers, that the minutes of August 28, 2006, be approved as amended. Messrs Tedesco, Aukland, Demers and Ms. Raiselis assented. Chairman Friedlander abstained. Motion carried.

PUBLIC HEARING – CHRIST CHURCH – 43 SOUTH BROADWAY

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, September 25, 2006 at **7:00 p.m.** at the Municipal Building, 21 Wildey Street, Tarrytown, New York, to hear and consider an application by:

Christ Episcopal Church
43 South Broadway
New York, New York 10591

For renewal of site plan approval changing use for a period not to exceed three years from a Rectory Residence at 43 South Broadway to a residence for foreign adult students attending "E.F." short-term foreign language school at Fordham at Marymount.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 10, Block 38, Lots 1 and 2 and is located in an RR (Restricted Retail) Zone.

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

The certified mailing receipts were submitted.

Mr. Don Dwyer appeared on behalf of the EF school. He stated the school is an international language school and has students from over 35 countries. Most are from wealthy families thus providing a tremendous economic impact for the area. They currently have seven students residing in the rectory. Over the summer they had eleven. There is also a full time director overseeing the students. "This has helped the church and it has helped us." The arrangement provides a hybrid housing option for the students, being different from residing on campus or residing with a host family. The students and the director do not have cars. A sprinkler system has been installed and there have been regular fire inspections.

Chairman Friedlander reported receipt of the following memo dated September 11, 2006, from Louis Tucci, Code Enforcement Officer:

"Inspection of Christ Church Rectory – All items in the approval of November 10, 2003, are in compliance. There are nine students currently residing at the property."

Chairman Friedlander 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 Planning Board declares itself lead agency on this application.

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

Mr. Tedesco moved, seconded by Mr. Demers, 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. Demers, and unanimously carried, that the Planning Board approves Christ Church's use of its rectory space as residences for up to

12 international foreign language students attending the EF short-term foreign language school at Fordham at Marymount. These students will be under the direction of a resident director and will function as a family in terms of responsibilities and activities while living at the residence. This approval is for a maximum duration of three years. Continuance of the use beyond this period would require re-application to the Planning Board.

CONTINUATION OF PUBLIC HEARING – CRESCENT ASSOCIATES – 155
WHITE PLAINS ROAD (NEW NOTICE ON FEIS)

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown on Monday, September 25, 2006, at 7:00 p.m. at the Municipal Building, 21 Wildey Street, Tarrytown, New York, will hold a public hearing on the Final Environmental Impact Statement, pursuant to the application of:

Crescent Associates, L.L.C.
C/o Silverman Realty, Inc.
237 Mamaroneck Avenue
White Plains, New York 10601

Relative to site development plan approval for property located at 155 White Plains Road, Tarrytown, New York, for the construction of a 60,000 gross square foot office building with associated parking, loading, drainage and landscaping.

The Document is available for inspection in the Planning and Zoning Office at Tarrytown Village Hall and the Warner Library.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 2-20, Block 2, Lot 2 and is located in an OB (Office Building) zone.

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. Mark Fry stated their FEIS was accepted as complete last month. They sent the FEIS to all involved and interested agencies along with the Notice of Hearing.

Chairman Friedlander questioned whether the document has been available at the library. Mr. Fry stated it has been at the library and Village Hall for the last two weeks. It has also been noted on the Village's website and the Village Scroll that it is available.

Mr. Fry stated the only comment he received was a telephone call from Reckson Associates (property owner across the street) who requested a copy of the site plan drawings, which were sent to them.

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

The Board reported receipt of a memo dated September 26, 2006, from Stephen Yarabek, the Village's Landscape Consultant, stating "All necessary landscape architectural documentation necessary for the FEIS review process has been provided."

Mr. Tedesco stated he read the FEIS and it is well done. On page 11, line 2, under responses to comments, it states the applicant is willing to install bicycle facilities, including bicycle racks for property employees and visitors, as well as a sidewalk from Route 119 into the property. Mr. Tedesco stated that should be shown on the site plan. Mr. Fry stated they would add that to the final site plan.

Chairman Friedlander stated the Board has not heard from the Old Croton Aqueduct or the County Planning Board. He requested the Village's planning consultant contact them just to be sure they have no further comments.

