

Appendix A

Transcript of
March 26, 2012
Greystone on Hudson
Public Hearing

Appendix B

Greystone on Hudson **Architectural Inspiration**





Greystone on Hudson Architectural Inspiration



Appendix C

Letters from Involved Agencies, Interested Agencies, the Public, and the Village Counsultants

New York State Department of Environmental Conservation
Division of Environmental Permits, Region 3
21 South Platt Corners Road, New Paltz, New York 12561-1620
Phone: (845) 256-3054 • FAX: (845) 255-4659
Website: www.dec.ny.gov



Joe Martens
Commissioner

RECEIVED

FEB 17 2012

February 14, 2012

BUILDING DEPT

V. Tarrytown Planning Board
One Depot Plaza
Tarrytown, NY 10591

RE: Broadway on Hudson Estates, LLC Property
Town of ~~Ulster~~, ~~Ulster~~ County
~~Tarrytown, Westchester~~
Dear Mr. Friedlander,

Based upon our review of your inquiry dated December 2011, we offer the following comments:

PROTECTION OF WATERS

The following stream(s)/pond(s)/waterbody(ies) is(are) located within or near the site you indicated:

- | Name | Class | DEC Water Index Number | Status |
|--|-------|------------------------|---------------|
| <input checked="" type="checkbox"/> Tributary of Sheldon Brook | SC/C | H-17-1-P-27-1 | Non-Protected |
- ☐ A Protection of Waters permit is required to physically disturb the bed or banks (up to 50 feet from stream) of any streams identified above as "protected." A permit is not required to disturb the bed or banks of "non-protected" streams.
- ☐ A Protection of Waters permit is required for any excavation or filling below the mean high water line of any waterbodies identified above as "navigable."
- ☒ There are no waterbodies that appear on our regulatory maps at the location/project site you identified. Therefore, if there is a stream or pond outlet present at the site with year-round flow, it assumes the classification of the watercourse into which it feeds and a Protection of Waters permit may be required. If there is a stream or pond outlet present at the site that runs intermittently (seasonally), it is not protected, and a Protection of Waters permit is not required.

If a permit is not required, please note, however, you are still responsible for ensuring that work shall not pollute any stream or waterbody. Care shall be taken to stabilize any disturbed areas promptly after construction, and all necessary precautions shall be taken to prevent contamination of the stream or waterbody by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.

FRESHWATER WETLANDS

- ☐ Your project/site is near or in Freshwater Wetland _____, Class _____. Be aware that a Freshwater Wetlands permit is required for any physical disturbance within these boundaries or within the 100 foot adjacent area. To have the boundary delineated, please contact the Bureau of Habitat.
- ☐ Your project/site is near or in an eligible wetland (_____). Please contact the NYS Department of Environmental Conservation's Bureau of Habitat regarding the validation of this wetland.
- ☒ Your project/site is not within a New York State protected Freshwater Wetland. However, please contact your town officials and the United States Army Corps of Engineers in New York City, telephone (917) 790-8511 (Westchester/Rockland Counties), or (917) 790-8411 (other counties), for any permitting they might require.

STATE-LISTED SPECIES

-OVER PLEASE -

RE: Broadway on Hudson Estates Date: 02/14/12

- ☐ DEC has reviewed the State's Master Habitat Databank (MHDB) records. We have determined that the site is located within or near record(s) of the following state-listed species: _____

----- If your inquiry is related to a specific development project, additional evaluation of the potential impacts of this project related to the sensitive resource(s) identified by this review may be required. Please contact Lisa Masi of Wildlife at (845) 256-2257.

- ☒ No records of sensitive resources were identified by this review.

CULTURAL RESOURCES

We have reviewed the statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation. These records indicate that the project is located within an area considered to be sensitive with regard to archaeological resources. For more information, please visit the New York State Office of Historic Preservation website at <http://nysparks.state.ny.us/>.

OTHER

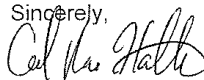
Please note that this letter only addresses the requirements for the following permits from the Department:

- ☒ Protection of Waters ☒ Master Habitat Databank ☒ Freshwater Wetlands

Other permits from this Department or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and you should, therefore, verify the need for permits if your project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified. Applications may be downloaded from our website at www.dec.ny.gov under "Programs" then "Division of Environmental Permits."

Please contact this office if you have questions regarding the above information. Thank you.

Sincerely,



Casey Halton
Division of Environmental Permits
Region 3, Telephone No. 845/256-3062

- ☒ Information/Permit Materials/Regulations/Map (White Plains Quadrangle) attached.

NOTE: Regarding erosion/sedimentation control requirements:

Stormwater discharges require a SPDES Stormwater permit from this Department if they either:

- occur at industrial facilities and contain either toxic contaminants or priority pollutants OR
- result from construction projects involving the disturbance of 5000 square feet or more of land within the NYC Department of Environmental Protection East of Hudson Watershed or for proposed disturbance of 1 acre or more of land outside the NYC DEP Watershed

Your project may be covered by one of two Statewide General Permits or may require an individual permit. For information on stormwater and the general permits, see the DEC website at <http://www.dec.ny.gov/chemical/8468.html>. If this site is within an MS4 area (Municipal Separate Storm Sewer System), the stormwater plan must be reviewed and accepted by the municipality and the MS-4 Acceptance Form must be submitted to the Department. If the site is not within an MS4 area and other DEC permits are required, please contact the regional Division of Environmental Permits.



Greystone on Hudson Towns of Tarrytown and Greenburgh, Westchester County White Plains Quadrangle

Legend

- Archeological Sites of Sensitivity
- Coastal Management Area Boundaries
- Critical Environmental Areas

0 0.1 0.2 0.4 Miles

CRH
DEC Division of
Environmental Permits
12/23/11

Via email

To: Village of Tarrytown Planning Board
Stanley Friedlander, Chairperson

From: Frank Fish, FAICP, Principal
Melissa Kaplan-Macey, AICP, PP Senior Associate

Subject: Review of Greystone on Hudson Draft Environmental Impact Statement (DEIS)

Date: April 3, 2012

We have reviewed the Draft Environmental Impact Statement (DEIS) for the proposed Greystone on Hudson Residential Subdivision. This memo provides our review of the document and highlights important issues raised by the public at the public hearing on the DEIS, which was held on March 26, 2012.

