

Planning Board
Village of Tarrytown
Regular Meeting
February 26, 2007 8 p.m.

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

APPROVAL OF MINUTES

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the minutes of January 22, 2007, be approved as submitted.

THANK YOU MR. DEMERS – WELCOME MS. D'AVOLIO

Chairman Friedlander stated the Board was privileged to have had the services of Frank Demers, a long-time resident of the Village and a former Planning Board member. In June 2005 he came out of "retirement" from the Board to again serve. He has notified the Village that due to personal and professional reasons he can no longer serve. "Frank is a man very concerned with the past and future of this community and I would like to thank him publicly for his service." Chairman Friedlander stated the Board has an equally valuable new colleague in Michele D'Avolio. Michele is a relatively new resident of Tarrytown but she is very interested in open space and the future of the Village. "I hope she will serve for a very long time."

CONTINUATION OF PUBLIC HEARING – HOLY SPIRIT ASSOCIATION FOR
THE UNIFICATION OF WORLD CHRISTIANITY – JARDIM ESTATES EAST –
SUBDIVISION

Chairman Friedlander reported this item is being adjourned until the next meeting since the Board needs to review legal issues with counsel.

CONTINUATION OF PUBLIC HEARING – MOSA – 20 LEGRANDE AVENUE –
NEW NOTICE

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, February 26, 2007, at **7:00 p.m.** at the Municipal Building, 21 Wildey Street, Tarrytown, New York, to hear and consider an application by:

Khalil & Naila Mosa
20 LeGrande Avenue
Tarrytown, New York 10591

To consider the application for site development plan approval for property they own at the above address for addition to the north side of residence.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 8, Block 29, Lot 14A 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. William Simeoforides, architect, stated new drawings have been submitted. Two months ago the addition was proposed to the rear of the property but due to steep slopes conditions they were told to go to either side or up. The new drawings show the addition to the north side of the house. Mr. Simeoforides reviewed the plans with the Board and submitted photographs of the property.

Ms. Raiselis stated the Board reviewed the new plans at their staff meeting and they had a concern about a very long elevation. She suggested the applicant consider removing the existing garage and use the space under the addition as a garage. That would provide open space and a visual reprieve. Mr. Simeoforides stated that would add cost to the project. They do plan to renovate the existing garage. Ms. Raiselis stated the costs for that renovation could be put toward putting the garage in the addition.

Mrs. Mosa stated she needs this addition in order to have living space on one floor and it has been three months now that they have been before the Board. The Board had suggested the addition to the side and now being asked to remove the garage is not fair. Ms. Raiselis stated the Board represents the Village and they are concerned about the visual perspective for the neighborhood.

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

Ms. Dolores Billings, 28 LeGrande Avenue, stated she resides next door. She submitted photographs to the Board and stated the following: between the houses is a sewer line and right-of-way, which must be taken into account; the house previously had a variance for an apartment; the applicants have four dogs which bark day and night; there is a rotted tree which an arborist has said will fall but the applicants have said they don't have the money to remove it; the garage on the south side is falling in and windows and doors are broken; neighbors have heard with this addition the Mosa's' daughter may open a day care center.

Ms. Brenda Sutherland, 34 LeGrande Avenue, stated her concern is the sewer lines. The houses on Neperan Road have sewer lines, which come down through LeGrande Avenue. There is a ripple effect when a sewer line breaks. "I am concerned about building down and building deep."

Mrs. Mosa stated she has lived in this neighborhood for 34 years and is friendly with everyone.

Mr. Simeoforides stated the only real issue is the sewer lines. Mr. McGarvey stated there is a sewer easement on the north side. It is shown on the topo map. "You should take that map and overlay where you are going to be sure you are not encroaching on the sewer easement."

Ms. Sutherland questioned if there is someone who will make sure the plans are accurate. Chairman Friedlander stated Mr. McGarvey is the Village Engineer and Building Inspector. The plans will have to conform with the Village Code and Mr. McGarvey will inspect to make sure it is done properly.

Mr. McGarvey stated Mr. Simeoforides will have to check the deed to see how wide the sewer easement is.

Mr. Aukland stated if it is determined building to the north is not feasible because of the sewer easement, then it might be a good to remove the garage and extend to the south. Mr. Simeoforides stated that will be difficult because of the interior layout of the house, which is why they originally proposed the addition to the rear. The only other alternative is going up; however, that would create a third story which means the entire building would have to be sprinklered which is extremely expensive.

