

**Village of Sleepy Hollow
Planning Board Meeting
October 18, 2012 – APPROVED**

The meeting was called to order at 8:15pm by Glenn Rosenbloom, Chairman.
The Chair noted that a quorum was present.

Present: Ed McCarthy
Glenn Rosenbloom, Chairman
Hugh Jones
Isabel Mendez
Penny Herbert

Absent: Nicholas Cicchetti

Also Present: Janet Gandolfo (Village Attorney)
Sean McCarthy (Village Building Inspector)
Shailesh Naik (Charles Manganaro/Village Engineer)
Owen Wells (VHB Engineering/Village Planners)
Mary Gerlanc (Recording Secretary)

Announcements - There were no announcements.

Proposed Agenda:

1) General Motors, LLC	199 Beekman Avenue	Public Hearing
2) A & L Properties	332-340 No. Broadway	Proposed addition & alteration
3) C.A.R.S. Inc.	333 No. Broadway	Proposed paint booth
4) Landrock LLC	Sleepy Hollow Road	Request for 1 year extension
5) Salvation Army	90 Valley Street	Proposed Community Center & Chapel

1) General Motors, LLC 199 Beekman Avenue Public Hearing

The Chair stated this issue was regarding sediment remediation followed by a public hearing.

Jim Hart with General Motors presented this application along with Ray Kapp, consulting engineer from Arcadis, Jason Pelton, NYS Dept. of Environmental Conservation, Jim Pazdursky, project manager, and Allen Elia, principal, from Severson Environmental.

Jason Pelton gave an overview of the project. He is the project manager for the NYSDEC.

He stated the GM site is in their Brownfield cleanup program. GM has completed a remedial investigation of the sediments and the water quality in the Hudson River. They also completed an investigation of the landward part of the site. The next step is to take all the data collected and decide the best way to clean up the site. They presented their preferred method of cleanup to the Village of Sleepy Hollow in March 2012. That presentation was followed by a 45-day comment period. At the end of that period, they identified their final remedy. A final decision document was issued in June 2012. It was placed in document repositories in Village Hall, in the local library and also posted on their website.

The remedial plan provides details of the remedy, which is to dredge 4400 cu. Yds. of sediment from the Hudson River just outside of the southwest corner of the property, where there was a storm sewer outfall. The NYSDEC and the health department have reviewed the work plan and issued comments to General Motors. They expect to provide approval of that work plan within the next week or so.

Part of outreach to community is to provide distribution of worksheets. One was issued earlier in the week via electronic distribution. People can sign up to receive these newsletters on the NYSDEC website.

In addition, General Motors issued a fact sheet to the full mailing list, which is approximately several hundred people including residents and elected officials.

The Chair asked if he meant the residents that live in close proximity to the site. Mr. Pelton said yes including those who have attended public meetings in the past and have given their addresses.

Additional copies of the fact sheets were made available to those at the meeting.

Ray Kapp stated the fact sheet gives a summary of the work that will be done and where the work will be done. The site location is in the lower corner at the junction of the GM property and Ichabod's Landing. The dredged area is 150 feet along the shoreline and then out to the navigation channel for the Tarrytown harbor.

He stated that part is on Ichabod's Landing waterfront and the Village walkway; and part on General Motors property. There are additional details on the drawings but essentially it will be 10 feet into the sediment. The sediment will be brought onto the General Motors property, dewatered, drained and processed with Portland cement to then be tested. If it meets leachability criteria, that it doesn't leach any contaminants, it will be used as intermediate fill for the development. It will be placed in a crawl space in the slab and used as intermediate fill to meet some of the fill requirements later on.

The sediment coming out of the river is being dredged because of the level of metals, which might be levels unsuitable for fish, but are comparable to the historic fill materials already on the site. If the sediment fails those tests, those portions will be taken off site and disposed of in the correct type of landfill.

He stated that they are looking at a total of about 3 months project performance period.

Also, there is another component that will go on simultaneously. Since this was a storm sewer that received industrial waste in the early 60's through 1971, that system and the other storm sewer system on the west parcel will be cleaned out for any sediment and inspected. That material will be processed in the same manner as the other. It will be cleaned out so there will be no concern as to re-contaminating the site with anything left in the sewer system.

There will be clean backfill placed in the dredged excavation. Once everything is processed and put away, all the temporary structures will be removed. The last page of the fact sheet gives an idea of what those temporary structures will look like and where they area located.

