

Board of Trustees
Village of Tarrytown
Special Meeting
January 10, 2005 7:30 p.m.

PRESENT: Mayor Janos presiding; Trustees Basher, Chillemi, Chorost, Fixell, Morabito, and Sincero; Village Attorney Shumejda; Village Administrator McCabe; Village Treasurer Hart; Village Planner Geneslaw; Planning Dept. Chairman Friedlander

Mayor Janos opened the meeting and stated that we will be discussing the Final Environmental Impact Statement (FEIS). He referenced a flyer that was posted around the Village "...This will be your last chance to ask the Board of Trustees . . ." The Mayor stated that this is not true. This is not the public's last chance. However, he is happy that everyone is here tonight.

Attorney Shumejda stated that the issue before the Board of Trustees, co-lead agency with the Planning Board, is whether to accept the Final Environmental Impact Statement prepared by the applicant on the proposed Ferry Landings Project. The SEQRA regulations do not require a public hearing on the FEIS. The Board of Trustees scheduled this special meeting to discuss in public the FEIS and whether or not to accept it. If the Board of Trustees makes a decision to accept the FEIS, then it will be sent out to 20 plus interested and involved agencies for their comment. The SEQRA regulations provide a minimum 10 day time frame for those written comments to be received by the Village. The Board of Trustees and the Planning Board as co-lead agencies can extend that comment period beyond 10 days. Those written comments will be received and reviewed by both Board of Trustees and Planning Board. The intent of the comment period is to provide persons who have previously commented a further comment on issues they raised during the DEIS process and whether they were adequately responded to in the FEIS. Once the comment period ends, the next SEQRA process is called the preparation of a Findings statement. Both Boards would have to approve the Findings statement. The Findings statement is the conclusion of the Environmental Review of the project. The Boards can put in conditions to mitigate any adverse environmental impacts, if there are such and, how those environmental impacts were mitigated through the environmental review process that was conducted in this case. At the conclusion of that aspect of the process, then the next issue is the site plan approval by the Planning Board.

Dr. Friedlander stated that we'll have opportunity to take public input up until a time that is specified by the Board of Trustees. We could possibly extend the 10 day comment period to the next Planning Board meeting, which is January 31st if the Board so desires.

Mayor Janos questioned if after the FEIS is declared complete and a resident had a question on something, could they write a letter to the Village and that would be part of the Findings statement. Attorney Shumejda responded that it would not be part of the Findings statement but it would be accepted, reviewed, documented and it could possibly influence the determination of both Boards.

Administrator McCabe stated that it is important to note that the determination of completeness that the Board is considering tonight determines the completeness of responses to questions on the DEIS. There are written recorded questions generated by the DEIS and there are answers to those questions in the FEIS. The Board is voting that that is what completeness means in this context that the recorded questions have been answered. It doesn't mean they agree with the answers or disagree and it doesn't mean that any other subject matter, questions or comments cannot be still fed into the process and included in the ultimate Findings statement.

Mayor Janos questioned if the Board of Trustees questions or disagrees with something in the FEIS, would that be added or changed or further studied.

Attorney Shumejda stated if the Board of Trustees finds that changes that are proposed which by themselves would create a potential significant environmental impact or there is some newly discovered information that was not analyzed before that could create a

potential significant environmental impact or change in circumstances which again would also have to create a potential for significant environmental impact, there's another procedure that the Boards could request which is called a supplemental EIS. That would go through a similar process but just focus on whatever the issue is that the Board finds to be changed and would create a potential significant environmental impact.

Planner Geneslaw stated that he also thinks the comment period should be extended to the next Planning Board Meeting (January 31, 2005) due to the large volume of the document. He also wanted to stress that this is not the last step of the process. The Findings statement will be a summary of the impacts of the project pending mitigation. The mitigation elements that are included in the Findings Statement will become part of the site plan approval. There's continuity throughout the process.

Dr. Friedlander stated in response to the DEIS, we asked the applicant to make a number of significant changes reflecting environmental consideration - Particularly traffic and the removal of the asphalt plant. The three options are namely 1) Original plan – with office, retail and residential, 2) plan contained dropping the new office construction and replacing it with residential and 3) the plan which was to remove the asphalt plant completely and replace it with some additional residential. All of these are in the FEIS. The site plan that we would like to focus on is the one without the asphalt plant.

Mayor Janos opened the meeting for any public comments.

Stew Schectman stated he thought it would have been helpful to have the site plans displayed to view.

