

Village of Tarrytown, NY

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Planning Board Special Meeting Minutes 11/10/2014

Planning Board
Village of Tarrytown
Special Meeting
November 10, 2014; 6:30 p.m.

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

Mr. Aukland recused himself; his participation was as a resident only.

This meeting was conducted in a roundtable format. Residents were invited to speak as part of the discussion. The following residents took part in the discussion:

Linda Viertel, 8 Gracemere
John Viertel, 8 Gracemere
Herbert Baer, 1 Gracemere Lake Drive
W. Heller, 3 Gracemere Lake Drive
Benjamin Golub, 5 Gracemere Lake Drive
Robert Kearns, 23 Gracemere
Stephen Maselli, 23 Gracemere

CONTINUATION OF A PUBLIC HEARING-HSA-UWC- Jardim East Subdivision

Chairman Friedlander opened the meeting. Keith Staudohar showed the changes that were made since the last meeting. He said Mr. Maselli is concerned about people driving up onto his property and he would like a fence installed to prevent this. Mr. McGarvey suggested that that HOA give him an easement because that property is half Maselli and half church property. Mr. Staudohar said it would become part of the HOA. Mr. McGarvey said it better to give him an easement than to have the HOA go down there to take care of that little piece of property. Mr. Staudohar said they plan to install the same fence as Greystone's 8' tall fence. He showed on the plan where the fence would run. Ms. Raiselis asked why this one can't be 6' instead of 8'. Mr. Staudohar said for security and Mr. McGarvey said because it meets up with and connects to the Greystone fence. Ms. Raiselis asked about emergency access at that point through the fence. Mr. Kirkpatrick said we can condition the easement that it must be unlocked; right now Mr. Kearns put a chain on the fence. Mr. Kearns said it is to prevent people from driving up his driveway to the back of his property.

Mr. Birgy said he thinks there should just be delineation between private property and the park. Ms. Raiselis said we have seen parkland usurped by homeowners by mowing it, placing storage on it, etc. and little by little parkland often becomes private land because homeowners use it as their own. Mr. Staudohar said they are proposing monuments as part of the conditional approval granted in May 2014. He said the Maselli property has butted up to the open space property for years and there is a sort of natural boundary. Mr. Staudohar said they have proposed some monuments and can add more. Mr. McGarvey said he thinks that's a good idea.

Linda Viertel, 8 Gracemere asked about signage. Mr. Staudohar showed where signs will go. There was a further discussion about the addition of more signs. Ms. Viertel and Ms. Samra were concerned about signage on the Broadway entrance. They would like it to read "Gracemere," "Private Road," "No Outlet;" and they would like it on a brass plate on a pillar so that it won't get stolen. They want the same for the Browning Lane entrance. Mr. Staudohar said he will add the additional signs to the plan.

There was a discussion about how to delineate the trails/walkways into the open space; with wood chips, gravel, just signage or logs. It was decided that the trails leading to the open space will be lined with logs with a 4' separation.

Mr. Staudohar said he will take the marked up plans and make the changes and will return both the marked up plans and the revised plans to Mr. McGarvey by Thursday, November 13, 2014.

Chairman Friedlander asked about the mail box area and asked if it is similar to Emerald Woods. Mr. Staudohar showed the location of the mail box area. Ms. Raiselis said this document will state that it needs to be approved by the Planning Board

Ms. Raiselis asked about a trail that will lead all pedestrians coming off the aqueduct to Taxter Ridge Park. Mr. Kirkpatrick said there are severe topo and tree removal issues there. Mr. Staudohar said that was never discussed. Ms. Raiselis said it was just a suggestion and it could start from Open Space B. Mr. Blau said the developer is responsible for creating the trails into the open space.

Ms. Raiselis asked how the trail are determined. Mr. Staudohar said there are existing trails. Mr. Kirkpatrick said they are mostly old roads and we have maps showing them; they will be marked on the trees. They have to move the trail going onto the Maselli property so that it connects to the strip behind the Maselli property.

Ms. Viertel asked if we could hire a trails expert to make the trails. Mr. Kirkpatrick said they are not willing to pay for that; we marked them and there are not many of them. Ms. Viertel asked if they will be cleared and Mr. Kirkpatrick said yes they will clear them.

