

Village of Tarrytown, NY

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Planning Board Minutes 7/22/2013

Planning Board
Village of Tarrytown
Regular Meeting
July 22, 2013; 7:00 p.m.

PRESENT: Members Tedesco, Aukland, Raiselis, Birgy; Counsel Shumejda; Village Administrator Blau; Village Engineer McGarvey; Secretary Bellantoni

ABSENT: Chairman Friedlander

Mr. Tedesco chaired the meeting in the absence of Chairman Friedlander.

APPROVAL OF THE MINTUES – June 24, 2013

Mr. Aukland moved, seconded by Ms. Raiselis, and unanimously carried, that the minutes of June 24, 2013, be approved as submitted. Motion carried.

CONTINUATION OF PUBLIC HEARING – Toll Brothers - (Lot 5) 210 Wilson Park Drive

Mr. Tedesco asked Ms. Gray to go over her letter which was sent to the board (copy attached) justifying the placing of the house as proposed.

Ms. Gray first discussed the hilltop encroachment. She stated that the encroachment is less square footage than the June proposal; 1,250 s.f. for the driveway and 563 s.f. for the home, for a total encroachment of 1,913 s.f. Ms. Gray said since the house will be located to the rear of the hilltop, the hilltop provides some screening from Wilson Park Drive. In addition they are proposing a fair number of trees along the front of the lot line, in front of the house, on the hilltop which will provide additional screening and along the trail. Ms. Gray said she believes the intent of the preservation of the hilltop is to provide a vista. With the house on the opposite side of the hilltop from Wilson Park and from the Hudson River, there is still a clear view. This plan also allows for the preservation of a large number of trees in the southeast corner of the lot.

Ms. Gray said the house will be at the lowest elevation possible which will create less impact; less grading will be necessary and trees will be saved. Also with the house in this proposed location, it allows for a greater setback for the south property line.

Ms. Gray stated that this plan incorporates comments from the board after the site walk in June as well as comments from the buyers after that site walk. A larger northern side yard is very important for the buyers because of the layout of the interior of the home. Also any outdoor activities on that side of the house will be less disturbing to the existing residents.

Ms. Gray said they feel that this plan is a balance of all concerned: the board, existing residents and the buyers. Ms. Gray stated in late 2012 they presented a sketch plan to the board at their staff meeting and at the January 2013 planning board meeting they presented a zoning compliant plan for consideration by the board; it is now July 2013, seven months later. She said they feel that they have included all comments and have presented a reasonable plan; it is a compromise for everyone.

Ms. Gray commented on the landscape plan. She said they are saving 90% of the trees, mostly in the southeast corner of the lot which will provide additional screening for the neighbors. They are planting approximately 41 trees and 117 smaller trees and shrubs. The landscape plan includes all comments by Lucille Munz, the Village Landscape Consultant, including adding buffer trees at the front of the property and on the hilltop, evergreen trees for screening on the south side of the lot which will be 12"-14" high and native trees and evergreens along the trail.

Ms. Gray spoke about the side yard setback. She commented that the original plan presented a 34½' side yard setback where 20' is required; this plan proposes a 52.18' setback, which is more than double what is required which

they feel is significant. She then turned the presentation over to Matt Sheffield, Toll Brothers' engineer, to address any site specific issues the board may have.

Mr. Sheffield asked if there were any questions before he presented.

Mr. Aukland said the code for this area because the ground is high requires that you subtract 25% from the square footage. He said he knows it works because he did the math but it is not shown on the plan. Mr. Sheffield confirmed that they did subtract the 25% and they will adjust the final site plan to reflect it.

Mr. McGarvey said right behind this lot is the lakes trail and there is no berm to keep the water from running off onto the trail. He asked if they can berm it. Mr. Sheffield said there is a grass water quality swale which is part of the approved subdivision and yes they can put in a berm that will keep runoff from coming off the property onto the trail.

Mr. Birgy asked where the water will end up without a retention system. Mr. McGarvey said there is a water retention system on the site; the applicant is not required to control all of the water runoff on the site. He is required, by State Law, that there cannot be any increase in runoff from the site after the development of the house compared to the existing area. He stated that they have addressed this with the dry wells in the back yard. Mr. McGarvey said his concern is that because the Village has the trail behind this property; it can be washed out if the water is not contained on the property. Mr. Sheffield said they are definitely not increasing the runoff in the rear of the property because the drainage divide across the top of the hilltop where everything would be shedding toward the back of the house will be reduced by the infiltrator in the back of the house, and the runoff from the driveway which was flowing toward the rear of the property is now going to be flowing toward the front and will be caught in the infiltrator in the front. He also mentioned that it is very wooded in the back, which will help with runoff. Mr. McGarvey said he mentioned it because it was brought to his attention; and as long as they tell him they are addressing it, he accepts it.

Mr. Sheffield spoke briefly about the landscaping plan. He said their Arborist, Steve Coleman, went out to the site and verified all of the trees; put the drip line around individual trees on the plan which are shown by the dashed circle around each tree. Each tree has a number and is shown on the chart; the species and caliper of each tree has been identified. Mr. Coleman also identified the number and species of trees to be removed for the construction. Mr. Sheffield said the limit of disturbance is approximately 1,200 s.f. less than the original plan. They tightened up the grading working with the existing topo where the home at the front is at existing grade and the rear, where it walks out, is also at existing grade; so they do not have to do grading out or filling or remove any trees unnecessarily. It seems like the best option.

Mr. Tedesco asked if anyone else would like to speak.

Cathy Ruhland, Chair of the Lakes Committee, 17 Walden Road, said the area of the trail at that house is very narrow with steep sides. If any of the trees or bushes are wiped out and the water runs down it will wash out the trail down to the lakes. She asked about the limit of disturbance.

Richard DeSanctis, 40 Lake Terrace, said he has two concerns which he would like addressed. He is concerned about the runoff to the south side of the house. The topo between the proposed house and his house slopes down and he is very concerned that water is going to come toward them. He wants to know how it is going to be mitigated. Secondly he said the land is one big rock and he is concerned about the construction. He asked if any tests or studies have been done to indicate the extent of the rock formation and its impact on the neighboring houses.

