

Village of Tarrytown, NY

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Planning Board Minutes 9/23/13

Planning Board
Village of Tarrytown
Regular Meeting
September 23, 2013; 7:00 p.m.

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

ABSENT: Member Raiselis; Village Administrator Blau

APPROVED OF THE MINUTES – August 26, 2013

The approval of the August 26, 2013 minutes was held over until the October 28, 2013 meeting.

CONTINUATION OF PUBLIC HEARING—99 No. Broadway Associates – 99 No. Broadway

Frank Tancredi, architect for the applicant, was present with one of the owners of the property, Mark Mendelowitz.

Mr. Tancredi explained that they were before this board and were referred to the Zoning Board of Appeals. They appeared before the Zoning Board in August and were given approval to convert the first floor commercial space into two 2-bedroom apartments and a parking variance for nine spaces where ten is required.

Chairman Friedlander asked if anyone had any questions.

Mr. McGarvey stated that they are proposing to repave the rear parking area. He asked if there is enough movability for the cars to get out and what they are going to do with the snow; will it be moved off site. He also asked the condition of the tree in the rear which is shown on the plan.

Mr. Tancredi said there is enough room for the cars to turn around. Regarding the snow, they plan to hire a contractor to plow and removed it off the site and dump it where appropriate. Mr. McGarvey said not in Tarrytown.

Mr. Tancredi said that's right. Mr. Tancredi said the tree does not exist; they are proposing the planting of that tree.

Mr. Aukland asked if they needed a landscape plan. Mr. McGarvey said they are only planting one tree.

Mr. Tancredi said they are going to clear out the property and clean out the catch basin. Mr. McGarvey said the catch basin has to be blown out and the property has to be kept clean, which has to be part of approval or it will be subject to a summons.

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

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

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

Mr. Birgy said that the first floor of this property will now be residential. He asked Counsel Shumejda if that meant they could go back and forth from commercial to residential. Counsel Shumejda said since it is now residential, they would have to come back to this board for a site plan amendment if they wish to go back to commercial in the future.

Mr. Aukland moved, seconded by Mr. Tedesco, to approve the conversion of the first floor of 99 North Broadway from a doctor's office into two 2-bedroom apartments with the following conditions:

- Commitment to removal of snow to an approved location.
- Approval by the Building Inspector/Village Engineer.
- Payment of any outstanding escrow fees prior to the granting of a Building Permit.
- Signing of the Final Site Plan by the Planning Board Chairman.

All in favor; motion carried.

CONTINUATION OF PUBLIC HEARING–Bartolacci – 67 Miller Avenue

Chairman Friedlander stated that this application is adjourned while they are before the Zoning Board of Appeals.

CONTINUATION OF PUBLIC HEARING–Wildey Group, LLC – 124 Wildey Street

Joanne Landau introduced herself and her husband Fred Schwab, they are one of the three owners of the shopping center as well as other interests in the village. She stated that they submitted two letters to the board; one dated August 7, 2013 and one dated September 12, 2013. She referred to the September 12th letter where they are requesting an amendment to the original application by removing the drive-thru window. She said there are two empty spaces for which they have two potential tenants; one is the Dollar Dream Store and the other is where the dry cleaners used to be. Ms. Landau said they do not have anything final as yet but they are hoping to move forward in that vein.

Ms. Landau said the August 7th letter clarifies some erroneous statements made by Mr. and Mrs. Galloway. She handed out a site plan and pointed out where the two empty spaces are. They are asking for a change of use from dry cleaners to a restaurant for one space and from retail to a restaurant in the Dollar Dream store. They are in a Restricted Retail zone, which allows restaurants.

Mr. Tedesco asked if Kentucky Fried Chicken is still interested. Ms. Landau said yes and potentially Subway is interested in the other vacant space.

Mr. Tedesco said the signage and façade, including colors, should be in fitting with the Village character rather than the usual signage used by KFC. This board is very serious about keeping with the Village character. Ms. Landau said they absolutely understand and are aware of the restrictions. Mr. Schwab said he has been doing the negotiations and the potential tenants are aware of the restrictions and are confident that we and they can live with them.

Ms. Landau presented a 750 signature petition in support of easier more affordable restaurants in the Village. She also stated that a random survey on the Patch showed 64% were in favor of more diversity in food in the Village than exists today and 36% would not.