In reference to the comment about this house having a variance for a two-family house, Mr. Tedesco stated that variance expired and was not renewed. Mr. Simeoforides stated the house is single-family and will remain single-family with the proposed addition.

Mr. Simeoforides questioned whether they could put the addition to the rear on piers rather than a foundation. Mr. McGarvey stated that would still have steep slopes disturbance; however it would be minimal disturbance. Ms. Raiselis stated it would still be a disturbance since heavy equipment would have to go in.

Mr. Tedesco stated they should find out about the sewer easement. A landscaping and screening plan should be prepared for the property and they should show what they are planning to do with the garage. This would all show the Board what the view will be for the whole front of the property. If the easement is a problem, then it can be determined what will be done.

Mr. McGarvey stated whatever plan is chosen, the topo map should be shown on the site plan with the addition superimposed and there should be a steep slopes map submitted.

Chairman Friedlander suggested the applicants attend the Board's staff meeting on March 15th so everyone can see how this is progressing.

CONTINUATION OF PUBLIC HEARING – PUTNAM AVENUE HOMES –
HILLSIDE STREET – SUBDIVISION – 2 NEW HOMES

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

This portion of the meeting was recorded and transcribed by a court stenographer and that transcript is the official record and is a part of these minutes.

There was discussion about the plans prepared by Mr. Howard Cohen, the architect hired by the Village to look at this site. Mr. Blancato, attorney for the applicant, stated a 2,600 sq. ft. new home, even with the additional family-room basement space, is not marketable. A representative of Coldwell Banker agreed stating this is a difficult location with the highway, noise, offices and steep slopes. The estimated value of new construction with 2,600 sq. ft. would be approximately \$750,000 whereas the estimated value of new construction with 3,200 sq. ft. would be about \$1,100,000. A 2,600 sq. ft. house would not have the amenities people look for in new homes, e.g. a kitchen island. It was noted the layout of the house which Mr. Cohen designed does not work with the kitchen and dining rooms at opposite ends, some specimen trees would have to be removed, and there would be greater steep slopes disturbance than with the applicant's plan.

Mr. Tedesco stated there is a lot of disagreement. He suggested the applicant make a list of all the problems they see with Mr. Cohen's plan. At the next staff meeting everyone's input can then be reviewed. Mr. Blancato stated they would do that and also list all the reasons they feel their proposed plan is better than what Mr. Cohen put forth.

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

Chairman Friedlander stated the applicant has requested an adjournment until the Board's next meeting. No one appeared to address the Board on this matter. All agreed to adjourn the hearing to March 26th.

PUBLIC INFORMATION MEETING ON FINAL ENVIRONMENTAL IMPACT
STATEMENT – WILSON PARK HOME & LAND COMPANY, LLC – WILSON
PARK DRIVE – SUBDIVISION

Mr. Norman Sheer, attorney for the applicant, stated their engineer, John Kellard, had written to Mr. McGarvey about the drain. Mr. McGarvey stated he has a letter with a map of the area showing where some of the catch basins are located with the size of the pipes. He met on site with representatives of the public on Friday afternoon. The concern is not that the pipes and catch basins are there. Some of the pipes were put in when the estate homes were built and some were put in to catch water from the springs that are there. The concern is the flow of the water from the “then” pond. That pond has been filled in and piped. If there is an increase in the flow, is it against the easement agreement because it is going through what is now parkland. Mr. Sheer stated that is addressed in the FEIS. “My recollection is that it is not a significant interruption of the parkland.” Mr. McGarvey stated if that wetland existed, the buildable area may be reduced since the gross area would have to be reduced. Mr. Sheer stated the pond was filled in long ago probably before the Village had wetland regulations. “I don’t think the drainage plan will increase the flow through that pipe at all. The building runoff will be handled through infiltrators and what is going through the pipe is not expected to be increased.”

Mr. Tedesco stated there doesn’t seem to be a complete ground water inventory particularly in regard to known feeder springs on the site. The concern is if there are disturbances in the areas of the springs, then maybe the groundwater plan is not adequate. Mr. Sheer stated he did not know how you trace underground springs. The water is clean and it would not be appropriate for them to disturb the flow and if they did, it would have to be diverted but that would take place in the field when construction begins.