Mr. Tedesco said blasting has to be done strictly by the Village of Tarrytown's blasting code. Mr. McGarvey said it is a very restrictive code and is not done very much in Tarrytown. Ms Gray said they are not planning to do any blasting but should they need to do any blasting, chipping or anything concerning the rock, they will comply with all of the laws and regulations of the Village.

Mr. Aukland asked short of blasting, will any other rock work affect the neighbors. Mr. McGarvey said technically no; they will feel some vibration but doubts it will cause structural damage. There have been tests and studies done but there are no pre-blast surveys done for chipping or hammering. If the board wishes to mandate such surveys, I guess the applicant will have to comply. Hammering rock is very loud and you can feel vibration but it does not cause havoc.

Counsel Shumejda said under the code there is a pre-blast survey done for blasting. Mr. Aukland said but there is none required for digging. Counsel Shumejda said that is correct. Mr. Aukland asked if Mr. McGarvey can confirm that Toll's plans for construction are satisfactory. Mr. McGarvey said yes, but he has never seen a pre-blast survey for hammering or digging. Counsel Shumejda said it is not in the code and the board has never mandated it for any other application. Mr. McGarvey suggested that each homeowner take a video of their foundation and walls with a

time and date stamped on it. They can then compare them to the conditions after the digging is done and they may have a complaint.

Mr. Birgy asked Mr. Sheffield to comment on how many feet they will be going down. Mr. Sheffield said this house works relatively well because they are at existing grade. He stated with any basement you dig out but with this house it will be less because it is a walk out as it slopes down. In the back there is not much, about 2' from existing grade for the footings. Ms. Raiselis asked if the basement is only under the house, not under the garages, right. Mr. Sheffield said that is right, no basement under the garages. Mr. Birgy asked about the front wall behind the garage; how many feet down. Mr. Sheffield said about 8'. Mr. Birgy asked if any test digging were done in that area when the water main was put in since the neighbors are saying they all have rock in their basements and they are saying it is granite. If its granite you definitely will be blasting. Mr. Sheffield said he does not know what the rock formation or depth of rock is in that area. He said he guesses they can do a test pit in that area. Mr. Birgy said the neighbors feel there is a high probability that there will be blasting. Ms. Gray said she does not know if there is a high probability of blasting because she cannot speak to that; but if blasting is to be done, it will be done in accordance with all Village requirements. Mr. Birgy said that is one of the reason they wanted to move the house farther way.

Mr. Birgy said to Ms. Gray that he feels sorry for the owners of this property because your clients have a blank space mentality on a building lot. They have a tendency to ignore that this is a historic Rockefeller property and that there are many topographical features such as the hilltop, which you are asking us to ignore that part of the code. He said he goes back to what Chris Badger first said that these houses are designed to fit into the topography, which was not true. These houses are taken out of a plan book and stuck on a lot. We are not trying to stop anyone from building a house there but the neighbors have valid concerns when we have to be stuck with looking at something because a hardship was self-imposed on the owners by Toll Brothers. We are asking for a compromise that the owners may not be totally happy with that but I am blaming it on your client because they are putting them between a rock and hard place to make this work. So we have to worry about taking down more trees which we can't really replace and encroaching on a hilltop vista code which was put there for a very explicit reason. He said he does not want to belabor the point but he is asking for a compromise on Toll's part to meet in the middle.

Ms. Gray said she hears all of Mr. Birgy's points which he has raised at a lot of the meetings. She said she feels they have to agree to disagree. Mr. Birgy said it is not going to go away; he is going to bring it up at every meeting.

Ms. Gray said they have compromised. Their original plan was completely zoning compliant, it provided 1½ times the setbacks, it did not encroach in the hilltop. These are all elements that evolved over the course of the plan into something that is better; it saves more trees in the rear. It is a compromise between the board, the residents and the buyer. If the buyer could have everything that they wanted it would be back where it was originally sited; but the buyer has agreed to have a smaller area in which to entertain and to have a side yard. The driveway is not how the buyer ideally wanted it, but they have agreed to it. In a compromise no party is going to walk away completely happy, but she truly believes that this plan incorporates all of the comments as best that it can and it presents a reasonable alternative. Regarding the bedrock, if bedrock exists, moving the house 10' closer to the northern property line does not make a difference. If they encounter bedrock where the house is sited, there will be bedrock 10' north and they will deal with it according to the Village Code.

Mr. Aukland asked what she might say to assure the neighbors, short of blasting. Ms. Gray said that she has already stated that they will comply with all aspects and requirements of the code.

Mr. Aukland asked what she might say to reassure the residents as to what Toll Brothers will do should they encounter any damage during the construction of this house. Ms. Gray said if the neighbors feel they have incurred damage due to any of Toll Brothers actions, they have the right to bring an action against Toll Brothers privately. Mr. Birgy asked her to clarify "action;" it sounds like they will have to sue Toll Brothers. Ms. Gray said it may not get to that point. Mr. Birgy said "may not?" Ms. Gray said she can't offer at this point anything beyond what is regulated by the Village or State and perhaps there are County regulations, but she can offer the same protections that every other individual or entity who has had the need to blast or chip on any other site in this Village. We will go through those same requirements that those entities have gone through. She does not see the need here for Toll Brothers to promise the world when this has not been requested of any other applicant before. She stated that she is sure there have been other properties in the Village that have come before this board where there potentially could have been bedrock under the construction site and it sounds like the board has never asked for anything above or beyond the code requirements. She does not see the need for it here.

Mr. Birgy asked Ms. Gray if she thinks it's unreasonable for a homeowner to take a dated video of their foundation and after Toll Brothers blasts there is a crack in their foundation that they will have to take action against Toll Brothers to get satisfaction. Ms. Gray said if they come to us with the documentation, Toll Brothers will sit down with them; she is not saying they will have to take an action. Ms. Raiselis clarified that the code says if there is going to be blasting, there will be a video taken. It will be done by code. She does not believe it has to be up to Toll to go that

extra mile because it will be required by the code if blasting is necessary.

Mr. Tedesco asked if anyone else would like to speak.