Mr. Tedesco asked if the additional garbage dumpsters are in place now. Ms. Landau said yes they are. She said she discussed the Shopping Center with Michael Blau and they took a walk through it. She said he feels in its current state it is well maintained and he feels comfortable that it can accommodate more restaurants. She said they rearranged the garbage containers and were able to get them into the existing corral. She said there are two things they can do with the garbage from any new restaurants:

- Have more frequent pick-up.
- Use the existing space that was approved for the Osaka Restaurant.

Mr. Tedesco asked Ms. Landau what will alert her to a garbage situation, overflowing, etc. Ms. Landau said mainly it just takes time to work it out but the garbage people will alert her. She spoke about the turning ability for the garbage trucks and it was determined that it is a very easy garbage site with no turning or maneuvering problems.

Chairman Friedlander ask if anyone from the public would like to address the board.

Fiona Galloway, 51 Cottage Place, said she just wanted to thank them for addressing the garbage issues on the site and for taking the drive-thru out, which is what she objected to.

Mr. Schwab requested that they approve the change of use subject to the approval of the signage by the ARB.

Mr. McGarvey asked if they looked at the parking. Ms. Landau said John Canning conducted a traffic study which included a parking survey. The parking survey was done at the peak hour and it was 40% full. She also mentioned that many people walk to this location.

Mr. McGarvey asked if they are going to the ZBA for parking. Ms. Landau said yes.

Mr. Aukland said he understood that the application was only for one store but now it seems it is for two stores. Was the application amended? Ms. Landau said they have two available locations. Originally KFC wanted the Dollar Dream store because of the drive-thru; but now that the drive-thru is no longer a part of the application, they may want the larger store that was the dry cleaners. She does not know which one they will take. She just thought it would be clearer this way; but if they want it to be one space, they will do one space tonight and come back for the other space.

Chairman Friedlander said he does not understand the reason for the use variance because retail is allowed and a restaurant is retail. Counsel Shumejda said they are not seeking a use variance; it's a change of use. Mr. McGarvey said a restaurant requires more parking and the existing parking lot was designed with a certain amount of parking spaces and each store was given a certain amount of spaces. Now there are restaurants and they require more spaces, which are not available.

Chairman Friedlander said that lot is never full. If it just a matter of parking, we should have the parking study given to us and make a decision.

Mr. Birgy said in the past month or so several residents have spoken to him about the stores in Tarrytown; Walgreens, Dunkin Donuts, McDonalds, etc. They feel we already have enough fast food/chain restaurants and stores.

Ms. Landau said Main Street is wonderful but that is not the only location in Tarrytown. Sixty percent of people in a random survey in favor says a lot. Mr. Schwab said he is talking with other possible tenants beside fast food restaurants.

Mr. McGarvey said they are going to turn it into a food court in a mall.

Mr. Aukland asked if there are other factors they should look at as a board. Mr. McGarvey said only the issue of more cars, creating more traffic going in and out of the lot.

Mr. Aukland asked Counsel Shumejda if they could look at both units even though only one was on the application. Counsel Shumejda said no because the public notice was only for one and the public has not seen the other one.

Mr. Schwab asked if they can have approval for one space pending the ZBA and ARB.

Chairman Friedlander said make sure you get the one you want.

Mr. McGarvey said we can't put a name to this application. Mr. Shumejda said we can call it a fast food, non-drive-thru, KFC type of restaurant.

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

Mr. Aukland moved that the Planning Board declare itself Lead Agency for the proposed project.

Chairman Friedlander, yes

Mr. Tedesco, yes

Mr. Aukland, yes

Ms. Raiselis, yes
Mr. Birgy, nay

Majority in favor; motion carried.

Mr. Aukland moved that there will be no significant adverse environmental impacts as a result of this proposed action.

Chairman Friedlander, yes
Mr. Tedesco, yes
Mr. Aukland, yes
Ms. Raiselis, yes
Mr. Birgy, nay

Majority in favor; motion carried.

Mr. Aukland moved to approve a change of use for the present Dollar Dream Store to a fast food type restaurant, such as KFC, with no drive-thru with the following conditions:

- Approval of the Building Inspector/Village Engineer, particularly in regard to the adequacy of garbage disposal provisions.
- Approval by the Landscape Consultant for fencing or screening for garbage.
- Prior to issuance of a Building Permit, approval by the ARB, specifically for signage and exterior, which should be fitting with the Village character regarding history and architecture and the applicant is willing to abide by that condition.
- Approval by the ZBA, particularly regarding parking.
- Payment of any outstanding escrow fees prior to the granting of a Building Permit.
- Signing of the final site plan by the Planning Board Chair.