Steel sheeting will be installed along the shoreline where Ichabod's Landing meets General Motors. It goes in front of the steel sheeting supporting Ichabod's landing walkway and in front of the stone shoreline for GM. A silt curtain gets installed outside of the dredge area and their engineers will monitor to make sure no silt comes from the dredging operation. They will test this throughout the entire operation.

All materials coming out of the area are contained on the General Motors property and air quality is monitored during the daily operations. Everything that is removed and sitting on the ground is covered overnight.

The facilities on the ground include a staging pad, to put the sediments on, some storage tanks to collect water that comes from draining or on the site. We would test it and if it meets the criteria, we would discharge it to the sanitary sewer. All this material is contained and air monitored.

Another area would be set aside further in to the property to blend with Portland cement and stabilize it. It is tested and goes further in to the site for disposition. He stated that everything would come out when this is finished and the site gets restored, hopefully by the first of the year.

The Chair stated General Motors had done a great job in putting provisions in place to monitor air quality and contain the sediment. He asked if there were any provisions to lessen the impact on residents who live nearby.

Mr. Kapp stated they have built in criteria to lessen the impact of the construction project as much as possible. He asked Jim Pazdursky, project manager for the contractor, to address the issues relating to work hours, dredging, noise etc.

Mr. Pazdursky stated that there would be a certain amount of noise during the 5-7 days of the sheeting operation. The work schedule is 7:30am to 5:00 pm but may change with the available daylight.

Once the installation is completed, then it becomes an excavation operation. Another barge-mounted crane will come in with an environmental bucket. It will dredge those sediments and

place them into a hopper barge. From the hopper barge there will be a secondary land-based crane, that is excavating the sediments and transferring them into an interim staging facility where they will decant the water off the sediment, dry them out and transport them to a secondary pad where they will add the Portland cement to stabilize the material for stockpiling and testing. Once that portion is completed they will perform a survey of the area to ensure they have met the standards and achieved the volumes they have been required to remove and then commence with the backfill.

The backfill is the same as the excavation but in reverse. They are hoping to bring in fill via barge so they can utilize the water-based crane and execute out of the barge and place the material into the excavated area. As a contingency, they may have to look in to trucking but that is not the preferred option.

Once the backfill is completed, they perform an additional survey to ensure that all project objectives have been met and that proper cover is in place. When GM gives the go-ahead from the engineers, they will commence with demobilization and dismantlement of all these systems.

Their timetable is 2 months of heavy construction and a month of moving the facilities from site and demobilizing; cleaning up and putting it back the way it was.

They have a 2000-gallon capacity water truck on site full time if dust becomes an issue to keep it from migrating to other neighboring properties.

If there are any odors during the dredging operation, they have a Russmar Foam minimizer unit that sprays odor-suppressant foam over the material being staged and stockpiled to minimize and add a deodorizer to the material. Sometimes sediment has a certain organic smell. It doesn't mean the sediment is contaminated; it's just the nature of sediment taken out of riverbeds.

The Chair asked about the period where there will be significant noise.

Jim stated it would be approximately 5 -7 days.

The Chair asked when that would be.

Jim Pazdursky stated probably within the next 2 weeks.

The Chair asked the applicant to provide the residents with notice as to when the significant noise would begin.

The applicant stated they would inform Sean McCarthy and send letters to all the residents of Ichabod's Landing. They would also like to post something on the village website and contact the Ichabod's Landing homeowner's association.

Hugh Jones stated he used to be commodore of the Philpse Manor Beach Club and from 1987-1995 he worked on getting a dredging permit from the NYSDEC to dredge 7000 cu. yds. They had to dredge because over time sediment had come into the marina from the ebb and flow of

the Hudson River. They had to have upland disposal site approved by the DEC before they could start. He asked how General Motors got approval to recycle material on site.

General Motors stated they petitioned the NYSDEC, providing data on the quality of the sediments, and how this would be compatible for the final remedy for the site. The final remedy for this site is to provide a cover system for the development. There is historic fill on the site that doesn't meet the state's guidelines for residential occupancy. It's currently capped under asphalt but there is a need for additional fill. This sediment is the same consistency as the historical fill on the property. Its not a matter of placing it on the surface and planting grass. It has to have a 2-foot cap of soil on the landscaped areas or it has to have buildings or roadways.

There is also a site management plan for the brownfield cleanup program to perpetually manage that cap so that it's not destroyed or eroded so that there is access to the material underneath the cap. In addition, the material cannot end up in the utility corridors - in the streets.

Hugh Jones stated he understood the site was a Brownfield. He asked if this process would do nothing to change the property's status as a Brownfield.

The applicant agreed it would not.

Mr. Jones asked if GM would be able to sell the property.