Mimi Godwin, 20 River Terrace, said she is very concerned about the rock. All of their basements have rock and it extends into the back yard which is why the grass does not grow. She asked: why can't a test be done to see how much rock there is. Ms. Raiselis said Tarrytown has a lot of rock. Her basement is half raw rock. Ms. Raiselis asked Counsel Shumejda: is it a valid reason to change a site plan because there is rock. Counsel Shumejda said he does not know if it is a valid reason to change the site plan, but it is a valid concern of the residents. If there is any blasting, the Village code kicks in. The only thing we are talking about is chipping or hammering. It is reasonable to have a test pit done so you will know what kind of excavation there will be and the Planning Board can ask the applicant to do that.

Mr. McGarvey asked about a symbol on the plan which he thinks might be some kind of a drill hole. He asked Mr. Sheffield if he knows what they are. Mr. Sheffield said they are from the subdivision and should be on the subdivision approval. He did not know what they are, but said he will find out. He thought perhaps they were perc tests for the infiltrator system or deep tests which could tell us how deep the rock is which will be very valuable.

Mr. Birgy asked Mr. Sheffield to comment on the grading on the south side of the house in relationship to the neighbor's property and what will happen to the water in that side yard and where it will go. Mr. Sheffield said any water outside the limits of disturbance is going to flow to the back of the property and any runoff that was going toward the neighbor will be reduced; the home is catching all of the water and putting it in the infiltrator in the rear; and any of the water in the front of the house that was running toward the neighbor will be caught by the driveway and by the garages. Mr. Birgy said it's safe to say that any concentrated means of water will not cause erosion because the runoff will be less. Mr. Sheffield said the greatest concern is during construction when the soil is bare. There will be a double silt fence along the limits of disturbance to maintain any runoff during construction.

Francesca Spinner, 206 Wilson Park Drive, said when the watermain and other utilities were being installed along the road there was no blasting but there was a hammer or drill that hammered all day everyday, which did disturb the neighbors. She said they only went down about 4' or 5' and they are talking about going down 8' for the house. They had a lot of trouble laying the pipes. She is concerned about the size of machinery, where it will be parked during the day and at the end of the day, where they will eat their lunch; all of those things will impact the neighbors. Ms. Spinner said the workers could care less about the neighbors. She is not asking for more than the Code but if there has to be a written agreement she asks that there be written conditions. Ms. Spinner stated that their past experience has not been a good one.

Veronica DeSanctis, 40 Lake Terrace, said she is disturbed that she did not know that a new plan was submitted which is 52' from her property line vs. last month's plan which was 67' from her property line. It is now closer to her house and closer to the tree line that abuts her property line and it seems to be pushed further up. She stated that this is a two acre lot which is very large and unique but it's not two buildable acres. The proposed house is a huge mansion with garages that are not underneath like the other houses. She would like testing done on the rock to find out what kind of rock and the impact it will have on her existing residence. She feels it is a slap in the face that they are concerned about the new owners having a side yard when they are pushing the house closer to her yard. She feels this house will take away the natural view of the area. She is unhappy that they have pushed it closer to her and is worried about drainage. She does not feel that the buyers should get what they want at the expense of her house and her neighbors' houses.

Mr. Tedesco said we are at a serious crossroads on this application. As has been stated by Ms. Gray and board members, this is a compromise to benefit everyone in the process. He said that Mr. Birgy said we would not have to compromise if the applicant had proposed a smaller house; but the fact is this is the application before us. This compromise has resulted in many good things and some not so good. The good things are:

- Very significant increase in the setback from the southern property line: 52.18' which is almost double the minimum required 20'.
- Very significant reduction in the removal of healthy trees: 45 trees saved vs. 10 in the zoning compliant plan. This is the preservation of close to 90% of the trees on that site which is critical to the stormwater drainage.
- The hilltop disturbance goes against the Code as Mr. Birgy said; yes, but it is in the rear of the hilltop and it allows the house to be 2' lower. We would require adequate year round screening of the home from the trail, views to and from the river from the home and year round screening of the home from River Terrace.

- 1,200 s.f. reduction of overall site disturbance.

That being said we will have to put in precautions to protect the neighbors such as test pits for the rock, blasting conditions. Mr. Tedesco said that is the compromise; and if we do not approve this plan, the applicant can come back before us with the zoning compliant plan and they can ask us to approve it; and the rock will still be there. Mr. Tedesco said he thinks this is the best plan for this site. He asked the other board members to comment.

Mr. Aukland said he agrees with Mr. Tedesco and commented that Ms. Gray outlined the public good argument justifying intrusion into the hilltop. He stated that the subdivision itself implies intrusion into the hilltops. The driveway would have to intrude into one or the other hilltop and the house intrusion is not more than the driveway. He is satisfied that the public good argument has been made. The blasting issues will be handled by the code. He does not feel the board can impose any particular condition for anything short of blasting; and as Mr. Tedesco pointed out, if it were the zoning compliant plan, there would still be rock. He is comfortable that the applicant will be careful and will do the right thing regarding the rock,

Ms. Raiselis said she feels this is a complete compromise and that they have come a long way with this lot. She does not think it is the perfect house on this lot but she is happy that the site plan has changed as it has. Everyone is not going to be happy with this plan but they are a lot happier than they were six months ago. Ms. Raiselis said the landscape plan is very good and thinks it is going to be a beautiful lot. She hopes this compromise works out for the neighborhood.

Mr. Birgy said he respectfully disagrees with his fellow board members. He thinks it is a poor plan which was done without any forethought as to the conditions on that lot. He stated that a zoning compliant plan does not mean that you place it in a grove of trees or on a hill side. It means that when the house is being designed you take in account the existing factors. He does not agree that the board should roll over on this simply because this is the plan that was presented to us. We are setting a precedence that says if you come to Tarrytown and want to build any kind of house irregardless of the site conditions, go ahead nobody cares. (Ms. Raiselis said that is not true; Mr. Birgy conceded that he was being a little harsh). He feels this is a self-imposed hardship brought about by Toll Brothers, this is a track record. They are building houses and will be gone and we will be left with the aftermath. He strongly disagreed and he urged the rest of the board members not to approve. He said the reason for the six or seven months of review is not the board's fault, but the fault of Toll's poor plans. He said there is another option which they ignored because the buyers wanted a side yard. He said this is a disregard of the Village Code because of laziness and disregard of the neighbors. Feels it's a big mistake.