Chairman Friedlander, yes
Mr. Tedesco, yes
Mr. Aukland, yes
Ms. Raiselis, yes
Mr. Birgy, nay

Majority in favor; motion carried.

NEW PUBLIC HEARING – DiNino - 27 Storm Street

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, September 23, 2013, at 7:00 pm at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

*Justin P. Dinino
27 Storm Street
Tarrytown, NY 10591*

For a start-up micro farm brewery focusing on local New York produce.

The property is located at 27 Storm Street and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.40, Block 11, Lot 8. The property is in the GB (General Business) zoning district.

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: September 13, 2013

The certified mailing receipts were submitted and the sign was posted

Justin DiNino, owner of 27 Storm Street, introduced himself and explained that he has been brewing beer in his kitchen at 27 Storm Street for a while as a hobby. He would now like to pursue it as a business. He looked at New York State law for farm breweries which is designed to produce beer, cider and low alcohol beverages, preferably using locally produced products. He would like to take his hobby and give it a very basic starting place. This would be a test case; basically a feel for the process to make sure he can handle it. If it takes off, he will move the business elsewhere. He will be producing a very small amount of beer and/or cider. It will have no impact on the neighborhood regarding parking, noise, environment, smell, etc.

Mr. McGarvey asked how strong of odor is produced. Mr. DiNino said a very mild odor. If you are walking on the sidewalk it would smell like bread baking.

Chairman Friedlander asked what kind of equipment he uses and will there be deliveries made to his home with regarding to the brewery. Mr. DiNino said he uses a 160 liter pot which produces 10 gallon batches and a conventional burner. Anything he brings in will be brought in by his car.

Mr. DiNino said if he is granted a New York State Farm Brewers License he will be allowed to brew in small batches for retail or tasting. He said he has one available space in his driveway and he would insure that there is no parking impact on the neighborhood by allowing only one person at a time for either pick-up or tasting.

Mr. McGarvey asked if his house is a single-family house. Mr. DiNino said yes.

Mr. Aukland asked if he will need any variances. Mr. McGarvey said no; it is just a matter if he is allowed to do it in his home.

Chairman Friedlander read an e-mail from Eleanor Misciosci of 36 Storm Street dated September 16, 2013 (attached)

Chairman Friedlander asked if anyone had any questions.

Mr. Birgy said he believes the thing they should be concerned about is if it becomes more than what he describes.

Mr. McGarvey said the board could put limits on the times of distribution, i.e., people could not stop by at 3:00 in the morning for a pick-up. Mr. DiNino said his intention is to allow friends, relative, and other to come to purchase strictly by appointment to be consumed off premises, as per the New York State license.

He said if the neighbors complain, he will shut it down. He does not want to impact the neighbors at all.

Chairman Friedlander asked if a limitation of two year would create a negative impact on him. Mr. DiNino asked if he would have to make a decision in two years. Chairman Friedlander said you can get it renewed in two years.

Mr. Birgy asked if this is allowed in a home. Mr. McGarvey said it's a single-family house in a GB zone, and it is allowed in a GB zone.

Mr. Aukland said you are doing this in your home as if it is an experiment to lead to the potential sale of beer; and if it is successful, you will move to another location. Mr. DiNino said he is going for his New York Farm Brewers license which will allow him to sell for off-premises consumption. His hopes that it will become successful and he will be able to move it to another location.

Counsel Shumejda said in a GB zone he can conduct business. He suggested a timeframe as a review as they have done in the past; and if it works, it could continue. He suggested a two year timeframe.

Mr. McGarvey asked if he has to follow the same laws regarding times of sale of beer. Mr. DiNino was not quite sure but assumes he will have to.

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

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

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

Mr. Aukland moved, seconded by Mr. Tedesco, to approve a micro farm brewery under a New York State Farm Brewers license, under New York State Liquor Authority Designation FD 106, for two years subject to further review and possible extension and the following conditions:

- Approval by the Building Inspector/Village Engineer.
- The operation is to consist of the production and sale of small quantities of beer or cider not to exceed 200 barrels per year with no commercial equipment will be used.
- Any changes in the operation such that there is any external affect to the neighborhood in parking, noise, odors, etc. the board may ask for a review before the two years.
- Payment of any outstanding escrow fees.

All in favor; motion carried.

Mr. DiNino asked the board if his escrow could be less than the normal \$2,500 since the cost is minimal and does not affect the neighborhood. The board agreed to an escrow of \$500.