1) Building Height

Section IIB of the DEIS, which discusses zoning, states that the proposed action "meets and exceeds all zoning regulations." However, it is our understanding that the height of the proposed residences will exceed the Village's maximum allowed building height of 30 feet. We note that Section 305-48 of the code gives the Planning Board authority to permit increased building height, at its discretion, in order to achieve conformity, equality, compatibility, and proper visual scale with adjacent buildings or within 300 feet of a historic district.

2) Floor Area Ratio (FAR)

As shown in the table on page 19 of the DEIS, the proposed residences will range in size from 5,000 to 10,000 square feet excluding basement, attic and garage space. It should be noted that the maximum gross floor area allowed in the R-60 zone in which the project site is located is 8,700 square feet. While Section 305-131 of the code allows waivers of lot and bulk regulations by the Planning Board, such a waiver is a discretionary action.

3) Lot Count

The question has been raised as to how the applicant arrived at the lot count of 12 lots in the Town of Greenburgh. The lot count in Greenburgh affects Tarrytown with respect to the amount of traffic that will be generated from that portion of the site. The Greenburgh portion of the site can only be accessed via the roadway through Tarrytown. The applicant should explain the rationale for this lot count and whether there are any significant impacts between 12 lots and the 10 lots that were suggested by a member of the public at the public hearing.

4) Access from adjacent subdivision

We recommend that the roadway through the Greystone property be connected for emergency access to the adjacent subdivision via the existing cul-de-sac at the end of Roundabend Road. The purpose of this connection would be to provide a secondary access point into and out of the site to address safety. The connection should be paved to allow for emergency vehicle access and plowing. If the applicant has concerns with a through connection, a break-away gate could be provided to limit access for emergencies only.

5) Stormwater/ Drainage

At the public hearing concern was expressed as to how stormwater would be managed on the site. The applicant has provided a stormwater management plan in Appendix A of the DEIS. The Village Engineer should comment on the efficacy of this plan.

6) Roadway geometry

Roadway geometry should be examined by the Village Engineer for issues such as drainage, pedestrian safety and lighting.

7) School children multipliers

The DEIS uses comparable developments to arrive at a public school generation rate of 0.855. We recommend that the FEIS include the Rutgers multipliers for school children in the analysis. The Rutgers public school generation rate for 5-bedroom homes is 1.03 students per home. We recommend that the FEIS include a range (17-21 students).

8) Trail System

The description of the Proposed Action includes discussion of a trail system connecting the project site to Taxter Ridge Park with a connection through the adjacent proposed Jardim East subdivision to Sheldon Avenue. A map showing the location of this trail system should be provided in the FEIS.



Robert P. Astorino
County Executive

Sherita Amler MD
Commissioner of Health

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MAR 21 2012

BUILDING DEPT

March 20, 2012

Town Planning Board
Village of Tarrytown
One Depot Plaza
Tarrytown, NY 10591

Attention: Dr. Stanley Friedlander, Chairman

RE: Greystone on Hudson

Dear Dr. Friedlander:

The Westchester County Department of Health (WCDH) has reviewed Draft Environmental Impact Statement for the above referenced development and has the following comments.

1. *Project Description "The action involves an application by Broadway on Hudson Estates, LLC for the approval of a 9 lot residential subdivision (8 homes) in the Village of Tarrytown and a 13 lot (12 homes) residential subdivision in the Town of Greenburgh, and related development approvals. The development will be served by a public water system (village of Tarrytown) and a public sanitary sewer system (Village of Tarrytown lines connecting with the Westchester County Sanitary Sewer System). The collection lines will be installed by the developer within the internal roadways to be constructed to serve the individual homes..."*

The proposed development will require approval as a realty subdivision from this Department in accordance with Article X of the Westchester County Sanitary Code.

Any proposed public water main extension(s) to serve this development will require approval from this Department in accordance with Article VII, Section 873.707 of the Westchester County Sanitary Code.

Any proposed public sewer main extension(s) to serve this development will require approval from this Department in accordance with Article XXII, Section 873.2202 of the Westchester County Sanitary Code.

Should you have any questions please feel free to contact this writer at 914-813-5149.

Respectfully,

Natasha Court, PE
Associate Engineer
Bureau of Environmental Quality

cc: Fred Beck
Delroy Taylor, P.E.
File

145 Huguenot Street
New Rochelle, New York 10801

Telephone: (914) 813-5000

Fax: (914) 813-5158

From: **Linda Viertel** <viertel@optonline.net>
Date: Fri, Mar 30, 2012 at 9:33 AM
Subject: Re: Tax Base Growth
To: Andy Todd <andytodd1@gmail.com>

Hi Andy,

My only other point was that your new figures for alternative tax incomes for the village as well as the Irvington school system, which you mention once in the DEIS should be consistent throughout the document. In all places where you reference what Tarrytown's income could be and the Irvington school system, I believe you need to give the entire range of possible funds, not just the highest one with a 5 million dollar sale price. That highest price occurs frequently throughout the document and should be explained in each instance....thanks, Linda

Below is a letter the Applicant received from SHPO about the Old Croton Aqueduct received prior to the Public Hearing Response time that is being included as a courtesy to our neighbors. Please additionally find Applicants response to the letter.



**New York State Office of Parks,
Recreation and Historic Preservation**

Taconic Region • PO Box 308, 9 Old Post Rd, Staatsburg, NY 12580
845-889-4100 Fax: 845-889-8321 www.nyeparks.com

Andrew M. Cuomo
Governor

Rose Harvey
Commissioner

Linda G. Cooper
Regional Director

Lucy R. Waleczky
State Council, Chair
Taconic Region, Chair

January 10, 2012

Tarrytown Village Hall
One Depot Plaza
Tarrytown, New York 10591

Re: Proposed Eight Lot Subdivision at 612 South Broadway, Tarrytown, NY

Dear Sir or Madam:

I am writing on behalf of the NY Office of Parks, Recreation and Historic Preservation (OPRHP) in response to the Village's SEQR Lead Agency Designation Notice dated December 9, 2011. The notice pertains to a proposed subdivision for eight lots on approximately 25 acres at 612 Broadway in Tarrytown.

While OPRHP does not have any objection to the Village serving as Lead Agency, we are providing the following preliminary comments because a portion of the project area is located directly adjacent to our Old Croton Aqueduct (OCA) State Historic Park. The Old Croton Aqueduct is listed on the State and National Registers of Historic Places and the trailway is an important recreational and open space resource. We request that our comments be addressed in the Village's environmental assessment and documentation.