Chairman Friedlander stated there have also been rumors that Stop and Shop located at the intersection of Route 9 and Route 119 is planning to expand to a Super Stop and Shop. He said a letter should be sent to them, on behalf of the Planning Board, to determine whether there is any validity to those rumors.

Mr. Demers noted there is reference to a standing pond for water collection. He questioned whether there should be concern about mosquitoes. Mr. Fry stated they have been in contact with the Rockefeller State Preserve about grasses and hedges that should be planted. When there are particular birds eating particular seeds, they have a tendency to go after the bugs as well.

Mr. John Lynch, Crest Drive, stated he knew Mr. Silverman has been contacted about allowing school buses to park on this property. Mr. Walsh stated Mr. Silverman received a single inquiry about this. Mr. Silverman has already donated a portion of this property (for the Village's firehouse.) "The only matters before this Board are contained in the FEIS and this is not one of them."

Mr. Geneslaw stated he is preparing a Findings Statement for consideration by the Board at their next month.

Chairman Friedlander stated the public hearing would remain open until the Board is ready to adopt the Findings.

CONTINUATION OF PUBLIC HEARING – BROADWAY TARRYTOWN (C-TOWN SUPERMARKET) – 106-114 NORTH BROADWAY

Mr. Tom Abilama, architect, stated they are submitting a revised application. They originally proposed a 3 ft. 8 in. addition in the front and later they proposed a 10 ft. addition in the rear. They have had negotiations with the next-door property owner for an easement into their parking lot to provide ease of traffic flow but they have not been successful in reaching an agreement. They, therefore, are proposing to have no additions and to just expand into the existing vacant stores. They took some of the Board's suggestions about providing a nice layout on the sidewalk. They have a six-foot canopy that would allow for some outdoor seating.

Mr. Tedesco expressed disappointment that talks with the adjacent property owner were unsuccessful. He questioned whether they had offered to provide insurance. Mr. Sal Saleh, C-Town owner, stated he had been in contact with his neighbor four or five times. He had offered to provide insurance and to maintain the entire parking lot; he had offered to use that lot just for cars, not trucks; they offered to buy an easement. All offers were rejected.

Mr. Tedesco stated this seemed unreasonable. He questioned whether there was another level the Board could pursue. Counsel Shumejda stated whether it is reasonable or not is not the issue. He is the property owner. He has no legal obligation to appear before the Board.

Mr. Demers stated he agreed with Mr. Tedesco and stated in the future if safety issues develop (trucks backing out onto Broadway, etc.) could the Village condemn this property and acquire it by eminent domain. Counsel Shumejda stated the Village has the power of eminent domain; however, any safety issues regarding Route 9 are solely within the jurisdiction of the State D.O.T., not the Village of Tarrytown.

Chairman Friedlander stated perhaps the Village should contact the property owner and request to meet with him to see if some agreement can be reached. He noted this property owner has several successful enterprises so there is a strain on his parking. All agreed the property owner should be contacted to see if a discussion can be arranged. Mr. Tedesco suggested maybe something could be arranged on a trial period.

Mr. Tedesco stated aside from the driveway issue, he felt the applicant has presented a good plan. Upon inquiry from Mr. Tedesco, Mr. McGarvey stated the curb cuts will have to be worked out with the State D.O.T.

The Board reported receipt of a note from John Lynch, 10 Crest Drive, stating that based on numerous observations, the grease trap at C-Town appears to be seriously undersized and is creating issues for the 126 Broadway apartment building. This situation should be assessed during the planning process. Mr. Saleh stated the only problems with grease

traps came from the former restaurant and pizzeria. He too had problems when those businesses were operating. His grease trap meets all the requirements and the lines are cleaned on a regular basis.

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 hearing be closed.

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

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the Board approves the expansion of the C-Town grocery store, 106-114 North Broadway, into former restaurant and bookstore space subject to:

1. Approval by the Building Inspector/Village Engineer including an application to the State for necessary modifications to the curb cuts as approved by the Building Inspector/Village Engineer.
2. Approval of appropriate landscaping by the Village's Landscape Consultant in front of the store; e.g., raised planters.
3. Approval by the Architectural Review Board for the canopy and new storefront details.
4. Payment of any outstanding escrow fees prior to the granting of a building permit.
5. Signing of the final site plan by the Planning Board Chair.