CONTINUATION OF PRELIMINARY PRESENTATION – 21 Wildey Street, LLC – 21 Wildey Street

John Meyer of National Resources presented the proposal for 24 units as was presented at the staff meeting:

Proposed Units

- Twelve affordable units as per the requirement in accordance with the Hudson Harbor development. The requirement is a minimum of 850 s.f., with a minimum average of 1,000 s.f. There will be four 2-bedroom units and eight 1-bedroom units. The average size is 1,080 s.f., with a minimum of 971 s.f.
- 12 Studios, instead of the micro-units that were original proposed; they will be a minimum of 600 s.f., with an average of 849 s.f. for all 24 units.

Proposed Parking:

- 2 ½ spaces for each two-bedroom unit.
- 1 ½ spaces for each one-bedroom unit.
- 1 ½ spaces for each studio.

Mr. Meyer said that six parking spaces would be designated to be used by area residents. He said they are working on shifting the building to create a view corridor from the conference room of the Library.

Mr. Tedesco said there are 12 affordable units that you must provide as part of the agreement. You are also proposing 12 studios which will be rented at the market rate; 10% must be affordable. He stated that there are a lot of variances. In order for the Planning Board to recommend this application to the Zoning Board, they must justify these variances and show the benefit to the Village as well as the surrounding community.

Counsel Shumejda confirmed that under the current Village Code when there are 10 or more units, 10% must be affordable.

Mr. Meyer said that two of the studios will be affordable and once they finalize the location and number of acceptable units, they will bring the variances to the board. He reminded the board that these two units are not part of the agreement with Hudson Harbor so that are not required to be a minimum of 850 s.f.

Chairman Friedlander said 12 are a given and the size is a given. You should be providing us with plans for the 12 and any more that do not require variances.

Mr. Meyer said at the last staff meeting he brought plans with just the 12 units which are code compliant and another plan with the 12 + units which are code compliant. We submitted a total of 15. He did not have them with him at this meeting. He stated that based on square footage of the lot, they would be allowed 20 units except for the parking. Without any variances, they would have to go up and there is no height requirement for this zone.

Mr. Birgy said that is not an option for the building. Mr. Meyer said he is just showing that they are permitted to go higher.

Mr. Birgy said but you are not going there, are you. Mr. Meyer said we are trying not to; it depends on the variances granted. Mr. Birgy said it will block the view from the library. Mr. Meyer said not if the building is shifted.

Mr. Meyer stated that they are working on the issues that were brought up in the staff meeting but you need 10 days prior to a meeting for submissions and they were not ready for this meeting. We are looking to get it to you in the next couple of days.

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 October 28, 2013 meeting; all in favor. Motion carried.

CONTINUATION OF A PRELIMINARY PRESENTATION- EF-100 Marymount Avenue

Don Walsh, Development Strategies, White Plains, New York said in response to questions asked at the last meeting, the board should have received the current enrollment figures, information on the parking spaces, accreditation of the institution, licensing procedures and the compatible use permit. He said they have had conversations with the police department, specifically Chief Brown and Lt. Herguth, and John Canning regarding the cross walks and the board should have received the minutes in the form of a letter. Chief Brown said he is in accordance with everything that Mr. Canning prepared. The resumes of the fire inspectors are on Michael Blau's desk.

John Canning said they met with Chief Brown and Lt. Herguth regarding the conversion of the library. They had no problems with the plan they presented and deferred to the Fire Department. They had no problem with the esplanade provided they could cross it in case of an emergency. Regarding the crosswalks, the police had some concerns because of the number of people crossing and the amount of traffic. They looked in to several options for safety such as improving the lighting, flashing lights, making one-way streets in that area, but Chief Brown said one way street will get a very unfavorable reaction from the residents.

Mr. Tedesco asked if there is any thought of having a traffic light installed in that area. The intersection of Neperan and Marymount is very unnerving. Mr. Canning said it is better than it was. Now you have to stop when you come into that area. Chairman Friedlander said it might be beneficial to put a camera in the police department to see how

many don't stop; it is an accident area. Mr. Canning said the police department did not state that it is a concern. He said a camera can only watch, no tickets can be given out.

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 October 28, 2013 meeting; all in favor. Motion carried.

PRELIMINARY PRESENTATION - DeCecchis - 181 South Broadway

Richard Blancato, attorney for the applicant, said in 2008 the tenants included a property management company, broker, attorney, mortgage broker. Some have left and two other moved in: a clinical psychologist and a hedge fund. Mr. Madascalco is the clinical psychologist and Mr. MacIntyre is running the hedge fund. Both are here tonight to discuss their parking situation, which is what the Zoning Board is most concerned about.

