

# Village of Tarrytown, NY

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## Planning Board Minutes 6/23/2014

Planning Board  
Village of Tarrytown  
Regular Meeting  
June 23, 2014; 7:00 p.m.

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

ABSENT: Village Administrator Blau

### APPROVAL OF THE MINTUES – May 27, 2014

Mr. Tedesco moved, seconded by Mr. Birgy, with Mr. Aukland recusing himself, that the minutes of May 27, 2014, be approved as submitted. Four in favor, one recusal: motion carried.

### CONTINUATION OF PUBLIC HEARING – Bartolacci – 67 Miller Avenue

Chairman Friedlander stated this application is adjourned.

### CONTINUATION OF PUBLIC HEARING–Toll Brothers– 29 Wilson Park Drive (Lot 10)

Chairman Friedlander stated this application is adjourned. Jennifer Gray of Keane and Beane, representing Toll Brothers stated that she was not aware that lot 10 was adjourned. Chairman Friedlander said they are waiting on the lot line issue to be resolved but stated that she could speck on anything new regarding that issue. Ms. Gray said we have a way to resolve the lot line issue that they would like to discuss with the board. She said they have been in negotiations for a year; they have reached an impasse; they have no resolution. In an effort to bring this to closure, we are proposing to allow the owner of 4 County House Road to continue to trespass with her fence on Tolls property; but to insure that the Village has a clear unencumbered easement, we will relocate the rear portion of the easement 18" - 24" into the interior of lot 10 so that the fence is no longer in the easement area. The fence encroachment would be an issue between the private parties to resolve in the future.

Chairman Friedlander clarified that it is the fence surrounding the property of 4 County House Road and bordering Toll's property; Ms. Gray said that is correct. Chairman Friedlander asked if that changes the property line between the two villages. Counsel Shumejda as he understands it, originally the issue was that the two surveyors used different methodologies; but he does not think that is the issue any more. He believes that the two surveyors agree that the lot line is where it is. Secondly, the title company is willing to give a statement that they are insuring the lot as is; and the surveyor will send a statement to the Village stating that the lot line is correct. Counsel Shumejda said if the easement is moved and the board accepts that, the trail easement will be satisfied; and those other three documents from the title company, the surveyor and Keane and Beane stating that all of the lot lines are correct according to the property methodology used to survey this property then the Village is satisfied that they own what they claim they own and you can move forward if we get the documentation to support all of that. Ms. Gray said to her knowledge the two surveyors have not agreed on the methodology but they are using the same metes and bounds description so there is an agreement on the description of the property line but not the location. She said the issue is the fence in relation to the property line. Toll has the documentation stating that they own what they believe the own and the fact that there is another surveyor that dispute it is and issue for the two property owners. Mr. Aukland said the Village would like it resolved. Counsel Shumejda said since both surveyors agree with the metes and bounds, if you were to place the two surveys together, would the property line meet. Ms. Gray said that is her understanding. Counsel Shumejda said that is also his understanding but we need to have that confirmed.

Mr. McGarvey asked if they had a third surveyor come in. Ms. Gray said ESE has looked at the property line and they have retained Ward Carpenter and they agree; it is the neighboring property owner's surveyor, Thomas C. Merritts

Surveyor that disagrees. Mr. Aukland asked that they provided documentation for the proposition for the next meeting. Ms. Gray said they will provide it.

Mr. McGarvey said he has had discussing regarding the drainage issue and putting up a performance bond, but nothing is being done. If there is not a drastic increase in drainage, it will be his recommendation to the board that this not be approved. Ms. Gray said she is aware of the discussion and they just received the revised cost estimate which they need in order to get a performance bond. Mr. McGarvey said things are not being addressed; drainage improvements are not being made around the soccer field. If you want to put up a performance bond, fine; but you are not addressing the problems. Ms. Gray said the problem is that the finish line keeps changing. Mr. McGarvey said not it doesn't; there is stuff on the list which has not been addressed. Ms. Gray said we need assurance that the list will not change. Chairman Friedlander said the Findings Statement stated infrastructure has to be done before a house can be built and we told you we would not hold things up for that. We have been patient. The soccer field is not done, the hillside is not planted to prevent run-off into the swales, the clearing up of downed trees. Where are Toll's assurances that they will meet their obligations. We understand Mr. McGarvey's frustration and concerns.