CONTINUATION OF PUBLIC HEARING – PUTNAM AVENUE HOMES – HILLSIDE STREET

The Chairman reported the applicant has requested an adjournment on this matter. No one appeared to address the Board.

Mr. Tedesco stated since the last meeting he met with Mr. McGarvey who came up with a scenario that would permit two homes on a new subdivision and site plan. It is a reasonable plan and he questioned whether the Board should advise the applicant of this possibility. Mr. Aukland, Mr. Demers and Ms. Raiselis agreed the plan is a good one and the applicant should be advised

WILSON PARK HOME & LAND COMPANY, LLC – WILSON PARK DRIVE

Chairman Friedlander advised the FEIS is being prepared.

Ms. Angela Schneider, 16 Fairview Avenue, submitted additional signatures to the petition she has been circulating for some time.

Ms. Schneider noted at the July meeting Mr. McGarvey asked for specifications regarding the drainage system. Mr. McGarvey stated he has met with the applicant's engineers and the Village's consulting engineers. They will be proposing a hybrid between conventional engineering designs and Dr. Mankiewicz's designs. He noted he also asked their engineer to look at the pipe, which has been mentioned, and identify the source of the water.

Mr. Tedesco stated he knew work has begun on clearing the trees that fell as a result of the tornado but he questioned whether there will be pruning of trees which may help save some of the trees. Ms. Gina Martini stated they have included all the trees, those that came down and the pruning work, in the new tree survey.

Upon inquiry, Ms. Martini stated they hope to have a Draft FEIS prepared in a couple of weeks.

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

Chairman Friedlander stated this matter is being adjourned. No one appeared to address the Board.

Chairman Friedlander stated there have been meetings with the park design people and Mr. Cotter has been advised the Planning Board will need a site plan for the building so the park design people can have the specific location for that building. Without that, the park design people can't go to the next step. Mr. Cotter doesn't have the design because there was a change in the plans after review by the U.S. Swimming Association.

CONTINUATION OF PUBLIC HEARING – HOLY SPIRIT ASSOCIATION FOR THE UNIFICATION OF WORLD CHRISTIANITY (HSA-UWC) – SOUTH BROADWAY – NEW CHURCH

Mr. Norman Sheer, attorney for the applicant, stated he believed since the last meeting everything has been addressed. Mr. Donohue and Mr. Yarabek walked the property today. The Broadway streetscape will be changed to boxwoods, rhododendron, and mountain laurel. Mrs. Getz is present tonight and along her property agreement has been reached and it can be a condition of approval that the landscaping along her property line be agreed to by Mr. Yarabek, Mr. Donohue and Mrs. Getz. In regard to the pergola Mr. Sheer submitted several new alternatives, which he stated did not represent exactly what they would want or exactly what the Planning Board or ARB might want. He requested that the Planning Board approve the project tonight with a condition that they get a pergola design approved by the Architectural Review Board.

Upon inquiries, Ms. Gina Martini stated the original height of the pergola was 35 ft. Now, since the building height was increased, it is about 28 ft. but it is not a final design. The high point of the sanctuary is 38 ft. from the natural grade and the mean point is 30 ft.

Chairman Friedlander stated most of the people who see this building will see it from the aqueduct. He questioned when looking from the aqueduct whether it would appear like a large structure with the pergola above it. Mr. Sheer stated if the Board feels the pergola should not be higher than the sanctuary, that can be accommodated.

Chairman Friedlander stated the design influences the height. He would like to see the design. Mr. Sheer stated they could live with a requirement that a pergola cannot be seen from the aqueduct and cannot be above the sanctuary roof. He stated they would bring that to ARB who was as much, if not more, focused on the design of the pergola as the Planning Board.

Ms. Raiselis questioned the purpose of the pergola. Mr. Sheer stated he is told it has a spiritual meaning to the members of the church.

Mr. Yarabek stated the pergola is most visual to the carriage house at Shadowbrook. The trees in between are being removed for the retention basin, and it is difficult to screen it. Lowering the pergola will lessen the impact to the property to the south. Mr. Sheer stated Mr. Yarabek should send those comments to the Architectural Review Board.

Chairman Friedlander questioned whether there could be a conservation easement that would allow people to get to the County park from Broadway. Mr. Sheer stated it is church property and he did not believe it was appropriate to ask a religious institution to give a public easement through its property. Mr. Inglis, church representative, noted there is access through Lyndhurst and when the church sold the property to the county for a park, the county said they would put in a parking lot off Sunnyside Lane but that has never been done.