Linda Viertel, Gracemere, stated the following:

- The waterfront development seems to have become a residential enclave. Retail space has been scaled down from 40,000 to 10,000. She suggested that the Board gets professional guidance to help with the mixed use to get the proper balance so not to hurt Main Street.
- She asked the Board of Trustees that during the FEIS process, to grant an ordinance to restrict fast food venues and franchises from the riverfront. Let's make certain the commercial quality of our village is protected. She believes Irvington has such an ordinance.
- Concerns that parts of the Riverwalk are much too narrow (ribbon-like).
- Mr. Cotter indicated that he would need 70 more units to offset his \$3 million to aid in removing the asphalt plant. By not having the plant on site, it could contribute to higher revenues per unit. It shouldn't mean to pluck down 70 more units. It should be creatively refiguring the plan to increase open space and expand the Riverwalk.
- She suggested that the residents need to see a 3D model that includes a legend next to it that translates to feet and stories of the buildings. Number the lot sizes, number the acreage of the park and the number of 60' of the Riverwalk. Visual aids like an overlay map showing the entire project would be helpful.

Administrator McCabe stated that we have asked the Westchester County's Planning Department for their expertise and comments on the mix development subject matter.

Dr. Friedlander stated that the original plan had 88 townhouses, 160,000 sq. ft. of new office space, 60,000 of old office space, 40,000 retail. Other than the possibility of the removal of the asphalt plant, the only other change that was made was the request to reduce retail and to eliminate office space as a mitigating factor to reduce traffic and parking. The density has not changed – the mix has been altered and maybe the height. The height is still subject to question that the Findings will produce.

Carol Griffiths stated the following:

- Wanted to congratulate Dr. Friedlander and the members of the Planning Board for doing a wonderful job.

- Would like to see a draft plan with all the alternatives to see the comparisons before the FEIS is declared complete.
- Requested that a model be placed at the Library for the public to see.

Michael Love, Coffee Labs, stated he would like a law passed that no chain stores be allowed. He is concerned that Main Street will suffer from the waterfront development. He wants the Board of Trustees to do the right thing for the Village, the community and the business owners.

Trustee Sincero stated that she is looking into making Main Street a real, viable, historic district of Tarrytown. It's a very unique area and we're going to preserve all those special things about it and not just be a road to go through to get somewhere.

Mark Fry stated on July 9, 2004, the developer submitted draft copies of the DEIS which was circulated so that people could comment on it before the notice of completeness was issued on September 9, 2004. This final Environmental Impact Statement was submitted on January 1, 2005; Board of Trustees received it on January 3, 2005. Ed Burroughs from the Westchester County Planning Department received his copy on Thursday, January 6, 2005. Mr. Fry stated before the document is determined to be complete, the Board should release draft copies of the FEIS to allow some time for public discussion on the draft copy before it is determined to be complete. The Board of Trustees only received the document seven days ago and they should also have more time to review it.

Counsel Shumejda stated the SEQRA regulations provide once the FEIS is accepted, there is a notice of completion filed and it is published in the Environmental News Bulletin which starts the timing process.

Mr. Fry stated there are two ways of doing it and one is not to release it until it is clearly complete. The draft copy of the DEIS was released on July 9th and there was a two month period before it was declared complete. A two-month period to determine the FEIS is complete is not unreasonable. A lot of good work has been done on this and a good project should be the result. Mr. Fry stated there were a lot of substantive questions raised in the October 13th letter from Ed Burroughs (Westchester County Planning Board.)

Counsel Shumejda stated the process the Boards are going through is based on regulations promulgated by the Department of Environmental Conservation of the State of New York. The regulations clearly say once the Lead Agency accepts the document, the mechanism is put in place to distribute it to all interested and involved agencies and copies are made available in public places. The letter from Mr. Burroughs is part of the record and those issues were addressed in the FEIS along with the substantive comments raised by others. The FEIS addresses the comments which were made during the DEIS process of the DEIS and the comments made during the comment period.

Dr. Friedlander stated he met with Mr. Burroughs after the October 13th letter was submitted and explained the process the Boards are following, which Mr. Burroughs found satisfactory. "We said we would turn over the site plans to the interested agencies, which would answer a lot of the questions. The purpose of declaring this complete is to get input back from the public agencies. Once we declare it complete, the public can make comments in writing." Dr. Friedlander stated most of the issues raised at the Planning Board are addressed in the DEIS and the FEIS. Any substantive argument made will be addressed in the Findings.

Mr. John Lynch, 10 Crest Drive, stated the major changes in the DEIS and the FEIS have come from the community. The community has the right to review the FEIS and determine it is complete. There are two proposals with the asphalt plant and one without and the plans with the asphalt plant will have a huge environmental impact.

Mayor Janos stated the Board of Trustees has made a commitment to move the asphalt plant. Mr. Lynch replied, "Then take the other two scenarios out of the FEIS."