Impacts on aesthetics and recreational resources - The environmental review should include an acknowledgement that the project is directly adjacent to the OCA State Historic Park and should be included in figure for "the frontage along a public thoroughfare" in Part 1 and B1.j of the Full EAF. Most importantly it should also address how the development will be buffered from the park. The landscape plan seems to identify, and we would request, a vegetative buffer of a minimum of 30 feet be incorporated into the design to mitigate visual and noise impacts. The buffer should include both deciduous and evergreen plantings. Trees and shrubs of varying heights and varieties should be arranged in a naturalistic fashion (not in a straight row). Part 1 and B.4 on the EAF does not indicate the acreage of vegetation to be removed, although since item B.5 states there will be mature forest removed, acreage should be filled in for B.4. The preservation of existing vegetation, particularly mature trees, should be an important consideration in the design of a buffer area.

The design of the retention basin could be problematic. It should look as natural as possible and be kept away as far from the Old Croton Aqueduct as practical.

Short term construction impacts - We note there will be a SWPP prepared. Mitigation of potential sedimentation and erosion will be particularly important since it is mentioned that there are steep slopes.

Protection of the historic aqueduct structure will be critical during construction. We are forwarding the project information to our Division of Historic Preservation for their review and they will provide comments separately.

If there is any need for construction access to the site from the trailway, approval would be required by our agency and could potentially impact the structure. Will such access be required?

There is a statement on the plan that there might be some blasting. The underground structure of the Aqueduct, a National Historic Landmark, should be taken into consideration and protected should this occur.

Archaeology – This project may also have impacts on archaeological resources. This issue will be addressed in separate comments from our Division for Historic Preservation's Field Services Bureau.

Route 9 Trail Crossing – We appreciate that the project includes a trail crossing from the property across Route 9. We note the developer is offering this land to the Village of Tarrytown as park land and suggest it might be better placed as part of the Old Croton Aqueduct State Historic Park, or at the very least, a permanent easement given to the State

Thank you for this opportunity to comment on this proposal through the SEQR process. We would like to be listed as an interested party. We would appreciate it if you could provide copies of additional future environmental review materials to myself at the address in the letterhead as well as the following contact:

Edwin Belding
NYS OPRHP
Environmental Management Bureau
Agency Building 1, Empire State Plaza
Albany, NY 12238
Edwina.belding@parks.ny.gov

Sincerely,



Linda G. Cooper
Regional Director
Taconic Region

Cc: Tom Alworth
Edwina Belding
Ray Doherty
Tom Lyons
Ruth Pietpont
Gary Ricci

HISTORICAL **PERSPECTIVES** INC.



January 23, 2012

Linda G. Cooper, Regional Director
Taconic Region
New York State Office of Parks, Recreation and Historic Preservation
P. O. Box 308, 9 Old Post Road
Staatsburg, NY 12580

RE: Greystone on Hudson Eight Lot Subdivision
612 South Broadway
Village of Tarrytown, Town of Greenburgh
Westchester County, New York

Dear Ms. Cooper

The proposed Greystone on Hudson Project, located at 612 South Broadway in the Village of Tarrytown and the Town of Greenburgh, Westchester County, is subject to the SEQR environmental review process. Pursuant to this process, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) provided preliminary comments on potential concerns as the project design moves beyond the Full EAF. These substantive comments of 1/10/12 are appreciated.

At the request of the project sponsors, Historical Perspectives, Inc. (HPI) has undertaken a full cultural resources evaluation for the Greystone on Hudson lands. The proposed Greystone on Hudson Project is located on two parcels of land between Route 9 and Taxter Ridge Park in the Village of Tarrytown and the Town of Greenburgh. The west parcel, which borders Route 9 (South Broadway), comprises approximately 26 acres and the east parcel contains approximately 56 acres. Both a Phase IA/IB Archaeological Assessment and a Historic Resources Memorandum have been prepared for the West Parcel to satisfy the requirements of New York State's environmental review process, and comply with the standards of OPRHP. The HPI technical reports are enclosed for your review.

The Old Croton Aqueduct State Historic Park (OCA), which borders the West Parcel, is a local icon; the linear park is well loved and a frequently used trail. The issues raised in your letter to ensure the integrity of OCA had been under intense discussion internally and appropriate measures formulated. The enclosed documents supplement the Full EAF for the West Parcel and address each of your expressed concerns.

Impacts on aesthetics and recreational resources –The presence of the adjacent OCA certainly enhances the Greystone on Hudson property and the development team is dedicated to respecting the recognized Landmark and ensuring its integrity.

- All future documents will be properly annotated to include the full and proper name for the adjoining OCA property.
- The proposed project plans include a 100 foot setback from the Route 9 right-of-way at the north entrance, providing a well-established buffer between OCA and the developed property. The proposed housing units, on approximately 2 to 4 acre individual lots, are sited well south and east of the OCA and will be naturally screened from recreational park visitors by vegetation.
- The introduced vegetation will be a variety of species and sizes, planted in a random pattern, including dogwood and pussy willow. See the enclosed Stormbasin Planting design.
- Mature and healthy trees in portions of the buffer will be preserved and protected during construction; unhealthy trees in portions of the buffer will be removed

Short term construction impacts – As noted in the enclosed Historic Resources Memorandum, possible impacts to the Old Croton Aqueduct during construction have been taken into consideration.

- There are no plans to blast during the Greystone on Hudson development. If mechanical rock removal must be supplemented with blasting, a blasting plan that takes the sensitivity of the OCA into consideration will be filed with the OPRHP.
- A Storm Water Pollution Prevention (SWPP) plan has been prepared and is attached.
- No construction access from the OCA trailway is proposed.
- A Construction Management Plan will stipulate a visual and physical barrier to separate the OCA trail from the development site in order to avoid accidental intrusion.

Archaeology - At the request of the project sponsors, Historical Perspectives, Inc. completed a Phase IA documentary study and a subsequent Phase IB field investigation of the Area of Potential Effect. Both studies were conducted according to the standards of the OPRHP, fully satisfying the requirements for an archaeological evaluation. See the enclosed Phase I Archaeological Survey technical report.

Route 9 Trail Crossing – As noted in the enclosed Historic Resources Memorandum, the proposed project plans include a 100 foot setback from the Route 9 right-of-way at the north entrance, providing a well-established buffer between the OCA trailway and the proposed Greystone on Hudson residences. The developers will provide signage indicating the OCA continues through a donated gateway on the east side of Route 9 in accordance with local, state, and Department of Transportation codes. Public usage of the linear park and trail will be substantially improved by the increased access and signage. The donated gateway to the OCA will also lead to the newly designated and

neighboring local public space, Gracemere Park. In order to ensure consistent maintenance of the gateway and Gracemere Park, the Greystone on Hudson sponsors will donate the gateway to the OCA to the Village of Tarrytown.