Mr. Kapp said they can sell, but an environmental easement goes with the sale. This forces engineering controls on the developer. They must build the site with the cover system in place, along with a number of other controls which area stipulated in the document. It becomes their responsibility and follows the deed from owner to owner. That is how the Brownfield works.

Hugh Jones asked what the cost is to remediate the site and what are the credits from the state to remediate the site.

General Motors doesn't know the amount of the credits. They intend to sell to a developer and it 's up to the developer to determine what those credits might be. It is too complex to give any certainty as to whether those tax credits are tangible. It depends on a number of circumstances the developer has to consider when he executes the project. GM is not seeking any tax credits for the site. They can't value that as part of the project.

Mr. Jones stated he heard that the cost of remediation was around 20-30 million and the cost of credits from the State was 100 million. He was surprised GM doesn't have a handle on the costs and the credits.

Discussion ensued regarding reasons why GM can't put a number on the credits. They stated there were too many variables and it was too difficult to put a number to them.

The Chair stated that GM knew the cost of remediation for this project. He asked if there were tax credits associated with remediating this particular parcel.

GM stated they were not pursuing any tax credits.

The Chair asked for a motion for the public hearing. Hugh Jones made the motion, which was seconded by Isabel Mendez. All were in favor.

Keith Labis from 83 River Street is the president of the board at Ichabod's Landing. He stated they are happy to see GM progressing and Castle Oil coming down, they are concerned with noise. The current plan for cleanup starts at 7:00am. Right now the Castle Oil project, which is supposed to start at 7:00am, starts at 6:20am. He stated there are regulations in the Village that say they can't start until 8:30am. They want to ensure that the GM doesn't have their people on site at 5:30am when they are not supposed to start until 7:00am.

He said when the state was doing their drilling for the new bridge, their boats pulled up against Ichabod's landing at 5:30am. This has made the quality of life in the morning very difficult for the residents.

He wanted to know if GM has permission to start at 7:30am. He also asked about Saturday hours.

The Chair asked for feedback from Village Department heads.

Sean McCarthy stated that GM does not have permission to start at 7:00am. The noise ordinance for the Village state they have to start at 8:00am during the week and 9:00am on Saturday.

Mr. Labis said that GM had already put in the temporary site, which is very close to Ichabod's. He asked if there were measures in place to prevent the sediment from washing onto the village walkway or into Ichabod's. He also wanted to know how resident's would be informed if there was an air quality issue.

Ray Kapp addressed the issue of the sediment leaching onto private property or village property. He stated the containment structures were in place to prevent any storm water runoff. Also the environmental bucket can handle materials without splashing. Water is always managed in the process of draining the sediment in the containment structures.

The Chair stated that GM must communicate all issues with the community as well as the Village.

Mr. Kapp agreed that GM is willing to work to provide the best way of notification. Discussion ensued as to what plan would satisfy the need of communicating to the community.

The Village Attorney asked GM to provide a daily schedule as to what people can expect. It can be communicated with the Building Department and Media relations to get it to the public.

GM said they would provide a weekly schedule of events on the project, which was agreed to by the village.

Mr. Kapp stated that GM has a system to monitor air quality around the workspace with an emphasis on always monitoring workstations at Ichabod's landing. Currently there is one monitor already set up. Once dredging starts there will be as many as three. It will give them an alert when they need to take actions to reduce dust levels. And they also monitor for volatile organic compounds. They do not clean the organic compounds but make sure the odors are not attributed to those compounds.

The monitoring system runs continuously from the beginning of the work shift until the end of the work activity. It collects data and they can see if what needs to be done. The alert tells GM there is dust migrating to the monitors. They will run all the time unless it rains. They know which way the wind is blowing. They have used it on site before with soils that were dustier than this wet sediment. The current cleanup is with the same contractor that previously worked in 2007 on a cleanup that lasted 6 months.

Hugh Jones stated he used hay bale containment basin with tarps to dredge the marina. They had no problem with dust because the sediment was so wet. He was surprised they are so concerned with dust.

Ray Kapp stated it was standard containment practice in a Brownfield area. He agreed that it is a wet job and there is a low risk of dust.

Keith Labis wanted GM to know that Ichabod's is thrilled they are cleaning up the property. He asked GM or the DEC to contact him if there are precautions that should be given to nearby residents. They are concerned about possible heavy metal dust getting in their air handlers. They need to know if there is anything they should do to combat this condition. They don't want problems 20 years from any contamination.

General Motors agreed to reach out to residents.

Paul Viboch, resident of Ichabod's Landing, asked about the process of wetting down and covering the dredged material with tarp.