Mr. Tedesco thanked Mr. Birgy for his input and then mentioned that the board has given lots of waivers for minor deviations from the code and this is a minor waiver. As Mr. Aukland said, no matter what house is put on that lot, except for a very tiny house, the driveway would have to disturb the hilltop. That being said, Mr. Tedesco said he is going to make a motion and we will see how the board votes. At least it will be on record that we looked at an action for this.

Mr. Tedesco moved, seconded by Mr. Aukland, that the Planning Board declares itself Lead Agency for the proposed project. Ms. Raiselis said aye; Mr. Birgy abstained; motion carried.

Steven Trusa of 35 Lake Terrace interrupted Mr. Tedesco saying that he did not have a chance to speak because he just arrived at the meeting. Mr. Tedesco allowed him to speak. Mr. Trusa said he agrees with Mr. Birgy. He said this only feels like a compromise on the surface. He feels that Toll Brothers used a strategy; ask for the moon and keep moving from there. He said that he thought this site plan was not submitted within the minimum window; and if it was not submitted in time he does not believe it can be voted on. It was determined that it was submitted within the allowable timeframe. He feels a geological study regarding the bedrock should be done to determine the best location for this house.

Mr. Tedesco moved, seconded by Mr. Aukland, to close the public hearing. Ms. Raiselis said aye; Mr. Birgy abstained; motion carried.

Ms. Raiselis asked Mr. Tedesco if they should hold up the approval until a test pit was done to determine the type and amount of rock.

Mr. Tedesco asked Counsel Shumejda if they delayed the approval to do a test pit on the rock and rock was found, would that make a difference. Counsel Shumejda said based on what the neighbors are saying, we know there is rock; so it is a question of the depth and type of rock, but it will still be there. It may give the neighbors some comfort knowing what to expect by determining the type of rock so that it can be determined if blasting will be required. This

can be done in advance or it can be a condition of approval. Mr. McGarvey will follow that up to see that it is done properly; and if there is an issue, he will bring it back to the board. Ms. Gray said they will offer as a condition of the issuance of a building permit whatever rock testing studies are going to be needed. Ms. Raiselis asked how the neighbors will find out the results. Mr. Tedesco said we can put in a condition stating that Mr. McGarvey will get the test results and inform the neighbors.

Mr. Birgy asked Mr. McGarvey if it unreasonable to have four or five test pits dug on the property; and if they could dig 9' in one area and 4' in the area where the house is proposed, doesn't it make more sense to test first so that the house can be sited where there is no rock. Mr. McGarvey said it could be done but I don't think we want to go down that road. Now you want to site houses based on rock. If we do that, every application after this one would have to go through the same process. In some areas you don't have room to move the house. If there is rock, it can be taken out and there are provisions in the code to address the blasting. The neighbors probably will not be happy, but it is my responsibility to be sure that the contractor is doing the right thing. Mr. Birgy asked Counsel Shumejda if they will be setting precedence by saying that we would like to do a little exploratory work before we do a final approval on the site plan knowing that the neighbors in the surrounding area have rock which means there is a high probability that there is rock on the site. It would save Toll Brothers a fortune knowing that they would not have to blast by relocating the house. Mr. McGarvey said that is why I don't want to get into this. I don't want to play banker. Mr. Birgy said that is not the only reason he wants this but it would be a benefit to Toll. He asked Counsel Shumejda if they would be setting precedence by doing this. Counsel Shumejda said yes. Mr. Birgy asked if it is a reasonable one. Counsel Shumejda said no.

Mr. Tedesco asked the board members: suppose rock was found in that area and it wasn't found further north; what advantages of this compromise would be lost. Ms. Gray said mainly the objectives of the buyer, mainly to have a usable side yard, which we have been saying from day one. Ms. Raiselis asked if there is a reason why the yard has to be on that side of the house; is there a kitchen or access from the house to that side yard. Ms. Gray said yes there is access from the house. Ms. Raiselis said what if you just flip the house. Ms. Gray said Toll Brothers talked to the buyer to modify the plan and the buyer did not want it flipped because it will not allow the flow of the interior to be how the buyer wants it. Also, they prefer that side of the house for entertainment and a play area for their children for privacy and so that the neighbors are not disturbed. Mr. Birgy said what about the lot on that side. Ms. Gray said this is a better choice for the existing neighbors. The buyers of the next lot will know this coming in. She said they just can't move the house any further north. She also stated if there is rock in one location, there will be rock 10' from it. Ms. Gray said she is sure there have been other houses built where there is rock and to start siting houses because of bedrock is a very tricky business. Mr. Birgy said the problem is the history of this project. None of the neighbors are trying to stop anyone from building. The history has been one where Toll Brothers comes into the Planning Board with a plan that is not designed. Any architect who designs houses would not place it like that; so you are asking us to do something that we would normally not have to do except for your insistence on bringing these same model homes to this board. Mr. Tedesco interrupted and said OK that point has been made and it is very clear. Ms. Gray said but the original plan was a zoning compliant plan. Ms. Raiselis made one point that it is legal to blast and legal to chip in our village, right? Mr. Blau, Mr. McGarvey and Counsel Shumejda said yes.

Mr. Tedesco continued with the approval.

Mr. Tedesco moved, seconded by Mr. Aukland, to close the public hearing. Ms. Raiselis said aye; Mr. Birgy abstained; motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, that there will be no significant adverse environmental impacts as a result of this proposed action. Ms. Raiselis said aye; Mr. Birgy abstained; motion carried.

Mr. Tedesco moved to approve lot 5, which is 210 Wilson Park Drive, subject to the following conditions:

- Approval by the Building Inspector/Village Engineer, particularly in regard to the adequacy of the stormwater/drainage plan and compliance with a construction management plan which includes construction guidelines, construction timelines and allowable construction traffic.
- Approval of a landscape and screening plan by the Village Landscape Consultant. Plantings should be native species or non-invasive ornaments. This condition is also to be recorded in the homeowners' deed. Compliance with the landscape recommendations made by the Village Landscape Consultant in her memo of July 1, 2013 which is attached to these approval conditions.
- If any trees that 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 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.