As detailed above, the issues raised in the OPRHP letter of 1/10/12 have been fully resolved through ongoing collaborative efforts with local officials and the project design team. If you

have further questions or concerns, please call me directly so they can be addressed immediately. Thank you for your continued assistance.

Sincerely,



Cece Saunders

Encl.

cc: Edwina Belding, Environmental Management Bureau, OPRHP, w/o attach.
Ruth Pierpont, Director, OPRHP, w/o attach.
D. Mackey, Div. for Historic Preservation, Field Services Bureau, OPRHP, w/o attach.
Tom Alworth, Deputy Commissioner for Natural Resources, OPRHP, w/o attach.
Ray Doherty, Harlem Valley Rail Trail, w/o attach.
Tom Lyons, Director of Resource Management, OPRHP, w/o attach.
Gary Ricci, Manager, Old Croton Aqueduct State Historic Park, w/o attach.

Greystone on Hudson Residential Subdivision

DEIS Preparers:

What are the relationships of the parties listed? Do any of these preparers have a financial interest in this development?

Page 4

How will cars get to the parking lot on Taxter Ridge Road to get to the park?

Page 5

What types of buffer areas are proposed to avoid disturbance to Wetlands?

Impacts to wildlife and botanic gardens are mitigated by donating land? How is that possible when there will be behemoth homes and landscaping that will likely be maintained with chemicals?

What are the detailed plans for the stormwater impacts?

Where can the detailed plans for construction impacts be found?

Page 6

These alternatives are NOT fair comparisons since the chances of obtaining approval for that many homes is slim to none with the steep slopes present. In fact, that is exactly the reason why Esposito gave up his efforts. Mr. Pateman knows this because they were going to partner on it.

Page 10

A permit is requested for tree removal. What about all of the trees that have been taken down already or the trees that had their root systems destroyed by the construction of the temporary roads there already?

Page 15

It is ironic that the lead agency (Tarrytown) will spend taxpayer money to manage this project and will receive the least in tax revenue?

Of the 20 homes they expect only 17 students to use the schools. If they project a total of 85 persons that leaves 68 adults or mixture of children and adults that will not use the schools. It is understandable that they use statistics to derive these results. However, why are they telling the community separately that no one will use the schools because these are wealthy people and they will send their children to private schools?

Page 16

Streets and utilities will be property of the homeowners. Why will Tarrytown then be required to pick up garbage? What liability is there is a department of sanitation worker

is injured on private property? There certainly would have to be some indemnification to the Tarrytown taxpayers!

What happens if the homes never sell for the \$5 million projected amount? What if the average price is \$3.5 million what will the tax revenues look like then? The costs to the Village and Schools will not change, what is the breakeven?

Page 18

Provision for pedestrian trail? Mr. Pateman still has not completed a pedestrian trail for the Tarryhill Community when he did that development.

What guarantees are there that the drainage issue on Broadway and the same affect on Tarryhill will be adequately addressed?

Pages 20 - 22

Will the project increase impervious surfaces that lead to stormwater runoff and will the plans for this take it into account?

Will there be any deed restrictions? Are there any wetlands, open space / scenic easements, or conservation easements, etc. on this property?

What will be done regarding the dozen or so coyotes that are part of this habitat?

What plans are in place to safely dispose of HAZARDOUS MATERIALS from the construction?

Will the project block any views from neighboring properties? Will the project be significantly larger or taller than neighboring properties?

Given that this is a "Historic Carriage Road" are there any known historical or archeological sites or structures older than 50 years on the property.

What type of buffer will there be at the end of Round A Bend Road where the two properties (Tarrytown and Greenburgh) meet. The maps show a narrow road connection behind the cul-de-sac.

Page 34

Who owns the emergency access road on Round A Bend Road? Who will maintain it?

Page 36

How will the Greenburgh Police department access the homes in Greenburgh? Is it assumed that they will patrol the area and drive all the way around to Tarrytown to access the property in Greenburgh? How often will Greenburgh rely on Tarrytown to get there for them quicker in an emergency and how will Tarrytown be compensated? How is the "no mitigation required" in this scenario?

Page 37

Why will Tarrytown then be required to pick up garbage? What liability is there is a department of sanitation worker is injured on private property? There certainly would have to be some indemnification to the Tarrytown taxpayers! Additionally, why will Tarrytown be doing garbage collection for Greenburgh and how much will they be paying Tarrytown for said services?

Page 43

There is no mention of the woodpecker or owl population in this area. Should this be looked into since the developer has already been removing trees and those trees that lay on the ground that are so important to the woodpecker population.

Page 93

With respect to traffic there needs to be another study down on why there isn't a traffic light at the Tarryhill and Lyndhurst intersection. With all of the events at Lyndhurst and the introduction of a new road at the "peak" of a dangerous hill there may be an increase in accidents. Additionally, the Tarrytown Police department utilizes the existing road to manage traffic congestion coming out of Lyndhurst. The Tarryhill residents are significantly impacted in trying to get to Tarryhill road when there is a Lyndhurst event and this new road will just complicate matters.

Page 116

It is "rumored" that The "Esposito Plan" never got anywhere because the Village of Tarrytown did not allow it, simple as that. Let's hope Tarrytown does not change its position significantly and considers that decision. Pateman was financially connected to that as he sold the last remaining Tarryhill lot to Esposito's family. There are dots to be connected if you can get the truth out of some of the people working on this project. Just saying!

Anonymous

STECICH MURPHY & LAMMERS, LLP

ATTORNEYS & COUNSELORS AT LAW

828 SOUTH BROADWAY, SUITE 201

TARRYTOWN, NEW YORK 10591-6650

TELEPHONE: 914 674-4100 FAX: 914 674-2987

MARIANNE STECICH
BRIAN D. MURPHY
EDWARD G. LAMMERS

RECEIVED

APR 04 2012

BUILDING DEPT

DELIVERED BY HAND

April 3, 2012

Chairperson Friedlander and Members
of the Tarrytown Planning Board
Tarrytown Village Hall
1 Depot Plaza
Tarrytown, New York 10591

Re: Greystone on Hudson Subdivision
Draft Environmental Impact Statement

Dear Dr. Friedlander and Planning Board Members:

I am the attorney for Min Ding and Sabrina Shue, who own the property bordering the Tarrytown portion of the Greystone property on the east. The Ding/Shue property is highlighted on the enclosed "Existing Roads/Proposed Roads" map. This letter is being submitted as a written comment to the Draft Environmental Impact Statement for the Greystone on Hudson Residential Subdivision ("DEIS"). This letter includes essentially the same comments that I made in a letter to the Planning Board and presented orally at the Planning Board's public hearing on January 23, 2012. Because that date precedes the submission of the DEIS, I am resubmitting the comments, to insure that they will be responded to in the Final Environmental Impact Statement.