Mr. McGarvey asked, “What about the overflow feeder springs?” Mr. Sheer questioned whether anyone has identified these surface springs. Mr. McGarvey stated the public has identified that they did exist. He saw a map that showed the feeder springs. Mr. Sheer questioned how old the map was – 100 years. Mr. McGarvey stated probably – it was an old map.

Ms. Angela Schneider, 16 Fairview Avenue, stated there is one area where there is always water so it can be assumed there are springs there. Chairman Friedlander stated when they build something if there are springs they will have to mitigate that. The Village has rules and regulations about drainage, water, runoff, buffers, wetlands. If the laws are applied, there will not be damage to the lakes, property owners or the Village. It should be put in the Findings that a map exists and the Board is concerned about springs and one of the mitigating factors is if something is found during construction, it will be the applicant’s responsibility to correct it.

Mr. William Cerbone, 27 Miller Avenue, stated he had provided the map to the Village some years ago. There was a great deal of discussion during the time of the extension of the buffer beyond the railroad bed. These are the Village's records. The Tarrytown Lakes are the Village of Tarrytown's creation. He stated he would provide another copy of the map. Mr. Cerbone stated the Planning Board has never talked about the element of groundwater and they still don't talk about groundwater. The existence of this spring where the pond existed has always been known and a spring is in the ground. No one wanted to talk about groundwater or springs.

Ms. Schneider read the following statement: "Good evening Chairman Friedlander and members of the Planning Board. I don't know if it is age creeping up but my memory ability is somewhat hit or miss. Not wanting to take a chance on the miss, I will read from my prepared notes. (1) I have a few comments to make regarding proposed development at Wilson Park and its consequences related to the well being of the Tarrytown Lakes and their environs. (2) Last week the Draft Comprehensive Master Plan for Tarrytown was presented to the Board of Trustees and the public. I would like to share with you Chapter 10: Future Land Use Plan under the subtitle 'Environmental Considerations'. It is important for me to read the whole of the paragraph, its relevance applies to the Board of Trustees, Planning Board and the Tarrytown Lakes. Quote, 'There are a number of natural resources that will require the ongoing stewardship of the Village and private property owners. These specifically include steep slopes, wetlands, watercourses, the Hudson River and perhaps the most pressingly, the Tarrytown Lakes. The Village Code already has provisions that seek to protect these resources, but there are some areas where the plan recommends some additional protection measures, such as the Tarrytown Lakes.' End Quote (3) I would like to thank the Planning Board for their written input regarding the Draft Comprehensive Plan, in particular item number 1 on their list. Quote 'Immediate implementation of the PCI recommendations for the treatment and monitoring of the Lakes.' End Quote I assume this statement includes the 1 year study (recommended by PCI) in order to determine the type of treatment the Village should employ. This one year study was proposed to the Village over a year ago but nothing has been forthcoming. These last few points refer to the future plan for Tarrytown, which is commendable, I, however, am concerned about the current status of the Tarrytown Lakes and their surrounding habitat. The Lakes are dying; they need attention. Development at Wilson Park will exacerbate their demise. Can this situation be likened to 'the cart before the horse?' In other words, 'Development Now, Protection Later?' (4) At the last Planning Board public hearing we heard that the developer's consultant stated that there was groundwater going into the Lakes from the Marymount property. This is an answer which sides the question regarding a drainage and ventilation system currently on the Wilson Park land. This Wilson Park drainage system drains downwards into the Lakes. (5) The Planning Board very kindly met with myself and others last week to discuss the Lakes and their surrounding habitat. During that meeting some members of the Board seemed to acknowledge the existence of the drainage and ventilation system. The Tarrytown Conservation Committee, which I am a member of, has been asking for the specifications of this very system for two years, to no avail. How