- The applicant agrees to perform any treatment or pruning of trees deemed necessary by the Village Landscape Consultant, at a time the Consultant deems most suitable.
- Adherence to the section of the Zoning Code dealing with the Tree Replacement Fund for the removal of trees with a 10" caliper or greater OR alternative remediation elsewhere on the project site as approved by the Village Landscape Consultant.
- Inspection of the final landscaping and screening by the Planning Board and Village Landscape Consultant before the issuance of the final Certificate of Occupancy (CO).
- Any blasting activity determined to be required will be conducted in strict conformance with the Village's Blasting Code and approved by the Village Engineer. Blasting is to be monitored by a company chosen by the applicant, and approved by the Village Engineer. The cost of this monitoring is to be borne by the Applicant. Test pits located by the applicant are to be dug to determine the type of rock on the site and the type of rock removal required. This information is to be provided to the Village Engineer before any building permit is granted and also provided to area residents.
- Given that the project's stormwater management system has been designed such that there is not discharge for any driveway as the complete driveway run-off is infiltrated into the ground through the design of the infiltration systems which capture and treat 100% of the runoff even for a 100-year storm event, the Planning Board approves a waiver for the subdivision condition which requires that driveways be constructed of permeable materials.
- A covenant will be placed in the Homeowner's deed and in the Homeowner's Association documents that prohibits the use of phosphate fertilizers. Organic, non-phosphate fertilizers may be used.
- The architecture is to be reviewed by the Planning Board and approved by the Architectural Review Board (ARB).
- During construction, a chain link fence will be placed around the drip line of any significant tree to be preserved within the proposed area of disturbance.
- The Planning Board grants a waiver for the minimal disturbance to the hilltop area which is required in the approved site plan. This waiver is granted based on the following
 - a. The setback from the southern property line has been increased from 34.5 ft. to 52.18 ft., where 20 ft. is the minimum required. This provides a setback which is more than 2 ½ times the minimum required.
 - b. There has been a very significant reduction in the removal of healthy trees, from more than 45 to approximately 10; a preservation of approximately 90% of tree on the site.
 - c. The small disturbance to the hilltop is in an essentially flat area at the rear of the hilltop and its placement will result in a lowering of the house by two feet.
 - d. With adequate year round screening, view to and from the river will not be significantly affected. Such screen is to be included in the landscaping plan approved by the Village Landscape Consultant as well as adequately year round screening of the home from Lake Terrace.
 - e. There will be a very significant reduction of approximately 12,314 s.f. of overall site disturbance.
- Installation of a berm to protect the trail from runoff as approved by the Village Engineer.
- Payment of any outstanding escrow fees prior to the granting of a Building Permit.
- Signing of the final site plan by the Planning Board Chair.

The board was polled for their approval as follows:

Ms. Raiselis, voted yes

Mr. Aukland, voted yes

Mr. Tedesco, voted yes

Mr. Birgy, voted no

Majority in favor; motion carried.

CONTINUATION OF PUBLIC HEARING – Bartolacci - 67 Miller Avenue

Application was adjourned at the request of the applicant.

NEW PUBLIC HEARING – Lackowitz (Contract Vendee) - 26 Pintail Road

Mr. Tedesco read the following Notice of Public Hearing:

PLEASE TAKE NOTICE that the Village of Tarrytown Planning Board will hold a public hearing on Monday, July 22, 2013 at **7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

David Lackowitz, Contract Vendee
26 (formerly 12) Pintail Road
Irvington, NY 10533

For site plan approval to construct a new single-family house. The property is located at 26 Pintail Road, Irvington, New York and is shown on the tax maps as Sheet 1.270, Block 136, Lot 7 and in the 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.

By Order of the Planning Board

Dale Bellantoni, Secretary

DATED: July 9, 2013

The certified mailing receipts were submitted and the sign was posted

Michael Miele, engineer representing Mr. Lackowitz stated that they are proposing a single-family house for 26 Pintail Road. Mr. Lackowitz is in contract with Mr. and Mrs. Huzinec to purchase the property. The Huzinecs came before the Planning Board two years ago and obtained approval for a single-family house. The house that Mr. Lackowitz is proposing is slightly smaller, but within the footprint, of the house proposed by the Huzinec's.

Mr. Aukland said there are two significant variance from code; intrusion into the wetlands buffer and steep slopes. He read a letter, dated July 15, 2013, into the minutes from Mr. Lackowitz which he feels demonstrates adequate public good justifying the board's granting of the waivers for the wetlands buffer and steep slopes.

Mr. Tedesco asked if anyone had any comments. No one responded.

Mr. Tedesco moved, seconded by Mr. Aukland, to close the public hearing. All in favor; motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, that the Planning Board declare itself Lead Agency for the proposed project. All in favor, motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, that there will be no significant adverse environmental impacts as a result of this proposed action. All in favor; motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to approve the construction of the proposed single-family house on 26 Pintail Road subject to the following:

- Approval of the Building Inspector/Village Engineer, particularly in regard to the stormwater/drainage plan.
- Approval of the landscape plan by the Village Landscape Consultant. Plantings should be native species or non-invasive ornamentals. This condition is also to be recorded in the homeowner's deed. If during the

implementation of the approved landscaping/screening plan, any amendments or changes are desired, such changes must be approved by the Planning Board.

- A covenant will be placed in the homeowners deed, in the miscellaneous document of the property, that prohibits the use of phosphate fertilizers; organic, no-phosphate fertilizers may be used.
- 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 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.
- The applicant also agrees to perform any treatment and pruning of existing trees deemed necessary by the Village Landscape Consultant at a time this consultant deems most appropriate.
- Approval by the Architectural Review Board.
- Given that 10 homes lie within the 150' buffer, eight of which are mostly or all within the 100' buffer, the Planning Board grants a waiver for the proposed wetland buffer intrusion. Two large rain gardens provided on the site of 12 Pintail Road serve as a significant mitigation measure for wetland buffer disturbance.
- The Planning Board grants a waiver for the proposed disturbance of steep slopes based on the following:
 - Unless some incursion into the steep slopes is permitted, only a very small home would be possible on the site and it would be very close to the road and not attractive or aesthetically pleasing to neighbors. The home being provided is very modest in size and sufficiently setback from the street. It is comparable in size and appearance to the surround homes.
 - The home will be built using energy efficient windows and foam insulation to minimize the energy consumption footprint.
 - The home will not result in any undesirable change in the character of the neighborhood. It fits well into the surround streetscape.
- The driveway will be constructed of permeable pavers or other equivalent permeable material approved by the Village Engineer.
- Payment of any outstanding escrow fees prior to the granting of a building permit.
- Signing of the final site plan by the Planning Board Chair.
- The applicant shall provide information on the energy consumption of the home per square foot that is to be recorded on the final site plan which is signed by the Planning Board Chair.