Mr. Tedesco said he agrees with Chairman Friedlander's concerns. There are only two more lots and he is concerned that if we approve them we are going to be stuck with unfinished infrastructure items. Ms. Gray said we have complied with substantial completion as per the approval. Mr. Tedesco said we need full completion. Ms. Gray said they are anxious to have full completion as well. She said there have been meetings between Toll representations, Dvirka and Bartolucci and the Village regarding a revised drainage plan, which they received in April. She said there was a meeting in May regarding the revised plan; and because that plan was going to cost \$75,000 more than the original plan, it was agreed that they would use the original plan. There have been discussion about the performance bond and she had a conversation with Counsel Shumejda regarding the punch list items. She said they are interested in moving this forward as much as the Village is. Chairman Friedlander said he has heard the same word before; we have reached the final hour. You can have meetings forever with nothing getting done. Get it done; put in the required infrastructure. We want to see results: finish the soccer field, clean and landscape, put up the screens to protect children from falling into the ponds. Ms. Gray said we understand your comments and we will respond to them for the next meeting.

#### NEW PUBLIC HEARING - Name - 44 Lincoln Avenue

Mr. Birgy rescued himself from this application.

The chairman read the following public hearing notice:

*PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, June 23, 2014 at 7:00 p.m. at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:*

*Irvington Restoration Corp. (Contract Vendee)  
95 Wilson Park Drive  
Tarrytown, NY 10591*

*For a two-lot subdivision; and for site plan approval for construction of a new single-family home for property located at 44 Lincoln Avenue. The property is shown on the tax maps as Sheet 1.190, Block 118, Lot 5 and in the R7.5 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: June 13, 2014*

Certified mailing receipts were submitted and the sign was posted.

David Barbuti, architect for the applicant explained the project as a two-lot subdivision with each lot having 10,000 s.f. He stated that he received a call from Mr. McGarvey who pointed out to him that the lot with the existing house does not meet zoning because the existing garage is only 3' from the property line that divides the two lots; 10' setback is required. Mr. Barbuti said they survey will be revised.

Mr. Tedesco asked if there are any steep slopes. Mr. Barbuti said from what he can see there are none. There was a problem with the topo so they were no able to submit it at this time. Mr. Tedesco said if you find any, they must be shown.

Mr. Tedesco moved, seconded by Mr. Aukland to continue the hearing to the July meeting. All in favor; motion carried.

CONTINUATION OF PUBLIC HEARING – HKP Realty Inc. – 25 Main Street

Chairman Friedlander stated this application is adjourned.

NEW PUBLIC HEARING – Toll Brothers – 112 Wilson Park Drive (Lot 2)

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, June 23, 2014 at 7:00 p.m. at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:*

*Toll Land V Limited Partnership  
60 Merritt Blvd., Suite 100  
Fishkill, NY 12524*

*For site plan approval for property located at 112 Wilson Park Drive (lot 2), Tarrytown, New York for construction of a new single-family home.*

*The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.50 Block 20, Lot 60.2 and is located in an R60 (Single-Family Residence) 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: June 13, 2014*

The certified mailing receipts were submitted and the sign was posted

Jennifer Gray of Keane and Beane representing Toll Brothers showed the site plan for lot 2 and described the site as follows:

- It is accessed by a shared driveway with 110 Wilson Park Drive which extends to the soccer field.
- 1.36 acres
- It is the current site of the Stone House which is slated to be removed.
- Lucille Munz's reviewed the landscape plan and they received her report today. They agree with all of her comments and the revised plan will incorporate all of her recommended changes.

Ms. Gray said they have proposed a curtain drain to address Mr. McGarvey's comment regarding a drainage issue in the location indicated. Ms. Raiselis asked if it was off the property. Ms. Gray said yes because it is her understanding in order to address the drainage issue it has to be where it is shown. Mr. McGarvey said you don't show the drain by the large tree. Make sure you show the drain inlet going in and going out. Chairman Friedlander

asked if that is where we want it. Mr. McGarvey said it needs to be at the bottom of the hill. He said water is bleeding out of the hill at the bottom of lot 2 and going over the driveway toward that drain inlet; it has to be captured at the grass level and pipe it into the inlet before it hits the asphalt. Mr. McGarvey said he would like to see more contours on the plan to see how everything flows together. Mr. Dowd said they will update the plans for the next meeting.