Interested Neighbors

Pages 7 and 8 of the DEIS list "Neighbors," who "will be provided copies of all documents that have been filed with the respective Boards." That list does not include the Ding/Shues, even though they may be affected even more than some of the listed neighbors. The entire western border of their property will be bordered by the relocated Carriage Road (for which a Planning Board waiver is required). The Ding/Shues are not represented by any of the property owners associations listed on page 8. Therefore, the list of "Neighbors" should be revised to include: Min Ding and Sabrina Shue, 612 Gracemere, Tarrytown, New York 10591.

Impacts of the Proposed Road

The proposed road running along the northern border of the Greystone property ("northern road") extends along the entire western border of the Ding/Shue property. Indeed, a portion of the road is being relocated approximately 20 feet closer to the Ding/Shue property than the existing road. The point at which the proposed road veers away from the existing road is the portion of the road closest to the Ding/Shues' house.

This location of the road would have visual, noise, and privacy impacts on the Ding/Shues. Instead of quiet woodland, the property will now be bordered by a road serving the entire Greystone development. Potential impacts from the lights and noise of that road on the Ding/Shue property must be mitigated. Suggested mitigation would be the installation of dense evergreen screening between the road and the Ding/Shue property, in order to protect their privacy, minimize traffic noise, and shield vehicle lights and light poles. Shrubs, rather than trees, should be installed along those portions of the Ding/Shue property where their views of the Hudson would be impacted. All plants and shrubs should be deer resistant, shade tolerant, and maintenance-free. In addition, the developer (and subsequently the homeowners association) should be required to maintain the plantings, and a five-year maintenance bond should be posted to insure the plants' survival.

In addition, any light poles required for road safety should be located so as to be, to the greatest extent possible, not visible from their house, and the lights should be shielded so as not to spill light or glare onto the Ding/Shue property.

Utility Easements

It is incorrect on page 82, dealing with "Utilities to Adjoining Properties," that "No mitigation is necessary. As the DEIS states, the Ding/Shue "residence currently has easements for its utilities running through the Greystone site." Although the DEIS addresses the ultimate relocation and hook-up of the utility lines, it does not address the impacts on the Ding/Shue property *during construction*. It is critical that the telephone, electric, water and sewer lines to the Ding/Shue house remain operational throughout the construction of the road and relocation of the utility lines, and that their utility service not be interrupted by any work on the Greystone property.

In addition, the Map of Easements, dated October 10, 2011, submitted by Greystone on Hudson is not complete. It does not reflect the subsurface gas line easement between the owner of the Greystone property and the Ding/Shues. Nor does it indicate the telephone and electric line easement, which is located at the "approximate location of overhead wires" shown on the

Chairperson Friedlander and Members of the Tarrytown Planning Board
April 3, 2012
Page 3

Map of Easements. The Map of Easements should be amended to include these easements. Perhaps a subsequent map was submitted. The developer twice told us he was sending us a revised Map of Easements, but we never received it.

Please see that the items discussed above are addressed in the Final Environmental Impact Statement.

Sincerely,

A handwritten signature in black ink, appearing to read "Marianne Stecich", with a horizontal line extending to the left.

Marianne Stecich
Attorney for Min Ding and Sabrina Shue

cc: Min Ding and Sabrina Shue



Robert P. Astorino
County Executive

County Planning Board

Referral File No. TTN 12-001B – Greystone on Hudson, Application for Subdivision Approval

Date: April 10, 2012

Contacts: Stanley Friedlander, Planning Board Chairman
Tarrytown Village Hall
One Depot Plaza
Tarrytown, New York 10591

Materials received:

- Subdivision plans dated revised December 30, 2011
- Draft environmental impact statement (EIS), dated complete February 29, 2012
- Stormwater analysis, dated January 2012

PROJECT DESCRIPTION

Our understanding of the proposal, based on these materials, is as follows:

The application proposes the subdivision of an 84-acre site located in both the Village of Tarrytown and unincorporated Town of Greenburgh. A 23.3-acre property in Tarrytown will be combined with a 56.6-acre parcel in Greenburgh, to be connected by acquiring a 4.9-acre portion of a 14.9-acre property that is located between the two parcels containing an existing single-family house which will remain.

The proposed subdivision would create eight building lots in Tarrytown and 12 building lots in Greenburgh for a total of 20 new single-family houses. Vehicular access is proposed along a new private road with access from South Broadway. This new road would be constructed along the alignment of an existing carriage road on the site.

As part of the application, the applicant proposes to donate a historic gateway on the property's frontage with South Broadway to provide access to a segment of the Old Croton Aqueduct State Trailway which is not currently accessible. The applicant is also proposing to donate 21.70 acres at the eastern edge of the site to the Town of Greenburgh to be added to the Taxter Ridge preserve. A ten-foot wide access easement will be provided through one of the building lots to provide pedestrian access to the park from Jardim Estates East.

REVIEW SUMMARY

Consistency with County Planning Board policies

- The proposal is consistent with County Planning Board policies as stated in *Westchester 2025: Plan Together* with regards to open space because it would contribute land to both a State park and a County park.

- The proposal does not include affordable affirmatively furthering fair housing (AFFH) units, which is inconsistent with County Planning Board policies. More information on *Westchester 2025* can be found at: <http://westchester2025.westchester.gov/>.

Impacts to County facilities and services.

- Increased sewage flows from the site into the County sewer system should be offset through inflow and infiltration (I&I) mitigation.

Additional comments

- The applicant should consider using as much green building technology as possible.
- Review by NYS DOT may be required due to proposed curb cuts on South Broadway (US Route 9), a State road.

COMMENTS AND RECOMMENDATIONS

1. **Consistency with County Planning Board policies.** The County Planning Board's long-range planning policies and strategies set forth in *Westchester 2025—Context for County and Municipal Planning and Policies to Guide County Planning*, adopted by the County Planning Board on May 6, 2008, and amended January 5, 2010, call for a "diverse and interconnected system of open space." This proposal is consistent with this policy as it will help facilitate additional connectivity of two major open space assets: the Old Croton Aqueduct State Park Trailway and Taxter Ridge. We commend the applicant for including the donation of open space to these parks as part of the proposal.