All in favor; motion carried.

NEW PUBLIC HEARING - Wildey Group, LLC - 124 Wildey Street

Mr. Tedesco read the following Notice of Public Hearing:

PLEASE TAKE NOTICE that the Village of Tarrytown Planning Board will hold a public hearing on Monday, July 22, 2013 at **7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Wildey Group, LLC
PO Box 383
Croton-on-Hudson, NY 10520

For site plan approval for the creation of a drive-thru near the current Dollar Dream store for the benefit of a food establishment. The property is located at 124 Wildey Street, Tarrytown, New York and is shown on the tax maps as Sheet 1.40, Block 9, Lot 11 and is in the 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.

By Order of the Planning Board

Dale Bellantoni, Secretary

DATED: July 9, 2013

The certified mailing receipts were submitted and the sign was posted

John Canning, traffic consultant for the applicant, explained that they are here tonight to get public input to put a restaurant in a 1,700 s.f. store front with a drive-thru window. Mr. Canning said presently there is an entrance into the site at the intersection of Wildey Street, Central Avenue and Valley Street. There are two more entrance/exits on Cortlandt Street (north side of property and south side of property), as well as an exit onto Central Avenue. He showed the traffic plan (copy attached). The plan showed the entrance from Wildey Street removed from the intersection and an exit moved further east onto Central Avenue. The existing exit would become an entrance from Central Avenue. Mr. Canning said that this will allow for four cars at the pick-up window and three cars at the order window. They have proposed a raised crosswalk for pedestrians. The parking area in the east side of the lot will be reconfigured so that there is no longer a dead-end in that parking area.

Mr. Raiselis asked if they showed the plan to the Police. Mr. Canning said he submitted it to both the Police Department and the Fire Department but have not received their responses.

Mr. Tedesco asked if our traffic consultant, John Collins, has look at this site yet. Mr. Blau said he was not aware that Mr. Collins was going to look at it but he would look into it.

Ms. Raiselis said they got letter from residents. She asked if Mr. Collins could make comments the flow of traffic and how it will impact the neighbors.

Mr. Tedesco asked if it would be open 24 hours. Fred Schwab, one of the owners of the Wildey Group, said they have not signed the lease yet but probably would like that.

Mr. Tedesco asked if anyone would like to comments.

Fiona Galloway, 51 Cottage Place, said she has lived there for 12 year and she has a good feel for how the plaza works.

She spoke about the garbage and dumpsters and the trash in the plaza and how they would be able to handle more garbage from another restaurant because there is not place to put another dumpster. She showed several pictures demonstrating the concerns in her letter. Ms. Galloway said the area is not large enough for the garbage truck and delivery trucks that come in; with another restaurant, more of these trucks would be coming into the plaza. She stated that things have gone down ever since the bank was turned into a scrap yard. She stated that it is not a highway, its a neighborhood and it should be treated as such. Village code should be used to protect the neighborhood.

Ms. Raiselis said if there was an approval and they changed the traffic flow, how will the large trucks come in. She said they have to be very careful of pedestrian, especially senior citizens. There is very heavy pedestrian traffic there.

Mr. McGarvey asked how McDonald's gets there deliveries and garbage pick-ups.

Ms. Galloway said they block the corner or they have a small access driveway off Wildey Street; so they block it or go into it. Ms. Galloway said the bus stop there is a very heavily used bus stop.

Mr. Aukland read a letter from Marilyn Cuzzo of 47 Cottage Place.

Carole Griffiths, Chair of TEAC, 251 Martling Avenue, said she is concerned about the air quality and the health of the children in that area. A drive-thru would only add to the already poor air quality. There is an idling law in Westchester County. There is plenty of parking in the area where people could park and walk into the restaurant to pick-up their order. A 24-hour drive-thru and restaurant brings down the area.

Greg Galloway, 51 Cottage Place ask the requirements for notification because they did not get notified. Counsel Shumejda said there is a computer application that gives us the names and address of the residents within 100'. He

said the Village would look into how the notification system came up with the names and addresses of those notified. If the list was incomplete, they will have to re-notice.

Mr. Galloway read a petition that was circulated and signed by 108 people. He said 108 signatures do not feel it will be a good addition to the neighborhood or Tarrytown as a whole.

Ms. Raiselis asked Counsel Shumejda about the idling and how we can address it on a Village level. She said she would like to have an air quality report done and would also like the board to do a site visit.

Counsel Shumejda said we can request the applicant to do an air quality tests done.

Ms. Raiselis said she would like to have an air quality test done, traffic to be looked out, understand how they are going to accommodate the large amount of garbage that this will generate and she would like a site visit to see how it affects Cottage Place.

Mr. Tedesco said he it doesn't look right for that location, he is very concerned about health and safety issues. He feels there are better things that can go there. He said they are waiting on John Collins report, the comments from the Police and Fire Departments, the air quality studies and the site visit. He asked that they adjourn and continue the public hearing at the August meeting. Ms. Landau asked if they could adjourn until the September meeting because she will be out of town for the August meeting. The board agreed.

Patricia Pinckney of 18 North Broadway said she is concerned about the traffic in that area now and pedestrian traffic as well as safety issues. She said it is a small area where a lot is happening; lots of people are walking there and safety concerns will be increased.

Mr. Canning asked that the Village direct Mr. Collins to study the impact of traffic on Wildey and Central Avenue and on the various drive-thrus.

Mr. Aukland would like Mr. Collins to work with Mr. McGarvey on garbage collection considerations.