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 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 the proposal.

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the Board approves the proposal for West Rock Church subject to:

1. Approval by the Building Inspector/Village Engineer particularly in regard to the adequacy of the storm water/drainage proposal. This is to include satisfactory response to all items in the Dvirka & Bartilucci memo of June 23, 2006 and the signing of an inspection/maintenance agreement of private storm water management facilities as proposed in this memo.
2. Approval of a landscaping and screening plan by the Village Landscape Consultant. Plantings added should be native species. Any exception to this is to be approved by the Village Landscape Consultant. In general, the Village's landscape development guidelines should be followed in the preparation of the landscaping plan. In addition, adequate screening for Mrs. Getz's carriage house, which looks into the church property, must be provided as well as all compliance with the suggestions and conditions delineated in Mr. Yarabek's memos to the Planning Board dated August 23, 2006 and September 21, 2006, and any revisions as a result of Mr. Yarabek's site walk of September 25, 2006.
3. A detailed tree protection and tree preservation plan to be approved by the Village's Landscape Consultant including a bond for trees to be preserved in an amount recommended by the Village's Landscape Consultant and approved by the Village Attorney.
4. If any trees which are designated to be preserved are damaged due to site work and subsequently need to be removed, the applicant agrees to replace them in kind. If this is not possible, then there shall be planting of multiple trees approved by the Village's Landscape Consultant or payment of the appraised value of the trees to the tree replacement fund will be required.
5. The applicant also agrees to perform any treatment and pruning of existing trees deemed necessary by the Village's Landscape Consultant at a time the consultant deems appropriate.
6. The applicant must provide an escrow account for an arborist to visit the site during construction to check tree removal and preservation, the amount to be determined by the Village's Landscape Consultant. The arborist is to be chosen in consultation with the Village's Landscape Consultant and approved by him.
7. Adherence to the section of the zoning code dealing with the tree replacement fund for the removal of trees with a 10-inch caliper or greater.
8. Before removal of trees designated for removal on the site, a site visit will be scheduled for the Planning Board and the Village's Landscape Consultant for final inspection and verification.
9. There will be an inspection of the final landscaping and screening on a site visit by the Planning Board and the Village's Landscape Consultant before the issuance of a Certificate of Occupancy.
10. Participation by the applicant in the proportionate share of the cost of the traffic corridor study for South Broadway as requested by the Planning Board.

11. Approval by the Architectural Review Board; specifically approval of a pergola must have the following conditions: must not be seen from the aqueduct; must not be higher than the sanctuary roof; must not be lit; and specifically, the final approval of the pergola design will be by the Planning Board with a recommendation of the Architectural Review Board considered.
12. Approval by the Zoning Board of Appeals for any variances that may be required.
13. Payment of any outstanding escrow fees before the granting of a building permit.
14. Signing of the final site plan by the Planning Board Chair.
15. The Planning Board agrees the height requirement could be varied to 38 ft. to accomplish the desired design of the building, and this is subject to approval of the Architectural Review Board
16. The Planning Board approves the uses for the property, which have been detailed by the applicant.
17. Approval by the New York State Department of Transportation for the curb cut.
18. Approval by the New York State Department of Environmental Conservation of the SPDES permit.

It was noted several Board members had felt the fenestration shown had been a bit dark and it was suggested a memo be sent to the Architectural Review Board requesting they review alternative colors before rendering their decision.

A question was raised about the families living on the property. Mr. Inglis stated there are three caretakers and their families living in three separate buildings.

Mrs. Getz, Shadowbrook, stated she has concerns about outdoor speakers. Counsel Shumejda stated the Village noise ordinance calls for 70 decibels at the property line. Mr. Sheer stated if there is going to be any prohibition to speakers or amendment in decibel levels, it must be applied uniformly – not just to this property. Mr. Inglis noted when they have used speakers for events, they have not been near Mrs. Getz's property. Mrs. Getz also expressed concern about displaced wildlife. Chairman Friedlander stated this is a problem throughout the Village and one which the Board should review with the Board of Trustees.

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

Chairman Friedlander stated the applicant requested an adjournment until next month.