Mr. Madascalco stated that he works Monday to Thursday for 25-30 hours a week. His hours are from 9:00 a.m. – 6:00 p.m. or 10:00 a.m. – 7:00 p.m. or 11:00 a.m. to 8:00 p.m. He only needs parking for one car for 50 minutes. He sees one person or two, consisting of a couple or a parent and a child, at a time. He has been there since the beginning of April and there have been no problems.

Mr. MacIntyre is the President of Cacoen Resources, a small equity group out of Alabama. The office is strictly for his use only. He sees no clients. He uses the phone and computer; it is a quiet place for him to work. He only has his car. He does not work regular hours and can work from home.

Mr. Tedesco said 14 parking spaces are required and 7 are provided, with 7 land banked. Have they been adequate? Mr. Blancato said yes and with these two tenants it is even better.

Mr. Tedesco said a condition of approval was that no more than 6 people could use the office space. Mr. Blancato said there will be less.

Counsel Shumejda said the public hearing notice said general offices. Mr. Blancato said his client asked him to put that in so that each time a new tenant comes in they do not have to come back for Planning and Zoning approval. Counsel Shumejda said that general office is very broad and in the past more specific use was given so that the neighbors could get a better feel for what to expect from the tenants.

Brenda Fracaroli, 24 Independence Street, came to the podium to speak. Mr. Aukland stated that this is not a public hearing. Ms. Fracaroli said she is concerned that it is zoned residential and her primary issue is safety in the neighborhood and for the children, especially with these types of clients. The more business that comes in to the neighborhood brings in more strangers. The parking is secondary. Entering and existing property is a problem with the traffic on Broadway.

Mr. Aukland said her comments appropriate for the public hearing which will be scheduled next month at the October 28, 2013 meeting.

Ms. Fracaroli said she also has an issue with the tenants that are not allowed.

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; all in favor. Motion carried.

PRELIMINARY PRESENTATION – Toll Brothers – 229 Wilson Park Drive (lot 10)

Jennifer Gray of Keane and Beane introduced herself and presented the site plan and specifics for the proposed single-family house for lot 10:

- 1st lot on right side of Wilson Park Drive off of Tower Hill Road
- 1.2 acres
- Village open space to the rear
- Existing residence to the north in Sleepy Hollow
- 4,620 s.f. of livable area.
- Easement on property for the trail
- 16 trees will be added
- Hilltop in front of property
- House is in the rear of property
- The majority of the trees are in the front yard. All trees in the limit of disturbance will be removed; those outside will remain.

Chairman Friedlander asked the length of the driveway. Ms. Gray said approximately 130 feet.

Mr. McGarvey said to show the steep slopes of 25% or greater. Matt Sheffield said they will provide the steep slopes and put them in color.

Mr. McGarvey said lot 10 is where there is a problem with encroachment. Ms. Gray said yes, the neighboring owners in Sleepy Hollow have a fence on the property. We have been in contact with their lawyer to negotiate to get the fencing off the property. It is a very small encroachment, about 1 ½'.

Mr. Aukland asked if any variances or waivers are required. Ms. Gray said none are required.

Mr. Tedesco said to mark the trees to be removed and label the species and size. Ms. Gray said she expects to have the updated tree survey ready next week. She showed all four sides of the house and the street scape.

Mr. Birgy said one side only has one window. Ms. Gray said they will look at that. She said that is the side where there will be a lot of screening with Norway Spruces.

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; all in favor. Motion carried.

PRELIMINARY PRESENTATION – Toll Brothers – 222 Wilson Park Drive (lot 8)

Jennifer Gray of Keane and Beane introduced herself and presented the site plan and specifics for the proposed single-family house for lot 8:

- Lot is next to the "model home," second house on the left
- .97 acres

- Trail is to the east
- 5,748 s.f. of livable area
- There is an access and drainage easement between lots 7 and 8 which has been submitted to the Village for review
- Proposing to add 24 trees more in the rear of the property to screen the trail and proposing to remove one or two trees on the property line between lots 7 and 8.

Mr. McGarvey made the same comment previously stated regarding the steep slopes being shown on the plan.

Mr. Aukland asked if any variances or waivers are required. Ms. Gray said none are required.

Mr. Tedesco made the same comment regarding the marking and identifying of the trees to be removed on the plan.

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; all in favor. Motion carried.