Chairman Friedlander said we should have one that goes from Sheldon Avenue to the park for people from outside the neighborhood to access the park. Mr. Staudohar said he will add that new trail.

Ms. Raiselis said the pinch point where the trail ends is a very dangerous area and you have to walk on the narrowest part of the road at that point. Mr. Staudohar said he feels there will not be a lot of traffic there even with the new houses. Ms. Raiselis ask if they can make simple markers along that trail and trim the hedges back to make it obvious that you can walk on that property to get to the Open Space. She said we need traffic calming from the east. Mr. Staudohar said we can put street humps or Belgium blocks.

Frank Fish of BFJ Planning asked where the trail crosses from one side to the other. He said Belgium blocks do calm traffic if it is wide enough with signage and it will serve as a crosswalk. Mr. Staudohar said he prefers a speed hump.

Mr. Staudohar asked if we can make a condition that all signage has to be approved by the Village Engineer; all agreed.

It was decided that there will be no fence along lots 5 and 6 at the time of subdivision approval; they will discuss it at site plan review for those lots. The Viertel and Aukland properties will get an easement because the existing road encroaches onto their property; the road will remain the same.

They discussed truck access to the property during construction. There was concern about the trucks coming in and out via Browning Lane because there are many children there and there is a school on Sheldon Avenue. Chairman Friedlander asked which way is the best way to enter. Ms. Raiselis said small construction vehicles can use Gracemere to relieve Browning Lane of some truck traffic; nothing larger than a 10-wheeler can go down to Broadway. Ms. Viertel said at a meeting at her house, the neighbors agreed that they want them to come in from Browning Lane. Once you allow one truck to come through, they all will come through. Mr. Birgy said he feels Browning Lane is much more dangerous. Mr. Kirkpatrick said a traffic specialist said Browning Lane is the best. Frank Fish said preliminary approval says it should come through Browning Lane. Mr. Kirkpatrick said this can be put off until the construction phase. Chairman Friedlander said he doesn't know how it can be policed and once they come in they will see how dangerous it is to access the site from Broadway. It was agreed that 6-wheelers or less can access from Broadway.

Mr. McGarvey asked if there are any areas that are going to be lighted. Mr. Staudohar said there will be bollard lights in the mailbox area.

Mr. McGarvey said the bump-out with the flowers at the intersection of Browning and Gracemere needs to extend out further into the road to make that illegal turn more difficult to make. Mr. McGarvey said we also spoke about extending the curb. Mr. Staudohar said yes it is on the plan.

Chairman Friedlander asked about the HOA and who is responsible for the maintenance. He asked how many members there will be. Mr. Kirkpatrick said it will consist of the nine new lots; the two existing lots/houses plus the seven new houses. If the existing neighbors want to join, they may; however they are not required to pay into all of the HOA expenses. For example if they want to trade in their responsibility for the road maintenance, they can join

and their dues will be proportionate to that responsibility. Mr. Kirkpatrick said they have a proposed declaration and bylaws to show how the HOA will work. We don't have a certificate of incorporation or an offering plan yet; those will come once construction is actually started. The HSA owns the property right now and has all maintenance responsibility right now. If HSA sells the property, all of those responsibilities go to the new owner. As is the normal practice, the developer is in control of the HOA until 50% of the lots are sold.

Chairman Friedlander asked if that is a requirement or self-imposed. Mr. Kirkpatrick said it's self-imposed.

Chairman Friedlander said what if the developer decides he wants to get out after construction is under way. Mr. Kirkpatrick said that could happen but he is still there developing houses on the lot and they usually want to maintain control while they are still there.

Chairman Friedlander said he is asking about this because the number of members is very small and the expenses are high. What happens if HSA can't sell the HOA, does HSA still maintain control. Mr. Kirkpatrick said no matter who is controlling the HOA, the expense gets divided up the same way. We have a condition that the HOA must be formed before they can start selling lots. The homeowners gain some control by electing members of the board after a certain amount of lots are sold and eventually they have the majority. Mr. Kirkpatrick said there are no guarantees, but in the resolution there is a maintenance bond until the Village says the infrastructure is complete. If there is not enough money in the HOA, the dues will be reassessed. Mr. Kirkpatrick said we are required to put in the offering plan a budget for the HOA so that the homeowner understands what they are undertaking.