Ms. Raiselis said at the site visit they had some questions about the northwest corner of the site may be a little wet. She asked if they can confirm whether or not there is a little bit of wetlands there. Ms. Gray said they are not aware of any regulated wetlands there but they can take a look and confirm that. Mr. Aukland said that would have been part of the subdivision discussion and he cannot recall one way or the other but they would like it confirmed.

Ms. Gray said they have an additional plan which was not ready in time to be given to the board in advance of the meeting. She said it is in response to Mr. Birgy's comment at the last meeting regarding getting a better visual sense of the existing grade as compared to the proposed grade. She distributed copies of the plan to the board and explained that the existing grade is shown as the dotted line and the proposed grade is shown as the red line. The three sections are identified by the legend at the top left corner: Section A is looking at the lot from Wilson Park, the northwest corner of the lot looking down toward the Marymount campus; Section B is looking at the front of the proposed house as you are standing at the flag pole portion of the lot; and Section C is looking at the lot from that area of the location of the curtain drain from Wilson Parking looking to the rear of the property.

Chairman Friedlander said there is no incursion into the slopes that exist now and are you increasing the slopes after the building is finished; if so, how steep and can it be terraces to correct it. Ms. Gray said there is no disturbance to existing steep slopes and it is her understanding that there is one location at the front of the property where the driveway enters the site where the proposed slope will be steeper. She said she does not have the exact percentage with her but it is possible it may be over 25% and she they will have it shown for the next meeting. Mr. Birgy asked why there no steep slopes shown on the plan. Ms. Gray said none of the existing slopes are considered steep slopes and the Village Code places restrictions on the existing steep slopes but not on creation of steep slopes from the proposed grade. Counsel Shumejda said he agrees with the statement that steep slopes have to be mitigated but Counsel Gray is correct because the code deals with natural existing slopes not created ones. Mr. Birgy said anyone could create a 45% steep slope and there is nothing that we can do about it. Mr. McGarvey no we don't want anything less than 2½:1 or 3:1, something you could mow, would be our maximum slope.

Mr. Birgy said he does not see the slopes shown and is concerned that they are not taking that part of the code seriously. Ms. Gray said she can assure him that they do take it seriously but it just happens that the two lots before this board at this time do not have any steep slopes. Mr. Birgy said lot 10 has them and they are not shown. Ms. Gray said we have double and triple checked them and there are none on lot 10. Mr. Birgy said they are concerned that since they are using an in-house surveying group, they may not be as particular as an outside surveyor. She said they are aware that steep slopes is a very important subject to this board and recently there was an area which did not meet the definition of the code because it was less than 25% which was not shown; but where steep slopes that fall within the definition of the code exists, they are indicated on the plan with a crosshatch.

Mr. Birgy said lot 14 has steep slopes that were not shown. He asked Mr. McGarvey to confirm that. Mr. McGarvey said he is not a licensed surveyor and he cannot overrule a licensed surveyor. Mr. Birgy said there are rock outcroppings that were not indicated on lot 10. Ms. Gray said that was brought to her attention, but they are not sure if they are on lot 10 or behind lot 10. If they verify that they are on lot 10, they will indicate them on the site plan.

Chairman Friedlander said they one Mr. Birgy is speaking about is in the front near the model home. Ms. Gray said that one is indicated on the site plan.

Mr. Aukland said we are dealing with lot 2 and it is his recollection that there are no steep slopes on this lot and he said he does recall that steep slopes have been shown on other lots but it might be worth verifying. He said he does not have any concern about steep slopes on lot 2 but he does have concern about the wetland and about Ms. Munz's comment regarding a large oak tree whose roots appear to have been disturbed. He asked Ms. Gray to comment on the tree issue. Ms. Gray said she is not sure if it is a result of the sewer installation as Ms. Munz stated was a possibility, or if it was the result of work done on lot 1 by a private homeowner. She said they would look into it for the next meeting.

Chairman Friedlander opened the meeting to the public.

Scott Monje, 30 West Elizabeth Street, President of the Historical Society spoke about the Brace Cottage stating that the Historical Society prefers that it not be knocked down. He said the lot is large enough that this building could remain and there would be room enough to build the house.

Chairman Friedlander said this should be discussed with Toll Brother not the Planning Board. Mr. Aukland said he

loves the stone house but the property is owned by Toll Brothers. Mr. Tedesco said he feels the same as Mr. Aukland; the only way to preserve it is for someone to come up with money and a proposal acceptable to Toll Brothers. Ms. Raiselis said it is not up to the Planning Board; we do not have the authority. She said it is not a historical landmark; all you can do is speak to Toll Brothers.