can any storm water management system be accurately designed by the developer (or anyone else) when this current underground system has not been taken into account? We have photographs of seven drains located on the west side of the railroad trail, the farthest one being about 300 feet up the hill and just below the ridgeline – all on Wilson Park land. These are the visible drains, not covered over. Why would such a drainage/ventilation system be there? (6) At the January Planning Board meeting I read a letter about my concerns regarding the wildlife study commissioned by the developer. I also requested that an independent wildlife study be performed, the developer's study being inaccurate and suffering many omissions. Early February I sent a copy of the developer's wildlife study and some other material to Hudsonia, Ltd. Hudsonia is an environmental and wildlife organization situated at Bard College, Professor Erik Kiviat being the Executive Director. Their expertise and credibility can be equated to that of Dr. Paul Mankiewitz and the Gaia Institute. This is the response from Hudsonia: 'Hudsonia Ltd., founded in 1981, is a not-for-profit institute for research, education, and technical assistance in the environmental sciences. Hudsonia does not support or oppose land use projects; rather we provide scientific information, analyses, and recommendations for use by parties involved in environmental planning and environmental management. The Tarrytown Conservation Committee asked us for a proposal to review the 'Habitat Evaluation and Impact Statements for the Legends at Wilson Park' section of the FEIS prepared for that development proposal. After an initial look at the maps and aerial photos of the site provided in the Executive Summary of the FEIS, and after reading the 'Habitat Evaluation and Impact Statement,' we conclude that insufficient attention has been paid to on-site and surrounding habitats, species that use those habitats, and potential impacts of development on those species. In order to thoroughly describe the biological resources of the site and address the potential impacts of the proposed development, we recommend a more complete habitat assessment and written evaluation to correct some of the omissions of the FEIS. Although the common species that use on-site habitats are discussed in length in the FEIS, species of conservation concern are not adequately evaluated. The habitats described may, in fact, support species that are rare or declining. For example, the FEIS describes a shrubby oldfield habitat on the site, and later describes the state-listed rare plant shrubby St. Johnswort as preferring 'dry to moist open fields and woodland edges on sandy or rocky soil,' but the report does not mention that the oldfield could provide the right conditions for this species. In addition, descriptions of the habitat requirements of many species are incomplete, and therefore misleading. For example, in the report the habitat preference of the eastern painted turtle is listed as 'open water.' In actuality, painted turtles use a variety of wetlands in addition to open water, and the turtles need an unshaded upland area with sandy or loamy soil within 600 m of the wetland in which to lay eggs, and a safe travel route to and from that nesting area. The impact of any development on wildlife populations necessarily involves a wider area than the parcel under consideration, and we believe that a more thorough look at the surrounding landscape is warranted. The impacts of roads and driveways on populations – via mortality and barriers to movement – also deserve more attention. Hudsonia specializes in developing this kind of information. We would be happy to discuss such work with the appropriate

entity (e.g., town agency or permit applicant.’ Signed Erik Kiviat, Ph.D., Executive Director, Hudsonia Ltd.

(6) I gave a copy of this letter to the Planning Board members during last week’s meeting. Again I requested that an independent wildlife study be commissioned by the Village. It is not sufficient to answer the specific points made by Dr. Kiviat. In order to have a complete and unbiased habitat inventory of the Lakes and their surrounding area, it is imperative that it is a totally independent one. I would like to end my comments with two questions. Who is responsible for the well being of the Tarrytown Lakes and their environs? Is it the Board of Trustees or the lead agency for this proposed development, that being the Planning Board?”

Mr. Sheer stated they have had the property surveyed and there was no indication there were any springs. Three engineers have dealt with the drainage system and none mentioned any springs. All felt with the storm drainage proposed, the drainage quality into the Lakes would be better. The experts have been very clear.

Ms. Gina Martini of Saccardi and Schiff, planners for the applicant, stated she did not know what documents had been provided to Hudsonia; however, the wildlife is covered in Section H of the FEIS and Sections E, F, and G of the DEIS. Studies were done in the Spring, Fall and Summer and fieldwork was done a total of six days, two people each day. “I don’t know that anything was omitted from the wildlife study. Any independent wildlife consultant should get all the documentation that was prepared. Did Hudsonia visit the site?” Ms. Schneider stated they sent Hudsonia the whole wildlife study in the DEIS and they looked at the wildlife study in the FEIS. “We have been asking on many occasions for an independent wildlife study to be conducted. Hudsonia has not been on site because they have not been retained. I think it is the Village’s job to retain an independent.”