Ms. Cherie Gaines, 612 South Broadway, stated in the past few months there have been questions about the appropriate number of lots for this property. It is 46 acres and the applicant wants to go forward with the planning but they have not submitted the first step, which is a conventional plan with roads and driveways done to modern standards and

conditions. The applicant wants to move forward with a cluster plan but the Planning Board must restrict the number of houses that can be built to the number that could be built in a conventional plan which meets every modern standard. If chunks of this 46 acres are wetlands or steep slopes and other things that can't be built on, then that acreage needs to be removed from the total. Ms. Gaines stated she has always expressed concern about cars, and the more lots, the more cars. People who will buy these homes also drive large cars. Road widths are supposed to be 50 ft. but in fact property conditions on the land restrict the width to 25 ft. To have any stretching of the permitted number of lots would be horrible. "I am once again urging this Board to remain very firm that it will only approve the number of houses that would in fact be allowed with a conventional plan."

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

Chairman Friedlander reported the applicant has requested an adjournment until next month. No one appeared to address the Board on this matter.

CONTINUATION OF PUBLIC HEARING – TAPPAN ZEE REALTY CORP. – 13A NORTH WASHINGTON STREET

Mr. Sam Vieira, architect, stated he was representing Mr. Gordon Levy, owner of the property. Mr. Vieira stated they originally came before the Board with a proposal for a four-family residence. At the Board's request, that has been reduced to a smaller three-family residence. Last week three Board members visited the property. Application has also been made to the Zoning Board of Appeals.

Mr. Tedesco noted the plan had shown the required eight parking spaces; however, there was a recommendation that if a variance allowing a reduction of two of those spaces were given, it might provide better fire access, etc. Mr. Vieira stated he had discussed this with Mr. Levy and in their application to the Zoning Board, they did apply for that variance. Mr. Vieira stated there could also be a consideration by the Planning Board for land banking which would allow for those spaces to be created in the future if it is determined they are needed. (The spaces referred to are No. 4 and No. 5 on the plan.)

Mr. Demers questioned whether the garage space could be turned into living space. Mr. Vieira stated it could not – there are no windows. Mr. Demers questioned whether two cars could be placed in the garages. Mr. Vieira stated they had not envisioned that since apartments lack storage space for bicycles, etc. which this space would provide.

Mr. Demers stated the way the building is designed, there are two apartments on one side and one apartment on the other. "I don't think this is a livable environment and I don't think we should encourage this type of structure in Tarrytown. You have a narrow area between two cinder block walls."

Upon inquiry, Mr. Vieira stated they have applied for the following variances:

1. Increase in the degree of non-conformity
 - a. Street frontage of lot is 10 ft. where 50 ft. is required
2. Minimum one side yard required is 15 ft. and 3.2 ft. is proposed
3. Minimum two side yards required is 30 ft. and 6.6 ft. is proposed
4. Minimum rear yard required is 45 ft. and 0 ft. is proposed
5. Minimum required parking spaces is 8 and 6 are proposed

Mr. Demers stated the setback variances are significant and he felt it would be an area that would be uncomfortable to live in. If the apartments were reduced by one, it would reduce the number of cars. The size could also be reduced which would leave more set back for landscaping. He questioned how much planting setback is being provided. Mr. Vieira stated there needs to be room for maneuverability. With the elimination of the two parking spaces there is about 400 sq. ft. of additional landscaping. The landscape strip along the northern wall could be increased to 10 ft. to 11 ft. "This is not the kind of place where you provide a lawn. It is in the inner Village and is fully paved now." Mr. Vieira stated one of the reasons for the design with the garages on the ground area, was to provide the living space at a higher elevation with views. "We are trying to put in reasonable affordable housing in a multi-family zone. This is a much better solution than most of the residences that surround it. There are people who like to live in the downtown area. People living here are looking for convenience – to the railroad station and the ability to walk around downtown."

Mr. Demers stated, "I am asking for flexibility in making the site more livable. You are asking for substantial variances on this property. I think it might also be good to put two cars in each of these basements." Mr. Vieira stated there is still the issue of access so the blacktop area would not be reduced.

Ms. Raiselis stated there is 7 ft. on each side until you hit the building and then there is a dead-end which is a funny space – perhaps it would be better to have a stair that goes down.