Chairman Friedlander agrees but he said this project has been going on for many years and we haven't heard from anyone until now.

Mark Fry of Sleepy Hollow handed out correspondence (copy attached) stating that this hearing should not be heard because the sign were posted in the wrong place. He said they were posted 480' from the front of the lot in the wooded area. He showed pictures of where and when the signs were posted. He asked that this meeting be adjourned because there is no one here from Wilson Park Drive at this meeting because there were no signs informing them of the meeting. Ms. Gray said she spoke with John Hughes Office and they confirmed that the mailings were done on June 5<sup>th</sup> and the sign was posted June 10<sup>th</sup> in the locations shown on the diagram from the Building Department. Ms. Gray said Mr. Hughes said Mr. Fry was there when he was posting the signs and that Mr. Fry was helping him locate the property boundaries for the posting of the signs. She said the affidavits for the posting and mailing were submitted as well as the green receipt cards for the mailing. She pointed out that in the past with other lots the signs have gone missing; either by someone or because of weather conditions and they have had to repost them.

Mr. Aukland suggested that they read the public hearing notice again at the next meeting. Mr. Tedesco said to be sure that the sign is posted for the next meeting. He said we have heard most of the important issues regarding this lot so it is a moot point but make sure that they are in the proper place for the next meeting.

Francesca Spinner, 206 Wilson Park Drive, said she was not aware that this lot was on the agenda. Toll Brothers continues to not follow the code yet they keep moving forward. She said they are creating a steep slope on lot 14 that are not mowable; they took down trees and then relocated the house which made it unnecessary for those trees to come down. She said they are storing equipment on lot 13 and 12 and there is no protection for the trees. She feels nobody is paying attention or listening.

Chairman Friedlander said this board has been overly sympathetic, overly sensitive and has bent over backwards to make this project the best that it can be. We have spent hours and hours and hours on this project and when people get up and criticize it, it is hurtful, even though we know you don't mean it. If there is something wrong, there is a mechanism; it is a violation. To come to us with a sign posting or a stone house that has to be preserved at this late hour is insulting; it's not like this project hasn't been on the radar. The sign issue is irrelevant; it is just being used to delay things. This project has been going on for 10 years; everyone knows about it; people have come to all of the meetings. If you feel they are doing something wrong, there is a mechanism; call Mr. McGarvey and he will look into it and take care of it, not the Planning Board. If you are still not satisfied with Mr. McGarvey's actions, the mechanism is to go to his superiors. We are here tonight on a lot that has relatively little concerns not to discuss the other lots. We have heard your concerns and have gone out to the site a number of times with Mr. McGarvey and yes more fill is coming in yes a wall is going to be built and we are aware of it. It seems to me that we are being accused of not doing our job right.

Ms. Spinner said she apologizes and realizes that they are not as involved in the project and the board is; but she asks when a plans is approved, there should be some mechanism to be sure they are doing what they are suppose to do. Chairman Friedlander said the enforcement on these projects is way beyond our capacity on a daily basis. We just don't have the staff to oversee the 4-5 large projects going on in this Village on a daily basis; it took him a whole day when he went out with Mr. McGarvey to visit each of the sites. We do have to depend on the eyes and ears of the residents to assist us. Chairman Friedlander said these comments are useful but they are not about lot 2.

Ms. Spinner said here is an opportunity to make them be in conformance. How hard is it to make them put barriers around the trees. Mr. Aukland said once we have approved the site, it goes to the Building Department for enforcement.

Mr. McGarvey addressed the comment made about the drop-off behind lots 6 and 7. He said walls will be installed as per the Planning Board approval. There will be a stone wall on the south and east side and one on lot 14 on the right side of the house and on the left side of the driveway.

Ms. Raiselis asked Ms. Gray if they can tell the board how much fill is going to be brought in to make build the house as shown on the site plan. Ms. Gray said she will get the number of cubic yards of fill for the next meeting.

Mr. McGarvey addressed Ms. Spinner's comment about the materials for lot 14 that are on lots 12 and 13. He said

that material is on the asphalt driveway. Ms. Spinner said but it is still under the trees. Mr. McGarvey said on the asphalt usually is not a problem. He said they have put chain link fences around trees on the lots for protection as per the condition of approval.