Dr. Friedlander stated the asphalt plant is in Tarrytown and is operating and no one should forget that. Nothing will change unless the Village is successful in getting it out. Everyone prefers the option without the plant, but the plant was moved off the waterfront onto the back of the property. There was an environmental review of that. If anyone has items they feel are important in the environmental review, those should be put in writing and they can be included in the Findings.

Mr. Lynch stated the plant should not be where it is located and it should not have been permitted in 2003. Counsel Shumejda stated the plant has a permit issued by the New York State Department of Environmental Conservation, which is signed off by the Health Department for Westchester County.

Upon inquiry from William Cerbone, 27 Miller Avenue, Counsel Shumejda stated the DEIS hearings had stenographic minutes and those are part of the FEIS. All the written documents are listed in the FEIS and those were responded to.

Mr. Cerbone questioned how everyone could be sure the questions in the FEIS are as they were worded when asked. Mayor Janos stated the Village's Planning Consultant reviews that. Trustee Chorost stated page 11 of the FEIS lists everyone who submitted questions and there is a response to every question.

In regard to the asphalt plant, Administrator McCabe stated the effort to completely remove the asphalt plant from Tarrytown has been presented to several entities including the County, Scenic Hudson, the State of New York and several State agencies. Scenic Hudson and Westchester County have made a verbal commitment to share in the cost of buying the plant out of Tarrytown. Hudson River Greenway told an appraiser of the property that they will make a recommendation to other State agencies to participate in the buyout. Scenic Hudson and Westchester County have agreed on an appraiser. The appraiser has been approved by the Tarrytown Board and engaged and hopefully in the next month or two that will result in the moving of the plant.

Mr. Fry stated in the September 27th transcript, a large section of text attributed to him was actually said by Planning Board member Ron Tedesco. "There are hundreds of errors in the transcript. We feel the FEIS will not be complete. We request that copies of this document be released to us, as you did with the DEIS, before the notice of completion is issued. Once it is declared complete under SEQRA, there will be no more public discussion. There will only be written comments." Mr. Fry expressed concern about the open space shown on the plan. He stated the riverwalk will clearly be used as a public park; however, the green space between the residences will be perceived as private space.

Mr. Lynch stated the diesel buses currently on this property will have to be moved but it has never been addressed where they will go.

Mr. Mario Belanich, a Sleepy Hollow resident, stated he felt there needed to be another Village access to this property, in addition to the H-bridge. Board members noted the H-bridge is addressed in the FEIS.

Mayor Janos read the following resolution:

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby determines that, pursuant to the State Environmental Quality Review Act, the Final Environmental Impact Statement for Ferry Landings is complete for review by the public, involved, and interested agencies. After 21 days it can be extended additionally if needed on further resolution of the Board.

Trustee Fixell stated he is unable to make a determination on this matter at this time. He stated he would like to see a one week period where the draft FEIS could be made

available to the public before the Board declares the document complete. He stated he would have to abstain on the proposed resolution.

Trustee Chillemi stated he has had the document for six days. It is very comprehensive and he has not had time to digest the information. He stated he would be interested in comments from Mr. Buroughs and felt until he had more time he also would have to abstain.

Trustee Chorost stated the Board has been told by the Village Attorney that if they determine the document complete, it would not detract from the public's security. The Findings Statement still needs to be issued. It is clear, however, that not everyone on the Board has read the materials, and therefore it would be a good idea to wait one week at which time the Board can vote to accept it. Therefore, he stated he also would have to abstain.

Trustee Basher stated he felt the commenters on the DEIS should receive the FEIS to review their comments for accuracy. After that, the Board could vote. He stated he also would have to abstain.

Trustee Sincero stated this is the beginning of a process. She would not be able to determine the document is complete until the people have read it and feel it is complete. She stated she also would have to abstain.

Trustee Morabito stated he had mixed feelings but would go with other Board members suggestion to allow an additional week. He stated he also would have to abstain.

Mayor Janos stated once the document is accepted, everyone can review it. Once everyone digests the information, the process does not stop. There is still site plan review.

Trustee Basher moved, seconded by Trustee Chillemi, and unanimously carried, to authorize the Village Board, as co-lead agency, to send the draft FEIS to the people listed on page 11 of the document to ask them to review their statements for accuracy and completeness and respond back to the Board of Trustees in writing by Tuesday, January 18, 2005, so the Board can determine if the document is complete and the Board would be prepared to act that night.

Trustee Morabito moved, seconded by Trustee Chillemi, and unanimously carried, that a copy of the draft FEIS be made available at the Library and Village Hall.

ADJOURNMENT

Board members unanimously agreed to adjourn to work session – 9:40 p.m.

Carol A. Booth
Village Clerk

Kathleen D'Eufemia
Secretary