Ms. Raiselis stated she supported eliminating the two parking spaces. With careful landscaping it can be lovely in the middle. It is an urban environment. "I think the approach is a good one. I would just hope these would be affordably priced. I think the terrace in the back will complete the right-of-way and give it life and activity. The building is a simple building in detail and I think it is fine. The question is how we make sure a potentially nice courtyard is maintained. We would need plantings that would mature and enhance as it goes along."

The Board questioned the size of the apartments. Mr. Vieira stated the three-bedroom apartment is 2,400 sq. ft. and the one-bedroom apartments are each 640 sq. ft. Mr. Vieira noted the reason they chose to develop one three-bedroom unit and two one-bedroom

units was to make this property marketable to a family who would want to live there and have the income from two rental apartments to help carry the property.

Mr. Tedesco stated it is a difficult site and he had evaluated the pluses and minuses of the plan. On the plus side: provision of housing that is much needed, including rental housing; all the required parking can be provided on site; the variances being requested for non-conformities exist and in some cases are being reduced; the non-conforming warehouse use becomes a conforming use, residential; replacing the warehouse with good architecture is an improvement for the neighborhood. On the minus side: it needs a variance for the lack of minimum frontage, but that will not change; the neighbor in the front was concerned about heavy equipment in the driveway but the Board can condition that as being the applicant's responsibility; traffic on the narrow driveway is a concern but these are people who probably won't be making many trips and it will be cars rather than the truck traffic of the warehouse. "I think overall it is a plus."

Mr. Aukland stated he agreed and it is preferable to a commercial use. The buildings in the middle of the Village are tight and he felt not having parking outside the building was unrealistic. "I would rather not increase double parking under the building." He suggested speed bumps be considered for the driveway to slow cars. Mr. Vieira stated the neighbor in front, Mr. Sanchez, had expressed concern about cars speeding in the driveway so they had suggested putting speed bumps which would hinder the occupants of this building and Mr. Sanchez's tenants from speeding on the driveway.

Mr. Geneslaw stated he felt the pluses outweigh the minuses. In regard to the speed bumps, he suggested they be the type that can be removed in the winter because it is difficult to plow with the bumps and icing can also be a concern.

Mr. Yarabek stated there should be a topographical map provided and drainage in the parking court should be shown.

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 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 project.

Mr. Tedesco moved, seconded by Mr. Aukland, that the Board approves the site plan for a three-family, three-story, residence at 13A North Washington Street subject to:

1. Approval by the Building Inspector/Village Engineer including approval of the necessary storm water drainage measures and appropriate placing of speed bumps in the driveway, such speed bumps to be a type that can be removed in winter.
2. Approval by the Zoning Board of Appeals for the area variances required which includes a variance for the minimum frontage, for reduction of the parking spaces required from eight to six and the Planning Board supports the requests for these variances given that the proposal will provide needed housing for the Village including rental housing which is in great demand and the area variances for the existing non-conformities will be reduced and the existing non-conforming use (warehouse) will be replaced by a conforming use in this M-1 zone, which is residential.
3. The parking spaces indicated by Nos. 4 and 5 on the site plan, which will be used as a buffer, are to be land banked for future use as parking spaces if the Planning Board deems necessary.
4. Approval by the Village's Landscape Consultant for planting added to the rear of the site as well as a suitable landscape strip or buffer to be added to the eastern side of the property line.
5. Approval of a tree protection plan for trees to be preserved which is to include monitoring of trees during the demolition process for the warehouse.
6. The applicant agrees to pay for any repairs required as a result of damage to the driveway during the construction of this residence. The need and required payment for these repairs to be determined by the Village Engineer.
7. Approval by the Architectural Review Board.
8. Payment of any outstanding escrow fees and recreation fees before the granting of a building permit.
9. Signing of the final site plan by the Planning Board Chair.

The Board was polled. Mr. Demers dissented for the reasons given. All others assented. Motion carried.

CONTINUATION OF PUBLIC HEARING – ROWLAND – 75 NEPERAN ROAD

No one appeared on behalf of the applicant. No one appeared to address the Board on this matter.

Mr. McGarvey stated the Neperan Road repaving program is moving along and he will soon need to know where the curb cut for access to this lot will be located since that impacts the curbing and utilities for this lot. Discussion followed with Board members noting the two important issues are tree removal and whether the existing curb cut should be abandoned and a new curb cut made to the east.