Mr. McGarvey said what happens if someone does not want to join the HOA. Mr. Kirkpatrick said every homeowner is responsible for the maintenance of the road in front of their house.

Ms. Viertel asked what if multiple developers come in and it is sold off lot by lot. Mr. Kirkpatrick said if that happens the HSA is the single developer and is in charge of the HOA.

Mr. Kirkpatrick said Gracemere Lake Drive will not be included in the maintenance of the HOA because they don't own that property; they can join the HOA if they wish to.

Mr. Kirkpatrick said he cannot think of any reasons not to join; it is in the best interest of the homeowners.

Ms. Viertel said wouldn't it be more equitable to divide the cost equally among all of the houses, even those that don't have frontage on the road, but they do use it. Mr. Kirkpatrick said it sounds wonderful if you can get everyone to agree to it, but we can't make anyone do anything.

Mr. Aukland asked how the existing homeowners can make a judgment if it is worth joining or not. Mr. Kirkpatrick believes it's a matter of experience. Each house is equally responsible; no matter if you have frontage or not.

Mr. Blau explained that there are no tax considerations for homeowners who live on a private road and have the responsibility to maintain it. He said you chose to live on a private road and that is part of the responsibility.

Ms. Viertel asked if after all construction is done, will the developer repave the road. Mr. Staudohar said there will be an overlay.

Ms. Samra asked about the pond dredging. Mr. Kirkpatrick said there is a paragraph in the draft resolution that talks about a study including the embankment, approval by the Village Engineer, and what needs to be done. Based on that Mr. Kirkpatrick said the budget in the offering plan will look at what has to be done and predict when it will need to be done again and that money will be put aside. Counsel Shumejda said in the resolution there is a requirement for a maintenance bond for seven years. HSA or the developer or owner has to maintain the roads and clearing of debris from the common areas, mowing, etc. The concept behind that is what if the HOA doesn't get formed quickly or doesn't function quickly, you have seven years covered. The issue of the pond is also included; the developer has to do a study of the pond which has to be reviewed by Michael McGarvey; and if it requires dredging, the owner or developer has to do it before the issuance of building permits. So if the pond needs to be dredged the bond will cover it and it will not be an expense of the HOA. There is a third bond for \$1.3 million for all of the site improvements.

Mr. Birgy asked what protection the Village has if Browning Lane deteriorates due to all of the truck traffic. Mr. McGarvey said it can be video taped before it starts and again as the project moves forward to see if it is deteriorating more rapidly. Mr. Birgy asked if they might consider have Browning Lane milled for better traction for the trucks as a safety measure. Mr. McGarvey said it could be done; they will be required to get a construction permit for site development and he could put in some conditions of approval at that time as long as he has permission to analyze the road now and again later.

There was a discussion about the safety of the children at the bus stop and Mr. McGarvey said they could change the hours of operation from a start time of 8:00 p.m. to 9:00 p.m. Mr. Blau said the hours of operation are part of the Village Code and this board cannot change the Village Code. Mr. Shumejda said the Courts of the State of New York said you cannot impose that on the developer. Mr. Birgy said it is really a pretty serious safety issue concerning children. Mr. Birgy said milling was done on Prospect Avenue and the police said it was much safer after it was done.

They went through the preliminary approval and made additions, deletions and changes. It was agreed that Mr. Staudohar would make the changes and have the revised plans back to Mr. McGarvey by Thursday for his and the board's review.

Ms. Raiselis moved, seconded by Chairman Friedlander to continue the hearing at a special meeting on Thursday, November 13, 2014 at 5:00 p.m. All in favor; motion carried.

ADJOURNMENT

Ms. Raiselis moved, seconded by Chairman Friedlander to adjourn the meeting. All in favor; motion carried.
Adjournment, 9:30 p.m

Dale Bellantoni
Secretary