Mr. Blau stated that it is his understanding the Mr. Canning did a study for the internal traffic which will be submitted to Mr. Collins for review; and now additional traffic issues have come up, which you are going to study and that report will be shared with Mr. Collins as well. He also said as this application moves forward the applicant will have to address how the additional garbage from this restaurant will be handled.

NEW PUBLIC HEARING – New Cingular Wireless PCS - One River Plaza

Mr. Tedesco read the following public hearing:

PLEASE TAKE NOTICE that the Village of Tarrytown Planning Board will hold a public hearing on Monday, July 22, 2013 at 7:00 p.m. at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

New Cingular Wireless PCS, LLC ("AT&T")
c/o Cuddy & Feder
445 Hamilton Avenue
White Plains, NY 10601

For approval to further amend the existing Amended Compatible Use Permit and Amended Site Plan Approvals previous granted in order for AT&T to upgrade its existing collocated, attached wireless telecommunication facility located at One River Plaza, Tarrytown, New York. The property is shown on the tax maps as Sheet 1.40, Block 9, Lot 1 and is in the M1 (Multi-Family 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.

By Order of the Planning Board

Dale Bellantoni, Secretary

DATED: July 11, 2013

The certified mailing receipts were submitted and the sign was posted

Neil Alexander of Cuddy and Feder explained that they are just upgrading and moving some existing equipment behind a screened wall. This equipment is co-located with two other carriers.

Mr. Birgy asked Mr. McGarvey if he is happy with the report from the Antenna Consultant. Mr. McGarvey said yes; there is a small issue which can be worked out.

Mr. Tedesco asked if anyone had any questions. No one responded.

Mr. Tedesco moved, seconded by Mr. Aukland, to close the public hearing. All in favor; motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, that the Planning Board declare itself Lead Agency for the proposed project. All in favor, motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, that there will be no significant adverse environmental impacts as a result of this proposed action. All in favor; motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to approve the application for New Cingular Wireless PCS antenna upgrades to the existing AT&T site located at 1 River Plaza subject to the following:

- If Section 6409 (A) of the Middle Class Tax Relief and Job Creation Act of 2012 is declared unconstitutional at some future date, the Planning Board reserves the right to review or rescind this approval.
- Provision of additional information requested by Consultant Walter Cooper in his memo of July 19, 2013 to the Planning Board, in particular for One River Plaza, the applicant should demonstrate compliance with the Village Noise Code for the addition of noise producing equipment.
- Payment of any outstanding escrow fees prior to the granting of a Building Permit.
- Signing of the final site plan by the Planning Board Chair.

NEW PUBLIC HEARING – New Cingular Wireless PCS - 220 White Plains Road

PLEASE TAKE NOTICE that the Village of Tarrytown Planning Board will hold a public hearing on Monday, July 22, 2013 at **7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

New Cingular Wireless PCS, LLC ("AT&T")
c/o Cuddy & Feder
445 Hamilton Avenue
White Plains, NY 10601

For approval to amend the land use approvals previously granted in order for AT&T to upgrade its existing collocated, attached wireless telecommunication facility located at 220 White Plains Road, Tarrytown, New York. The property is shown on the tax maps as Sheet 1.201, Block 122, Lot 7 and is in the MU (Mixed Use) 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.

By Order of the Planning Board

Dale Bellantoni, Secretary

DATED: July 11, 2013

The certified mailing receipts were submitted and the sign was posted

Neil Alexander of Cuddy and Feder explained that this application is very similar as the one for One River Plaza except the difference is AT&T has an existing facility by Talleyrand and it is co-located with T-Mobile. They are just upgrading and moving some existing equipment behind a screen wall. The installation is in the same visual footprint.

Mr. Tedesco asked if anyone had any questions. No one responded.

Mr. Tedesco moved, seconded by Mr. Aukland, to close the public hearing. All in favor; motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, that the Planning Board declare itself Lead Agency for the proposed project. All in favor; motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, that there will be no significant adverse environmental impacts as a result of this proposed action. All in favor; motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to approve the application for New Cingular Wireless PCS antenna upgrades to the existing AT&T site located at 1 River Plaza subject to the following:

- If Section 6409 (A) of the Middle Class Tax Relief and Job Creation Act of 2012 is declared unconstitutional at some future date, the Planning Board reserves the right to review or rescind this approval.
- Provision of additional information required by Consultant Walter Cooper in his memo of July 19, 2013 to the Planning Board, in particular for 220 White Plains Road, construction drawings should show the installation of any new cabinets.
- Payment of any outstanding escrow fees prior to the granting of a Building Permit.
- Signing of the final site plan by the Planning Board Chair.

PRELIMINARY PRESENTATION - Ridgcroft Estates Owners, Inc.-154 Martling Avenue

Application was adjourned at the request of the applicant.

CONTINUATION OF A PRELIMINARY PRESENTATION - 21 Wildey Street LLC (Contract Vendee) - 21 Wildey Street

John Meyer, representative for 21 Wildey Street LLC, handed out additional information to be discussed at the next staff meeting. Mr. Tedesco said to give it to the secretary. Mr. Meyer said these are changes that were discussed at the last staff meeting.

Mr. Tedesco said with the present proposal for 24 units, 12 affordable and 12 at market rate (2 of those market rate units would have to be affordable), the affordable units must be a minimum of 600 s.f. Points that have to be addressed: according to 305-33, part of the code that states no more than 4 families can be in one structure. An exception was given for the affordable units but the Board of Trustees would have to expand that exception for the other units. Mr. Blau said the Zoning Board will have to act on that. Mr. Tedesco also stated the follow issues that would need a variance: parking requirements, building setback in rear, parking in the front yard, lot area, building coverage. You will have to show significant benefits to the village and the surrounding community for us to recommend these large variance to the Zoning Board. We would want to see that information at a staff meeting in detail.

Mr. Meyer said they have reduced some of the variances and will show all of the required information in detail. They have decreased the number of unit and have decreased some of the variances. All of the affordable units have been increased to 600 s.f. with an average of 878 s.f. for all units. This meets the Hudson Harbor approval of an average of 1,000 s.f. and not less than 850 s.f.