Mr. Fry said the Historical Society reached out to Toll in 2012 but did not receive a response; and then again and the response was that they were not interested. He said the Historical Society is only asking for a minor subdivision. Mr. Aukland said this is already clustered in an R80 zone and there cannot be a minor subdivision. Mr. Fry said the proposal of the Historical Society is to divide the lot into two equal lots and Toll can reap a much larger profit by selling both the Brace Cottage and the new house which will be built on the second lot. He said Brace Cottage has been continuously occupied as a residence since 1880 until 2010 and it is in excellent condition and eligible for listing on the National Trust. We were asked to wait until this lot came up for site plan approval. Toll Brothers could make a substantial amount of money on this lot while preserving a precious jewel.

Ms. Raiselis said when you were told to wait, you were not told to wait by us. Mr. Fry said we were told by the Board of Trustees that they could not intercede and we should bring it up at the Planning Board meeting when it comes before them for site plan. Mr. Aukland said and it is here but the property is owned by Toll Brothers and they have the right to put in the application that they have; we have no other jurisdiction. Mr. Fry said the Planning Board can reject an application to destroy a national treasure. He said there are several ways to preserve it: sell it separately, sell it to the owners of lot 2, or sell it to someone else to use it as a home.

Chairman Friedlander said the Village spent a lot of money for the park, the Lakes Committee has spent a lot of money for the Trail and a lot of money has been spent on the soccer field. We are not against it but no one has come up with the money and secondly by selling it as another home increases the amount of density. It is not part of the park, so it can't be used as such. Toll Brothers does not seem interested and you are asking us to hold up an approval, and we cannot do that.

Ms. Gray said they have heard this proposal several times in the past couple of years. She has had discussion with Toll Brothers and they are not interested in selling off the property to preserve the house; however, they have offered to discuss with the Historical Society for the preservation of the entire house or parts of it off of this site. Mr. Aukland asked if they are willing to sell the entire house. Ms. Gray said she will have to check with Toll Brothers. Mr. Aukland asked if they would be willing to sell the entire lot. Ms. Gray said she will have to check with the executives of Toll.

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

#### CONTINUATION OF A PRELIMINARY PRESENTATION - Whisper Hill Condominiums - 32 Windle Park

Mr. Aukland rescued himself from this application.

Nicholas Deutsch, representing Whisper Hill Condominiums, handed out revised plans showing the trench behind the wall.

Mr. Tedesco asked if they received a letter from the Fire Department. Mr. McGarvey said we are waiting on a letter from the Fire Department to see what they want to do with that road.

Mr. McGarvey said the board asked if the cuts are accurate. He said these seem more accurate. He said he would get in touch with the Fire Department for further clarification.

Mr. Deutsch said the landscape plans will not be ready by the next staff meeting but they will have them for the next meeting.

Chairman Friedlander said he can't see a truck going up that road. Mr. McGarvey said the Fire Department may make a recommendation to widen it to make it more stable.

Richard Sommer, a member of Whisper Hill's board said there is not enough room for a truck to turn around. The question is can people get up there to fight the fire. He asked what type of surface the fire department wants put on that road. Mr. McGarvey said they are not going to design it but we did discuss grass pavers. He said a truck is not going to go up that hill but it may go onto the slope in order to fight a fire; they will look at your engineer's submission and rely on my comments. Their concern will be stabilizing the equipment.

Mr. Tedesco said in order for the board to grant a steep slope waiver, you have to provide us with a public good statement in writing. There has to be significant public safety benefits and you need to state how that road will

benefit the public for fighting a fire. You can also include the decrease in runoff from the property to the street. Mr. Deutsch said he understands and that is why they need feedback from the fire department as to their requirements. He gave Mr. McGarvey copies of grass pavers they are considering. Ms. Raiselis said perhaps you can do a little nudging; just give them a call. Mr. McGarvey said he reached out to them today. Mr. Deutsch asked Mr. McGarvey to contact him when he gets anything from the fire department.

Since the landscape plan and the roadway plan has not been submitted the board, at Counsel Shumejda's suggestion, agreed to continue the preliminary presentation but set an escrow so that the landscape plan can be forward to Ms. Munz for her review when they come.

Mr. Tedesco moved, seconded by Ms. Raiselis to declare the Planning Board's intent to be lead agency. All in favor; motion carried.

Mr. Tedesco moved, seconded by Ms. Raiselis to set an escrow for \$2,500. All in favor; motion carried.