Mr. Aukland stated he believed the driveway should be at the proposed new location but the Board should work to reduce the bulk of the garage since it would be visible to

neighbors. It was noted this location calls for removal of one large willow tree and the large tulip tree. Mr. Yarabek stated if it is the Board's decision to relocate the curb cut and those trees had to be removed, the applicant would have to put the value of those trees into the tree replacement fund.

Mr. Demers stated the contract of sale said no trees could be removed. Mr. Yarabek stated he had not seen the contract; however, the applicant had stated they had permission to remove the willow trees. They would need approval to remove the tulip tree. Mr. Tedesco noted even if the contract allowed removal of the willow trees, that did not mean the Planning Board had to approve that as part of site plan review.

Ms. Raiselis stated there is a way of putting a house on this site without removing any of the trees and that is by using the existing curb cut for the driveway.

Mr. Sam Vieira, 224 South Broadway, stated when his father had owned this property, the Board told him these trees could not be removed and he did not believe this owner should be held to a different standard. The trees should be saved and the applicant should present a house to the appropriate scale for this zone.

PRELIMINARY PRESENTATION – DANDY, LLC – 1 DIVISION STREET (THE CLOTHES DOCTOR)

Mr. Martin Diano, architect, stated they had submitted plans at the last meeting for a new dry cleaning business at 1 Division Street. The Board had requested additional information, which has been submitted.

Mr. Hyun Shin, owner of The Clothes Doctor, stated he had submitted a comprehensive packet of information fully explaining the cleaning method being proposed and the equipment, which is used in the process. He noted all dry cleaning machines will be operated according to the New York State Department of Environmental Conservation Part 232 Rules and Regulations, and the Westchester County Department of Health.

Mr. Frank D'Eufemia, Van Tassel Cleaners, stated this proposal is to use hydrocarbon solvents for cleaning; however, hydrocarbons are flammable and it is his understanding hydrocarbons will do the same damage to the soil as perchloroethylene.

Mr. Demers questioned whether the hydrocarbons would do any damage to the air. Mr. D'Eufemia stated not if it has the proper ventilation.

Mr. Tedesco stated the applicant should have someone come to the public hearing who can explain the proposed dry cleaning method.

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

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

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the Board sets a public hearing on this application for October 23, 2006, and requests that the notification of the public hearing be made beyond Village regulations to include Sleepy Hollow property owners and also notification to the County Planning Department, the County Health Department and the New York State DEC.

AUTHORIZATION TO HIRE WETLANDS EXPERTS RE JARDIM ESTATES EAST

Counsel Shumejda reported the Village has contacted two people, one a wetlands flagging consultant and the other a scientist specializing in biodiversity and sensitivity projects. We will need to hire both in regard to the Jardim Estates East proposal. A surveyor will also need to be hired to plot the wetlands after they have been set.

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the Board authorizes the hiring of B. Laing Associates (wetlands flagging) and Michael Klemens (wetlands analysis) and Riley Land Surveyors, LLP relative to the Jardim Estates East proposal with costs to be borne by the applicant.

PRELIMINARY PRESENTATION – CORTESE/CAPA – 91 DEERTRACK LANE

Mr. Sam Vieira, architect, stated the proposal is for removal of a single-family house and construction of a new single-family house. Originally they did not believe they would need to appear before the Planning Board so they moved forward with applications to the Zoning Board of Appeals (for existing lot width) and the Architectural Review Board and have received both those approvals. After going through the house, a lot of deficiencies were found which led to the decision to tear it down. The new house will only be slightly larger than the existing house.

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

Mr. Tedesco moved, seconded by Mr. Aukland, 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. Aukland, and unanimously carried, to set a public hearing for October 23, 2006, on this application.

FERRY LANDINGS – WATERFRONT

Chairman Friedlander stated the Planning Board had a work session with Ferry Landings representatives on September 22nd. A work session with the Board of Trustees should be

arranged as well to discuss park details and establish priorities for the design prepared by the consultants. Mr. Aukland stated it would also be helpful to have the recreation/aquatic center included in that review.

Chairman Friedlander stated a work session should also be set up with the Architectural Review Board, Mr. Yarabek, and Steve Tilly and Elizabeth Martin to review the Ferry Landings plans. The Secretary was requested to attempt to arrange this work session for Wednesday, October 11th, at 6 p.m.

MEETING ADJOURNED 10:45 p.m.

Kathleen D'Eufemia
Secretary