Mr. Cerbone stated if you go onto the path where the pond used to be, about 150 ft. north of that and then up the hill near the ridgeline, there is an above ground manhole. There are holes in the manhole. You can see running water. The manhole is about 7-1/2 ft. deep. The running water was fed from a pipe coming from the north. The feeder pipe was approximately 6-inches. It is unknown where the source of that water is. That has been the basic inquiry through this whole process – what is the source of the flow? There is no one visible source of surface water. This is flowing during the harshest part of the winter.

Chairman Friedlander questioned where that water runs to. Mr. McGarvey stated everything runs to the reservoir.

Mr. Cerbone stated the surveys provided by the applicant didn’t show the existence of springs but did they show these visible drainage systems. They should have researched the existence of known springs. Mr. Sheer stated this entire system will be on the

Village's park property. This system will not be disturbed during the course of construction.

Ms. Loretta London, 185 Wilson Park Drive, read the following statement on behalf of her husband, Roger London:

"Good evening, Dr. Friedlander and members of the Planning Board Village of Tarrytown. My name is Dr. Roger London of 185 Wilson Park Drive. I have appended my statement to the Planning Board, which I submitted in September 2005 for the record. In that statement 18 months ago I asked several questions regarding the baseline studies for the Wilson Park project. First I asked if the yearlong follow up study suggested by the Manhattan College study had been performed. Second I raised serious concerns regarding the adequacy of the wildlife inventory and wetlands survey. Finally I asked about the process for reviewing and the baseline assumptions used in the storm water management plans for Wilson Park. This evening I would like to update the Planning Board on these questions and raise serious concerns about the process which has been followed in the review of the developer's proposal. First to my knowledge the recommended year long follow up study of the Tarrytown Lakes has not been commissioned. Secondly, on the adequacy of the wildlife inventory, we have submitted to the Village a letter from the Hudsonia Institute suggesting serious inadequacies in the wildlife inventory information provided by the developer's consultant. We are requesting that the Village retain Hudsonia for an environmental report that will address the deficiencies in the one provided by the applicant. Third, the storm water management plans for Wilson Park have suffered from an incomplete delineation of the existing extensive pipe and drainage system on the property as part of the DEIS or FEIS. This incomplete information has not been provided in the over one year in which it has been requested by the Village's engineer. The developer's failure to delineate and report on the extensive underground system of pipes and drains present on the property has misinformed the Planning Board's site review process. The incomplete information provided by the applicant invalidates their storm water plan in the FEIS proposal. Further the incomplete information provided by the applicant makes a mockery of the assumptions made for the zero discharge plan by the Village consultant, Dr. Mankiewitz, who relied on the behavior of soils on the property and who was not aware that ground and storm water are being collected and directed into the Tarrytown Lakes through an existing drainage system installed by a previous owner. The Tarrytown Conservation Committee would ask that this drainage system be delineated forthwith and that the hearings on the pending proposal be suspended until full and complete information has been provided to the public and the Planning Board as lead agency on this application. Once the drainage system has been delineated it can either be removed by the applicant for the current application to apply or an alternative plan can be presented and reviewed as part of the approval process. How inappropriate would it be to approve a FEIS and potential site plan on the scale of one proposed, when large areas of Wilson Park are draining directly into the Tarrytown Lakes and much of the site will continue to drain into the Lakes unless addressed by the developer as part of the planning process? It is not

OK to approve this FEIS, in its current state, and address drainage pipe removal on a site by site basis later because that will leave an unknown amount of water and pollutants draining directly into the Tarrytown Lakes after the site is developed. In closing I do not believe that the Planning Board can properly evaluate the applicant's proposal without the critical information that we are requesting. We remain concerned that proceeding to approve the FEIS based on the current inadequate and incomplete information will risk continuing the ongoing damage to the endangered Tarrytown Lakes that we all seek to alleviate or mitigate through the planning process."

Mr. Cerbone stated on March 16, 2006, he made a presentation to the Board regarding records in the Village's possession about the demolition of the prior mansions on this property. The Board made a recommendation to the Board of Trustees that a wildlife study be done. He stated he did not know if the Village Board is aware of the history and the agreement Mr. Yarabek entered into at the time of the demolition of those mansions. It was to be determined whether the habitat had been maintained. Mr. Yarabek stated at the time of the application to remove the buildings, it was the intention of the owner to maintain the property in its natural state. Greenrock felt it was important to keep the meadow type condition and that is essentially what they did when they maintained the property. They did not agree to any wildlife study. They wanted to remove the buildings and preserve the property as an area suitable for habitat, which meant keeping the meadow condition and they did not use pesticides on the property. Mr. Cerbone stated some of it was land between the railroad bed and the Lake and Mr. Yarabek should review the records to see if that was maintained.