2. **Affordable affirmatively furthering fair housing (AFFH) units.** The draft EIS does not explain how the project will comply with existing Village of Tarrytown regulations regarding the provision of affordable AFFH units. Our records indicate that on December 5, 2011, the Village adopted regulations based on the County's "Model Zoning Ordinance Provisions for Affordable Affirmatively Furthering Fair Housing Units" as included in the *Westchester County Fair and Affordable Housing Implementation Plan* (dated August 9, 2010). To be fully consistent with the Model Ordinance Provisions, the proposed development should contain one affordable AFFH unit within the Tarrytown portion of the development. The final EIS should include a discussion of compliance with the local law and the inclusionary requirement.

3. **County sewer impacts.** The proposed development will increase sewage flows from this site into the existing infrastructure. The increased flow will add to the volume of sewage flow requiring treatment at the Yonkers Joint Wastewater Treatment Plant operated by Westchester County. As a matter of County Department of Environmental Facilities' policy, we recommend that the Village implement or require the developer to implement measures that will offset the projected increase in flow. The best means to do so is through reductions in inflow/infiltration (I&I) at a ratio of three for one for the market rate units and one for one for the affordable AFFH unit. The final EIS should include a discussion of proposed mitigation.

4. **Green building technology.** We encourage the applicant to consider using as much green building technology as possible in the proposed development. We note that the applicant has stated that rain gardens may be used as part of the stormwater management system on the site, which we encourage. We also encourage the use of permeable paving surfaces as well as other green building elements.

5. **NYS DOT review.** South Broadway (US Route 9) is a State highway. The Village should forward a copy of the application to NYS DOT to identify any required permits for the proposed development and to evaluate potential traffic impacts.

Thank you for the opportunity to comment on this matter.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

Per:
By: 

Edward Burroughs, AICP
Commissioner

EEB/LH

cc: Richard Dillman, PE, SEQ&R Unit, NYS Department of Transportation, Region 8

Appendix D

HISTORICAL PERSPECTIVES

HUDSON RIVER

VIEWSHED REPORT

HISTORICAL

PERSPECTIVES INC.



**Historic Resources Addendum
Greystone on Hudson
Village of Tarrytown, Town of Greenburgh
Westchester County, New York**

The proposed Greystone on Hudson Project is located on two parcels of land between Route 9 and Taxter Ridge Park in the Village of Tarrytown and the Town of Greenburgh, Westchester County. The west parcel, which borders Route 9 (South Broadway), is approximately 28 acres and the east parcel contains approximately 56 acres. The project entails the subdivision of the property and the construction of new housing, as well as the preservation of 21.7 wooded acres as dedicated open space. In addition to the proposed residences, the community will include gardens, and internal roads.

In January 2012, Historical Perspectives, Inc. (HPI) completed a Historic Resources study for the Greystone on Hudson Project. The study followed the review standards of the New York State Historic Preservation Office (SHPO) and examined several historic resources and/or standing structures within the vicinity of the project site. The project site was surveyed for potential visual impacts on the view of the Hudson River from neighboring properties and the results are the subject of this report.

The Greystone on Hudson project plans for the West Parcel call for the construction of residential buildings on the wooded hillside adjacent to the east side of Route 9 (Broadway) in Tarrytown (Figures 1 and 2). The highest grade elevation where new housing will be constructed on the West Parcel is between approximately 330 – 340 feet ASL. The height of the proposed residence in this location is projected to be approximately 35 feet, which indicates that the future roof line will be between 365 and 375 feet ASL at the highest point. The site is currently covered by mature trees, which have been incorporated into the design of the residential development. Tree types include, but are not limited to, pine (average mature height is between 40-60 feet), maple (average mature height is approximately 40 feet), and oak (average mature height is between 50-70 feet). During development, there are no plans to clear-cut the woodlands in order to expose the hillside and ridge that rises on the east side of the Hudson River (Figure 2). The low density of proposed new housing, together with the large lot sizes, will preserve much of the natural topography in the future.

During a recent site visit, the existing conditions and viewsheds from three neighboring properties and one housing development were examined and photographs of the winter views toward the Hudson River were taken. These properties include 620 South

Broadway, 630 Gracemere, 612 Gracemere, and the Tarryhill residences to the south (Figures 1 and 2).

620 South Broadway (Original Father Divine Mansion)

A review of historic and topographic maps indicates that the residence on this property can be found at elevations between 420 and 435 feet ASL (Figure 1). The site visit found that most of the viewscapes of the Hudson River from this property are to the west (270 degrees) and to the southwest (235 degrees) (Photographs A and B). A limited viewshed, which does not include the present day Tappan Zee Bridge, is present to the northwest (Photograph C).

The Greystone on Hudson project site is located at an elevation approximately 80 feet below this property. Given that the projected height of the proposed residential units is 35 feet above current grade and the projected maximum building height on the highest lot is around 330 to 340 elevation, it is unlikely that the roof lines will be higher than the surrounding trees or the view of the Hudson River from the main house which is at least 50 feet below. During the development process, the driveway on this property at 620 South Broadway will be demolished and mature evergreens planted in that location to further screen the development (Todd, personal communication March 2012). Photographs taken from the property indicate that there should be no disruption of the existing viewshed to the Hudson River from the proposed

development.

630 Gracemere

At present, the former residence and outbuilding on this property are utilized as the Nigerian Mission. The property is located to the north of the proposed development and the views of the Hudson River from main building are to the northwest. A review of historic and topographic maps indicates that the buildings on this property can be found at elevations between 410 and 420 feet ASL (Figure 1). The site visit found that the views of the Hudson River from 630 Gracemere are limited due to the presence of the mature trees noted on all sides of the buildings (Photograph D). Similar to the property located at 620 South Broadway, the higher elevation parcel at 630 Gracemere has views well above the roof lines for the proposed new residential units within the Greystone on Hudson project site. Since 630 Gracemere sits to the north of the proposed site and is at a considerably higher elevation, the proposed project will have no impact on the current view of the Hudson River.