Mr. Tedesco moved, seconded by Ms. Raiselis to continue the preliminary presentation. All in favor, motion carried.

#### PRELIMINARY PRESENTATION – Split Development Corp – 54 Gracemere

Jim Anniccharico of Cronin Engineering, represented Split Development Corp. for a proposed single-family house on lot 15, described the proposed new residence as follows:

- 43,700+ square foot lot
- One-family house
- Utilities for this site are off the side of the road which was done during the original subdivision infrastructure work
- It is located on the south side of Gracemere Road and to the east of the open space parcel which goes around the property. It is on the east side of the aqueduct
- Lot 14 is to the east of this lot
- No variance are required
- Setback: 113' front; 82' rear; 32' and 31' side yards
- No steep slopes
- Height is 25'-8' to the midpoint of the peak
- Materials: stone around the foundation and cedar shake shingles

Mr. Aukland said this property has three sides which face the public and they need to provide a streetscape from each side. Mr. Anniccharico said he has them from the front and they back. If they would like something else, they will provide it at the next meeting.

Mr. Anniccharico showed the tree removal plan showing the size and species, the landscape plan which was sent to Ms. Munz for your review. He said they will try to save as many trees as they can. He showed the elevations.

Chairman Friedlander asked how large the house is. Mr. Anniccharico said 5,400 square feet.

Ms. Raiselis said from one view it looks a little like a church.

Mr. Anniccharico showed the streetscapes. Mr. Aukland said because of the surround parks we are going to have to be very careful of the appearance of the home in the setting. He asked if they could provide a rendering of that for us from the entrance to Gracemere. Mr. Anniccharico said he could put together something for the next meeting. Mr. Aukland said they need to show the setback from the Old Croton Aqueduct because he thinks the front end of the driveway may be within the buffer and they will have to decide what to do about that. Mr. Anniccharico said it may be but the driveway cut was based on the original subdivision. Mr. Aukland said he understands that and it doesn't mean that it can't remain, but it has to be addressed.

Mr. McGarvey said since this house is 113' off the street, you might want to put the meter pit in the front. Mr. Annicchiarico said they could do that.

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 July 28, 2014 meeting; all in favor. Motion carried.

#### PRELIMINARY PRESENTATION – Montefiore Medical Center – 555 South Broadway

Richard Pearson of John Meyer Consulting representing the applicant said his company has been hired by Montefiore Medical Center to look at the parking conditions relative to the proposed interior renovations. There will be no exterior work done at this time. Based on the number of employees anticipated due to these renovations, we are requesting a 20% parking waiver from this board; and if the waiver is granted, we will be requesting a 9.2% waiver from the Zoning Board.

Mr. Pearson said based on square footage, 623 spaces would be required and currently there are 743 spaces on the site. Based on one space per employee, there will be 1,050 total employees anticipated with the completion of the renovations; we would require an additional 307 spaces. Using the square footage bases, we would have 123 extra spaces. We are requesting the waiver based on the more conservative calculation which is required by the Village.

Mr. Pearson said according to our zoning code you are allowed to grant a waiver if there is a parking study and it can be demonstrated by the applicant that land banked parking can be provided and constructed on the site if need. He said they did do a parking study dated June 5, 2014 which was submitted. Based on that study they found that the existing uses on the property have parking space occupancy of 0.68 occupied spaces at the busiest time which is 10:00 a.m. Montefiore does operate a shuttle bus which they will continue to operate in the future, some employees take the bus, there is some carpooling and we considered sick days, vacation days and holidays; and they have some employees working nights and weekend which helps to balance out the parking demands.

Mr. Pearson said jumping to the conclusion that proposed ratio of existing spaces per proposed employees is 0.71 which is slightly higher than the 0.68 peak demand. He said they prepared a land banked parking plan showing the availability of expanded parking lots. They do not feel that additional parking space will be necessary but we can accommodate them if needed in the future.

Mr. Aukland asked what if you came out of land banking and everyone drove what would the traffic be at the entrance. Mr. Pearson said we did not do a traffic analysis; but if that is a concern of the board, we can do that. Mr. Aukland said he is concerned because all of the entrances in that area are difficult in one way or another. He asked if the application would be willing to discuss alternative entrances onto Broadway. Mr. Aukland said perhaps a cooperative approach with others in the area might work better. Mr. Pearson said he can talk to the application about that but there would have to be security gates at all accesses.