Mr. John Lynch, Crest Drive, stated there are a number of documents at the end of the FEIS. There is a tree assessment, which refers to 137 trees damaged by the tornado, 17 of which needed emergency removal and 120 emergency pruning. 91 were to be removed at a later date. 20% of the trees are gone. This is only the number that came down on their property – not what came down on Tarrytown's property. The number of trees that came down will change the flow of the water. This is going to have a large impact on the Saw Mill River watershed. In order to resolve the problems relative to the Lakes, the trees have to be replaced. What is going into the Lake must be prevented but you have to go to the source. The Lakes have to be restored in whole. "We are looking at this property in isolation rather than as a whole to solve the problems with the Lakes. The second Lake never had the algae growth it has had these last two summers."

Chairman Friedlander stated he agreed the problem caused by the tornado has not been properly studied by anyone. He stated reforestation affects the wildlife. "It is a complex ecological problem that doing something in one area affects another area." Mr. Lynch stated the Village is charged with protecting a Critical Environmental Area and the Lakes are a Critical Environmental Area and they are not being protected. The water coming from Hackley is uprooting the trees by the Lakes. "In our kids lifetime we are going to need those Lakes."

Ms. Karen Brown, River Terrace, stated she wanted to be sure that in the process of getting good drainage and getting a park that as much undisturbed area as possible is left so digging up looking for pipes is not the best way to go.

Ms. Ann Hull, 111 Wilson Park Drive, stated she wanted the Board to consider the people who live there now and how the public space will be used and regulated. People now pull cars into this land they say they want to protect.

Mr. Aukland stated the Board has a couple of points to pursue for the Findings: Water – groundwater and storm water; Wildlife – Dr. Carole Griffiths of the Environmental Advisory Council can help the Board be sure that has been covered. Chairman Friedlander stated he felt Hudsonia should be invited to attend the Board's next staff meeting. They should be asked what inadequacies they felt were in the wildlife study. The Board can then make a determination as to whether their services would be useful and then the Board could specify exactly what would be wanted from them. "With Carole Griffiths' guidance, we could then interview them and determine a scope of services." Mr. Sheer stated they would like to have their consultant at that meeting as well.

Ms. Melissa Kaplan Macy of BFJ Planning stated the Board is on a timeline under SEQRA. The FEIS has been accepted and there is a period of time for public comment. "I think we can address everyone's concerns in the Findings. We should go forward with the Findings." Ms. Kaplan Macy stated she hoped to have Draft Findings by the end of March.

CONTINUATION OF PUBLIC HEARING – ROWLAND – 75 NEPERAN ROAD

Mr. Brian Brooker, engineer, stated they have submitted new plans which incorporate all the comments from the last meeting. The driveway was relocated as requested.

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 project.

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the Board approves the plans Revised 1/29/07 for a new single family house at 75 Neperan Road subject to:

1. Approval by the Building Inspector/Village Engineer particularly in regard to the storm water drainage plan.
2. Approval by the Architectural Review Board.
3. Approval of a landscaping and screening plan by the Village Landscape Consultant. All plantings should be native species or non-invasive ornamentals. Any deviation from this must be approved by the Village Landscape Consultant. The 40 inch willow that had been approved for removal because of an earlier location of the driveway is now to remain. An arborist should be retained to do appropriate pruning of this tree and to secure the tree to protect it from wind storms after construction of the home. Any application for the removal of this willow either by the applicant or a subsequent owner must follow the procedures outlined for such approval in the Village Tree Ordinance.
4. The landscaping plan is to include implementation of all the items requested in the Village Landscape Consultant's memos of January 8, 2007, and January 22, 2007, to the Planning Board.
5. The landscaping plan is to include adequate tree replacement for any trees removed. In particular, this is to include a large suitable tree chosen by the Village Landscape Consultant for planting in the new Village park on Neperan Road. The Village Landscape Consultant shall select the location in the park for this tree.
6. The Board approves the removal of the two maple trees to the north of the tulip tree to help preserve that tulip tree.
7. A detailed tree protection plan for trees to be preserved on the site shall be submitted.
8. No heavy machinery or construction vehicles are to pass by the tulip tree and the house or between the beech tree and the house during construction.
9. 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, the planting of multiple trees approved by the Village Landscape Consultant or payment of the appraised value of the trees to the Village Tree Replacement Fund will be required.
10. Permeable pavers are to be used for the driveway.
11. Payment of any outstanding escrow fees and recreation fees prior to the granting of a building permit.
12. Signing of the final site plan by the Planning Board Chair.