Mr. Meyer stated the parking for the building:

- 2 ½ spaces for the 2 bedroom units.
- 2 spaces for the 1 bedroom units.
- 1 space for the studios.

He said they went to 50 spaces with some tandem parking.

Mr. Tedesco said once they go over the plans presented tonight they will discuss it at the next staff meeting.

Mr. Birgy asked how do we determine the need for the additional units. He spoke with some real estate people who say there is more need for one bedroom apartments than for studios. We need to know what is needed.

Mr. Meyer said Mr. Cotter gave an explanation at one of the staff meetings and he will get that information to the board at the next staff meeting.

Mr. Tedesco said the preliminary presentation will be continued at the August 26, 2013 meeting.

PRELIMINARY PRESENTATION - DiNino - 27 Storm Street

Mr. Dinino, who resides at 27 Storm Street, said he did home brewing as a hobby for several years and he is presently the owner of Duncan's Abby, a micro/nano brewery which is in its beginning stages with New York State. Currently he is seeking a New York State Farm Brewery license which allows him to produce cider and beer using local ingredients, and in his case organic ingredients, for sale. He intends to use his home to produce less than 80 barrels of product per year as a proof of concept for his business model and to seek funding for the business. Eventually he hopes to increase business to a point that he can move it into a larger facility in Tarrytown or the surround area. He uses local products. He said it will have no effect on his neighborhood or traffic; there will be no bright signage. The waste will be reused or composted. He intends to sell small quantities from his home in accordance with the New York State Farm Brewer's License. He has a two-car driveway and only one car, so there is room in his driveway for one person to park in order to come in to taste his product. He has no intention of making this into a rowdy party.

Mr. McGarvey asked where he brews it now. Mr. DiNino said it can be done in one of two ways, depending on how New York State allows it; either in his present kitchen which will be up to code or secondly outside with a propane burner.

Mr. McGarvey asked if the brewing is done with high pressure. Mr. DiNino said no; it's like cooking a pot of pasta sauce or soup; no risk at all. It's extremely safe; the alcohol content is very low. There is no risk to health or hazard.

Mr. McGarvey asked how much beer is 80 barrels: Mr. DiNino said 1 barrel equals 2 US kegs; 80 barrels equals 160 kegs. He said this is the absolute maximum; he will probably do only 40 kegs; any more than that will require too much time.

Mr. Tedesco asked if anyone had any questions.

Mr. McGarvey asked Mr. Shumejda if it conforms. Mr. Shumejda said it is allowed under GB zoning, which is the zone he is in.

Mr. Tedesco moved, seconded by Mr. Aukland, that the Planning Board declares their intent to be Lead Agency; all in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to set a \$2,500 escrow; all in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to set a Public Hearing for the August 26, 2013 meeting; all in favor. Motion carried.

PRELIMINARY PRESENTATION – Coco Management - 45 North Broadway

David Ball, representative for Mrs. Greens introduced himself and John Hughes. He explained that they are proposing a Mrs. Greens grocery store where the old Gourmet was. In order for them to do so, they required a change of use because the store was empty for more than six months and secondly because Mrs. Greens will be using the basement for retail space which will be an increase of 3,400 s.f. retail space. According to code, if used as is, they will need 1 parking space for every 300 s.f. of retail space, 1 parking space for every 1,000 s.f. of storage and 1 parking space for each employee. Mr. Ball said they looked at the other building and how the parking is used. They will need 84 spaces according to code and there are 73 available. If you take the 20% reduction for shared parking, they will be required to provide 63 spaces. They plan to use the basement as retail space; and with the 20% reduction, they will need 73 spaces. Mr. Ball said he is requesting that they take this to a public hearing.

Mr. Aukland asked about outside seating. Mr. Ball said he brought the board idea to the Mrs. Greens people and they liked the front outside seating but would also like to try some in the rear. Mr. Tedesco asked if they are going to do something about the ugly dumpster situation that is there now. Mr. Ball said the landlord is looking into screening it.

Mr. Tedesco asked if they will be making any changes to the front of the building. Mr. Ball said they will keep the door, replace the window with insulated windows, replace the black woodwork with black granite and will change out the canopy with appropriate size signage. They will also put a canopy in the rear and a more inviting rear entrance.

Mr. Tedesco asked if anyone had any questions.

Mr. Aukland asked if there is any other way they may not be in code. Mr. Ball said, not that they are aware of.

Mr. Birgy asked about the dumpster in the rear and if there is anything out there that is better than open dumpster, especially if people are going to sit there. Mr. Ball said we recycle whatever we can. He said what's back there now is a compactor. He feels most of the people will be coming in from the back because of the parking.

Ms. Raiselis asked if they plan on composting. Mr. Ball said they have tried but it emits odors.

Mr. Tedesco moved, seconded by Mr. Aukland, that the Planning Board declares their intent to be Lead Agency; all in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to set a \$2,500 escrow; all in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to set a Public Hearing for the August 26, 2013 meeting; all in favor. Motion carried.

PRELIMINARY PRESENTATION - JCC-on-the-Hudson - 371 & 425 South Broadway

Vernon Wilk of Peter Gisolfi's Office introduced himself and explained that they received approval for this project in April of 2011. The project is now advancing but the approval has expired. He said they have a demo permit and have demolished the existing wing. They have also obtained a SWPPP permit from New York State and have obtain very favorable comments from the Architectural Review Board.

Mr. Aukland asked what has changed since the last approval. Mr. Wilk said they had a bigger terrace off the pool which is now smaller and added another terrace in another location. The drop off area has now been increased to 20'. The existing play area is going to stay instead of adding a new one. The scope of the work is the same as far as square footage and they will have 13,000 s.f. less of impervious area.

Mr. Tedesco asked Mr. McGarvey if he is OK with that. Mr. McGarvey said they adjusted the road and made minor changes. The biggest issue is that the approval expired.

Mr. Tedesco moved, seconded by Mr. Aukland, that the Planning Board declares their intent to be Lead Agency; all in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to set a \$2,500 escrow; all in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland, to set a Public Hearing for the August 26, 2013 meeting; all in favor.

Motion carried.

ADJOURNMENT

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the meeting be adjourned – 10:00 p.m.

Dale Bellantoni
Secretary