612 Gracemere

The review of historic and topographic maps indicates that the residence on this property can be found at elevations between 330 and 350 feet ASL (Figure 1). The site visit found that the primary viewscape of the Hudson River from this property is to the northwest (approximately 330 degrees) (Photographs E and F). The 612 Gracemere property is at a slightly higher (ca. 20-30 feet) elevation than the closest of the proposed houses within the Greystone on Hudson project site, which are located to the southwest. At present, there is no viewshed of the Hudson River in that direction (Photograph G) except from the extreme southern edge of the property where a limited view of the ridge on the west side of the Hudson River can be seen (Photograph H). The closest planned construction is to the northwest (right) of this view behind the treeline, which is to be preserved according to the project plans under review by the Planning Board.

Tarryhill

The Tarryhill residential area is located to the south of the proposed Greystone on Hudson development. A tree-lined private lane separates the Tarryhill neighborhood from the Greystone on Hudson parcel. Also located on the sloping hillside, the limited views from Tarryhill are to the southwest. Mature trees ranging from approximately 30-50 feet in height screen much of the proposed development site from Tarryhill (Photographs I and J). The planned construction will have no intrusion on the viewshed of the Hudson of the Tarryhill neighborhood since Tarryhill views are to the south and west and the proposed development is located to the north of Tarryhill. When the existing Coppola driveway along the Greystone/Tarryhill border is demolished mature evergreens will be planted to screen Tarryhill from Greystone. The healthy trees that flank the private drive on the south side of the project site will not be removed during development, continuing to add a vegetative buffer between Tarryhill and the Greystone on Hudson residences (Todd, Personal Communication March 2012).

Conclusions

Due to the elevation differential between the properties at 612 Gracemere, 620 South Broadway, and 630 Gracemere, as well as the presence of the healthy mature trees within the project site that will remain during and after construction, there will be no impacts on the viewsheds of the Hudson River of neighboring properties.

References

- Hudson Engineering and Consulting, P.C.
2011 Greystone on Hudson Proposed 13-Lot Subdivision, Village of Tarrytown, Overall Site Layout Plan (Sheet C-1).
2011 Greystone on Hudson Proposed 13-Lot Subdivision, Village of Tarrytown, Site Layout Plan – Tarrytown (Sheets C-2; C-3).
2011 Greystone on Hudson Proposed 13-Lot Subdivision, Village of Tarrytown, Grading Plan – Tarrytown (Sheets C-6; C-7).

2011 Greystone on Hudson Proposed 13-Lot Subdivision, Village of Tarrytown,
Slope Analysis Map – Tarrytown (Sheets C-17; C-18).

2011 Greystone on Hudson Proposed 13-Lot Subdivision, Village of Tarrytown,
Tree Survey.

Todd, Andy

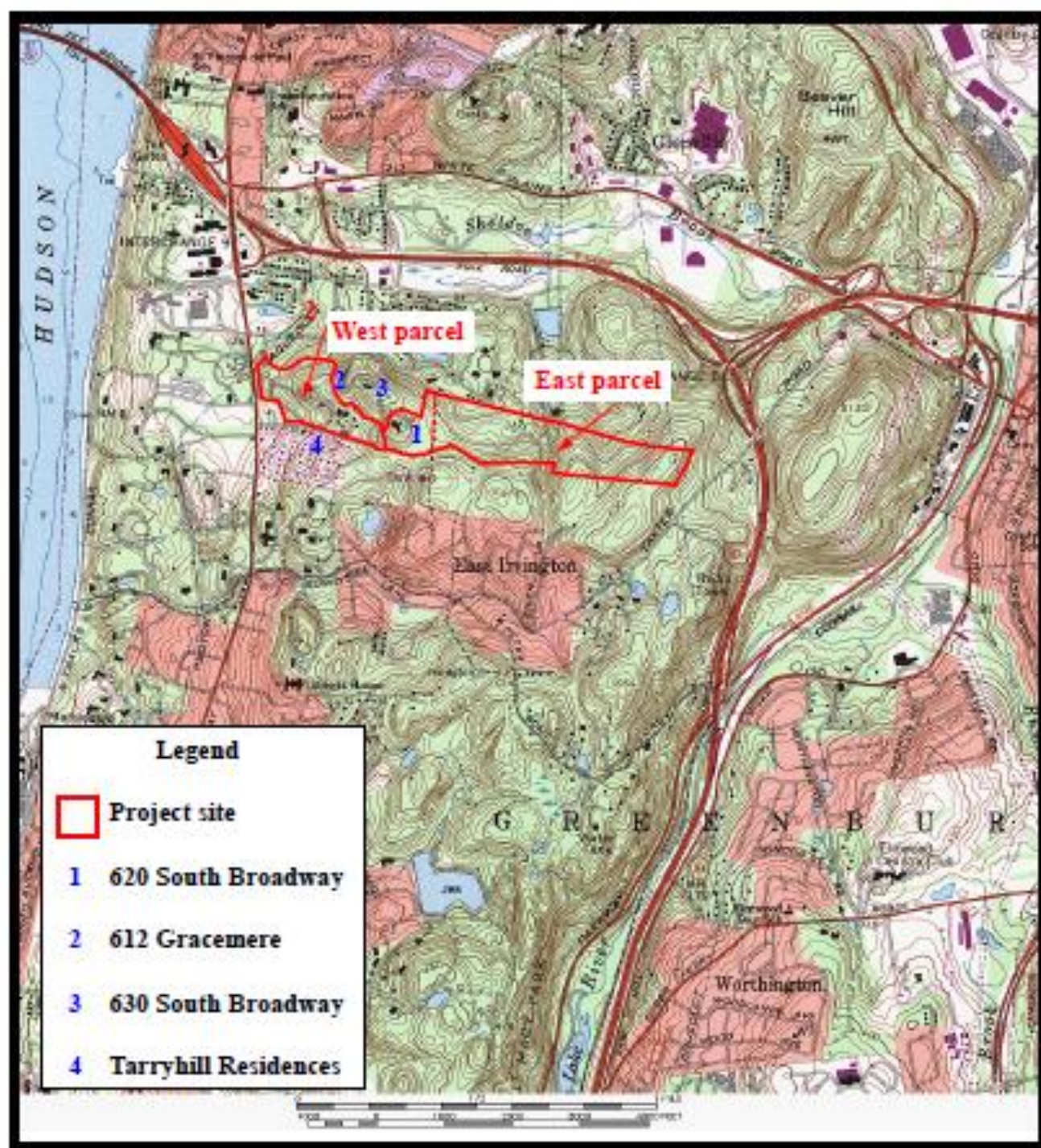
2012 Personal Communication – Site Visit, March.

United States Department of Agriculture

1994 *Soil Survey of Putnam and Westchester Counties*. Fort Worth, Texas.