*Ms. Raiselis left the meeting.

PRELIMINARY PRESENTATION – MISTRY – 11 BEECH LANE

Mr. Dave Robak, architect, reviewed with the Board plans for a two-story addition to the rear of this house extending back 22 ft. The ground story will be a two-car garage and there will be some additional basement space. Above the garage they will extend the master bedroom, bath, and kitchen and a new sunroom will be added. There will be a dry

well system installed and they will take the fill from the new excavation and place it to the left of the existing driveway. There will be a small vestibule addition in the front. It was noted the existing footprint of the house is 2,285 sq. ft. and the footprint of the addition is 898 sq. ft. Mr. Robak stated the permitted Floor Area Ratio is .26 and with this addition it will be .21.

Mr. Tedesco stated one of the concerns is that there is currently a lot of existing blacktop and there will now be new blacktop. One of the things the Board might suggest is replacing a good part of the asphalt with permeable pavers. Mr. Robak stated that would involve a considerable expense.

Mr. McGarvey stated they could not place the fill where proposed because that is on steep slopes.

Mr. Aukland stated there are three areas of steep slopes on this property and the Board will need contour lines and the steep slopes shown. Elevations should also be provided.

Mr. McGarvey stated he thought the addition is slightly into the steep slopes. They will need to adjust the lot size by reducing the steep slopes. That will affect the FAR calculation.

Mr. Robak stated the project has received ARB approval. They went to ARB before realizing the project would require site plan approval.

Mr. Tedesco moved, seconded by Mr. Aukland, that the Board declares its Intent to be Lead Agency on this application. Messrs. Aukland, Tedesco, Friedlander and Ms. D'Avolio assented.

Mr. Tedesco moved, seconded by Mr. Aukland, that the Board sets a public hearing on this application for March 26, 2007. Messrs. Aukland, Tedesco, Friedlander and Ms. D'Avolio assented.

Mr. Tedesco moved, seconded by Mr. Aukland, that the Board sets an escrow account on this application in the amount of \$2,500. Messrs. Aukland, Tedesco, Friedlander and Ms. D'Avolio assented.

HOLY SPIRIT ASSOCIATION FOR THE UNIFICATION OF WORLD
CHRISTIANITY – APPROVAL OF PERGOLA FOR WEST ROCK CHURCH –
SOUTH BROADWAY

Chairman Friedlander stated as part of site plan approval for West Rock Church the Board had placed a condition that the pergola required Planning Board approval after approval from ARB. ARB has now given that approval.

Mr. Yarabek stated approving the plan for the pergola is fine but he expressed concern about what would happen if the pergola jeopardizes a specimen tree. Mr. Norman Sheer, attorney for the church, stated a fair number of issues will have to be decided in the field. Mr. Michael Inglis, church representative, stated there is a 36-inch maple tree near the pergola as well as a number of trees around the building that are questionable.

Mr. Tedesco moved, seconded by Mr. Aukland, that the Board accepts the ARB recommendation for the pergola design for West Rock Church. Messrs. Aukland, Tedesco, Friedlander and Ms. D'Avolio assented.

HESS STATION – SOUTH BROADWAY - SIGNAGE

Mr. Tedesco stated Hess has received approval from the State Department of Transportation for the signage the Planning Board recommended. The signs, however, have still not been put up. Mr. Tedesco requested that Mr. McGarvey contact Hess requesting the signs be installed.

ADJOURNMENT

Mr. Aukland moved, seconded by Mr. Tedesco, that the meeting be adjourned – 10 p.m.. Messrs. Aukland, Tedesco, Friedlander and Ms. D'Avolio assented.

Kathleen D'Eufemia
Secretary