Mr. Tedesco said he felt it would be very helpful for the board to know what future plans they have for that space. It would help the board to see just how realistic that land banking will be. Mr. Aukland asked if they have any plans for the undeveloped land they have. Mr. Pearson said he does not know if they have any or what their plans are for that land.

Chairman Friedlander asked if they are renovating all of the buildings. Mr. Pearson said yes all including the Kraft building which presently has 139 employees and will continue to have 139 employees. Chairman Friedlander said how do we know that that is the number and that it will remain that number. Mr. Pearson said he does not know how we can be sure that the number will remain. He does know that they have been submitting plans to the Building Department for the cubicle they are putting in and Dan Pennella is reviewing them. Chairman Friedlander asked for the total number again. Mr. Pearson said the total number including Kraft is 1050 in the future; there are 743 parking spaces and there are 459 total existing employees. Chairman Friedlander asked how many are Montefiore employees; Mr. Pearson said 320. Mr. Pearson said presently Building A has 180 employees and in the future will have an additional 141; Building B presently has 140 employees and in the future will add 456 employees; and Building D is the Kraft Building with 139 employees which will not change in the future. This came about because the Building Department advised Montefiore that since they were increasing the number of employees, they will exceed



the one employee per space requirement and that they would have to go before the Planning Board to get a parking waiver or to building additional parking. Chairman Friedlander asked Mr. McGarvey if the plans submitted to the Building Department conform to the code for the number of people allowed in a square foot area. Mr. McGarvey said yes without expanding the area of the building. Chairman Friedlander asked where is the space that is potentially buildable for parking. Mr. Pearson pointed out a large lawn area in the southern portion of the property and land in the back. Chairman Friedlander said the area in the southern portion of the property is a hilltop and we have provisions regarding hilltops; the land in the back abuts the Riverwalk Park and there are steep slopes. We are all in favor of land banking; but if you are going to expand this further your client should be aware of the limitations for the parking. Mr. Pearson said we did look at some of the limitations and the plans submitted reflect those areas while showing the areas where parking can be provided; and they may be able to have a parking structure if needed in the future.

Mr. Aukland said he does not see steep slopes called out on the plans submitted. Mr. Pearson said he did not call out the steep slopes he only indicated grade changes. Ms. Raiselis said its better to point them out now; it will benefit you in the future.

Chairman Friedlander asked if any of this potential parking is behind the JCC or DoubleTree. Mr. Pearson said there are 41 spaces behind the DoubleTree Hotel.

Chairman Friedlander ask if the other buildings on the property are used. Mr. Pearson said they are very underutilized. He has only seen a few people but thinks they are maintenance buildings. Chairman Friedlander said they will remain and not be demolished. Mr. Pearson said there are no changes to existing buildings.

Mr. Aukland asked if they have the aerial as a pdf. Mr. Pearson said he can get them to him. Mr. Aukland felt that would be very helpful.

Chairman Friedlander asked why only a one day study. Mr. Pearson said it was a typical day but we can go back and give you more if you prefer.

Chairman Friedlander said there is one real problem in that intersection and it is the light. If the timing is changed, it creates a very large backup during the morning and evening rush hour. Mr. Pearson said they can take a look into that. Mr. Pearson said they need to do a traffic study especially between 7-9 in the morning and 4-6 in the evening. He asked if there were any other area they should look at. Chairman Friedlander said Route 119 intersection.

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 July 28, 2014 meeting; all in favor. Motion carried.

#### PRELIMINARY PRESENTATION – Broadway on Hudson Estates-612 South Broadway

Andy Todd introduce himself as the owner of 612 South Broadway, now called the Carriage Trail and explained that along their southern border there are 12 houses in Tarryhill that they would like to donate land to; it will be somewhere between 30' and 3' depending on where you are on the path. He said it is all based on the utilities. He said they are doing this to be good neighbors and it is a good thing for those homeowner who have been most impacted by their construction. Mr. Todd enumerated his proposal in the attached letter.

Mr. Todd said since they are doing just as a good neighbor he asked that Village waive all fees such as recreation fees and another related fees and they are asking that the donation not trigger any additional affordable housing.

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 Public Hearing for the July 28, 2014 meeting; all in favor. Motion carried.

#### ADJOURNMENT

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the meeting be adjourned – 9:20 p.m.

Dale Bellantoni  
Secretary