United States Geological Service

1979 *White Plains, New York 7.5 Minute Quadrangle* Topographic Map.



Greystone on Hudson
 Village of Tarrytown and Town of Greenburgh,
 Westchester County, New York



Figure 1: Project site on *White Plains, New York 7.5 Minute Quadrangle* (U.S.G.S. 1979).

Legend

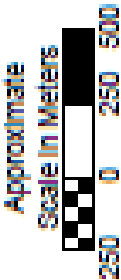
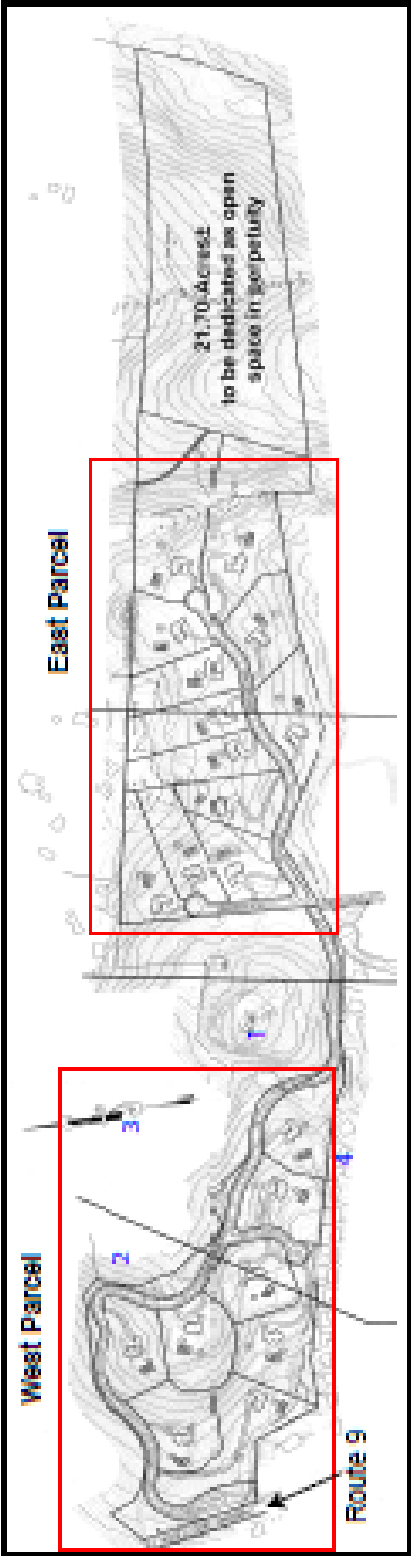
Project site

1
620 South Broadway

2
612 Gracemere

3
630 South Broadway

4
Tarryhill Residences



Greystone on Hudson
Town of Greenburgh, Westchester County, New York

Figure 2: Project Site. Base Map: Greystone on Hudson, 2011



Photograph A. View of the Hudson River facing due west (270 degrees) from 620 South Broadway (approximate elevation 420 ASL). The project site is located directly west below this view.



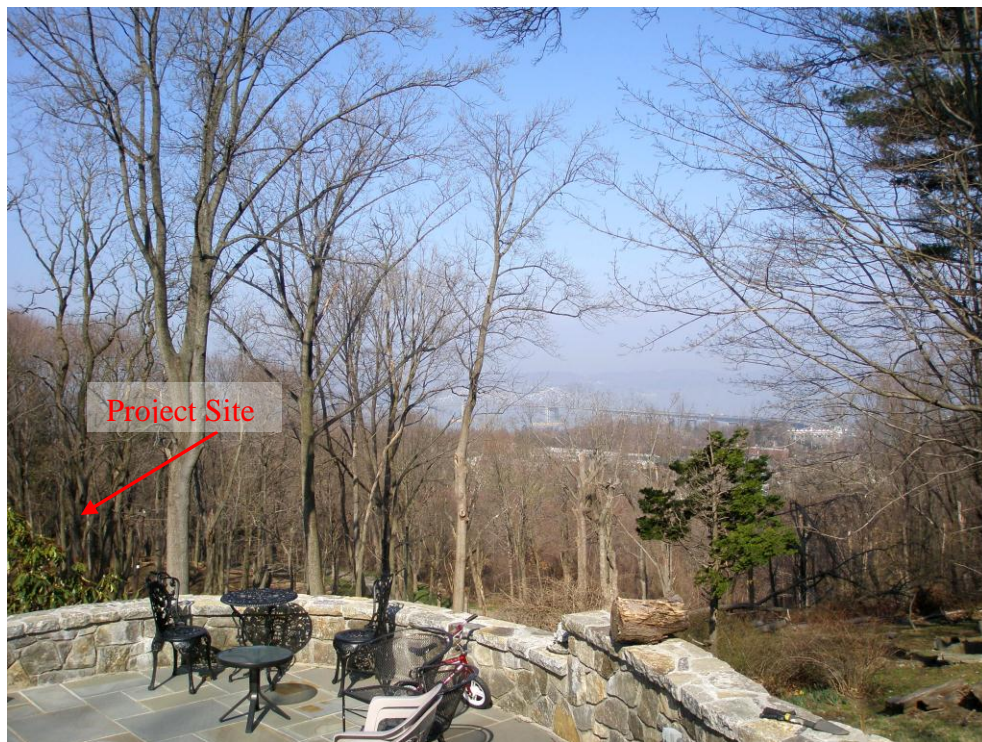
Photograph B. View of the Hudson River facing southwest (235 degrees) from 620 South Broadway (approximate elevation 420 ASL).



Photograph C. View looking northwest toward the Hudson River from 620 South Broadway (approximate elevation 420 ASL). The treeline to the northeast is outside of the project site and will remain in place.



Photograph D. Looking northwest toward the Hudson River and the buildings located at 630 South Broadway. Note that the buildings are surrounded by mature trees on all sides. These trees are also outside of the project site and will not be impacted by the proposed Greystone on Hudson development.



Photographs E and F. Looking northwest toward the view of the Hudson River and the Tappan Zee Bridge from 612 Gracemere. The project site is to the south – outside of the viewshed of the Hudson River.



Photograph G. Looking southwest toward the project site (Lot 4) from 612 Gracemere.



Photograph H. Looking southwest toward the project site from 612 Gracemere. The mature trees on this property will not be impacted by the Greystone on Hudson project development.



Photographs I and J. Looking west along the private drive separating Tarryhill from the Greystone on Hudson project site. The mature trees along the road will not be impacted by the proposed development.

Appendix E

EASEMENT MAP