PRELIMINARY PRESENTATION – Toll Brothers – 217 Wilson Park Drive (lot 13)

Jennifer Gray of Keane and Beane introduced herself and presented the site plan and specifics for the proposed single-family house for lot 13:

- Second to last lot on the right side of Wilson Park Drive.
- .86 acres
- Village open space to the rear.
- Access and drainage easement between lots 13 and 14
- House will be situated toward the front of the property
- 5,598 s.f. of livable area
- Driveway on north side of property
- Proposing to add four trees. Three trees on property outside the limits of disturbance to remain; any in the limits of disturbance will be removed.
- No variances required

Mr. McGarvey made the same comment previously stated regarding the steep slopes being shown on the plan.

Mr. Tedesco made the same comment regarding the marking and identifying of the trees to be removed on the plan.

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; all in favor. Motion carried.

PRELIMINARY PRESENTATION – Toll Brothers – 221 Wilson Park Drive (lot 12)

Jennifer Gray of Keane and Beane introduced herself and presented the site plan and specifics for the proposed single-family house for lot 12:

- Lot is on the west side of Wilson Park Drive, next to lot 13
- .8 acres
- Village open space to the rear
- 5,100 s.f. of livable area
- Proposing to add 10 trees
- Driveway comes through the front yard to the garage on the south side of lot
- No variances required.

Mr. McGarvey made the same comment previous stated regarding the steep slopes being shown on the plan.

Mr. Tedesco made the same comment regarding the marking and identifying of the trees to be removed on the plan.

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; all in favor. Motion carried.

Chairman Friedlander asked Mr. McGarvey for the soccer field status. Mr. McGarvey said they met with Toll Brothers, Rob DiGiorgio, Casey Devlin, James Fitzpatrick and Kevin from Landtex to discuss what we can do. We discussed the use of non-phosphorus fertilizers.

Mark Fry said at the meeting they asked Mr. McGarvey for permission to use pesticides and fertilizers to clear up the crab grass. In a subsequent meeting last Thursday the Lakes Committee had no objection to using whatever is necessary to get the grass growing.

He stated that the encroachment on Lot 10 has stopped the construction of the trail because it is on the trail easement. The trail work is complete all the way along lot 9, in the triangle across from lot 9 but the work cannot be fully completed because of this encroachment on lot 10 and we are waiting for the structural report for the area across the rail trail. They met with the school and it will soon be completed on the school property.

We have repeatedly requested that the encroachment be cleared and that the trees be cleared from the trail. He said the trees cannot be cleared until a building permit is issued and he is asking Mr. McGarvey to allow the clearing of the trees along the 15' strip in order to allow the trail construction to proceed; it has no impact on the construction of the house but it does have an impact on the construction of the trail.

He thanked Toll Brothers for the landscaping between their property and the trail; however, he feels it could be enhanced in the rear on lots 13 and 12.

Chairman Friedlander asked Counsel Shumejda why we can't remove the fence, construct the trail and take the land. Counsel Shumejda said there are two surveys which have come to different conclusions; that has to be resolved first. Mr. Aukland said its Toll Brothers' land and they have to resolve it. Chairman Friedlander asked on lot 10 or the trail easement? Counsel Shumejda said the easement is on lot 10. Chairman Friedlander asked if we will have the same easement when all is said and done. Counsel Shumejda said yes. Mr. McGarvey asked if it's possible to get a temporary easement around it until it's resolved. Ms. Gray said only with any land clearing; and if it were disturbed, it would have to be restored. She said this is a private matter which they are working on and we

want to get it done as soon as possible.

Mr. McGarvey said he will call Rob DiGiorgio to find out where we are at with the soccer field,

Mr. Birgy asked if we know why the grass doesn't grow there; do we know why, is it because we don't have the right materials or base. It concerns him. Mr. McGarvey said we had the same problem down at the park but after extensive work it is now looking great.

Mr. Birgy stated that this is a Village property and in no way the school district.

Francesca Spinner, 206 Wilson Park Drive stated that lot 10, 12, 13 which are on the river side of Wilson Park Drive have amazing trees and she asked that Ms. Munz take a look at them. She feels that canopy trees are not being replaced as they should.

Secondly she commented that the house on lot 11 is suffering from the "big wall with no windows." She asked that they at least put some screening.

ADJOURNMENT

Mr. Aukland moved, Chairman Friedlander seconded, all in favor to adjourn; motion carried. Meeting adjourned at 9:30 P.M.

Dale Bellantoni
Secretary