Discussion ensued about the process of covering the material and wetting down the site to minimize the dust on the site.

Ray Kapp stated they would be covering the material that has not been stabilized at night and then let it dry the next day.

Mr. Viboch stated the area is very windy and he asked if the material would be placed in the tanks they have constructed.

General Motors stated they will be processing the material as quickly as possible but anything left overnight will be covered with heavy blue tarps and the edges will be sandbagged to keep the material covered.

The Chair asked if there were any other questions from the public. There were none.

He asked for a motion to close the public hearing.

Isabel Mendez moved to close. Hugh Jones seconded the motion.

The motion was passed 6 - 0.

2) A&L Properties 332-340 No. Broadway Addition and Alteration

Antonio Rodriguez is the owner of this property. This application was represented by his architect, William Simeoforides.

Mr. Simeoforides stated the property is currently an animal hospital with a cabinetry shop behind it. They are proposing self-storage units above on the full second story of the building. The annex building behind on Katrina Ave. will be the lobby entrance for the self-storage units.

The existing building is a tall, one story brick building. It has 11 ft. ceilings with 6 ft. attic space that contains mechanical storage. They would like to put up a 10 ft. high addition that wraps around the entire building. They are keeping the brick and using "hardy board panel" stucco for the addition. There will be 4 ft. glass all around. The 2nd floor storage units will be constructed by another company. Mr. Simeoforides is not sure what material the cages will be constructed from.

He stated the lobby area is tall because of the height of the original building. That allows for construction of a mezzanine level for a 10 x 10 office space and a small reception area. There will be storage for carts underneath the stairs.

The parking lot is across the street from the building. They can park there or pull into an area where there is an overhead door, near Mr. Rodriguez' shop. Mr. Simeoforides stated that there is no parking needed for self-storage units other than for the person who manages the storage unit.

The Chair asked how many storage units they expect to have in the addition.

Mr. Simeoforides stated there would be approximately 30 units depending on the size of each unit and the configuration.

The Chair asked Sean McCarthy how this impacts the parking in the area.

Mr. McCarthy said that parking demand is minimal because it is a storage unit.

The Chair stated that with 20-30 different storage units there could be a fair amount of traffic. Sean McCarthy stated the board might want to consider limits on the number of storage units.

The Chair asked if the applicant was planning on using existing parking.

Mr. Simeoforides agreed they would use existing parking spaces. He stated that 15 spaces are required for the size of the project but 12 spaces currently exist.

Discussion ensued over the current parking situation in the lot and which businesses would share this lot.

Hugh Jones asked how the storage material gets to the 2nd floor from the parking lot?

Mr. Simeoforides stated there would be an elevator and a wide staircase.

Mr. Jones asked if the applicant is planning on limiting the size of what people can store.

Mr. Simeoforides explained that users will be limited because there is no pull up loading dock, There is a loading area however, it doesn't meet the criteria of 14 feet. It is only 11 feet high.

Mr. Jones asked if the entire site was in conformance with local zoning and planning.

The architect stated the building takes up 97% of the site so they will need zoning variances as well.

Discussion ensued about parking needs for the property. Mr. Simeoforides stated that they would need a parking variance for 3 spaces.

The Chair asked if the plan included renovating the façade.

Mr. Simeoforides stated the brick portion would not be renovated.

The Chair asked to see a better rendition of what is proposed for the outside of the structure.

Penelope Herbert asked what board is in charge of building appearance.

Janet Gandolfo stated the Architectural Review Board makes recommendations. She asked about the dumpster that is on the sidewalk. It was not shown on the documents. She asked the applicant where they would dispose their garbage.

Discussion ensued about where the dumpster should be placed.

The applicant said he would put it in a corner in the parking lot and fence around it.

The Chair asked if any work was being done on the parking lot.

Sean McCarthy suggested proper lighting and providing handicapped parking spaces.

Janet Gandolfo stated the applicant didn't have a loading zone in their schedule of requested variances.

The architect said there is a loading area but the entrance height does not meet the code requirement of 14 feet. It is only 11 feet high.

Janet Gandolfo stated they would need a variance for that.

Mr. Simeoforides stated the applicant needs four variances.

- Parking for 3 spaces

- Minimum front and rear yard.
- Coverage – Maximum allowed is 60%, the property currently has 97%.
- Loading zone

Penelope Herbert asked if it backs up to residential area.

The Chair stated the board needs to see a more accurate rendering of the building, signage, dumpster locations and the parking lot.

Discussion ensued regarding the current plans and the expectations of the board for more detailed specifications. The applicant was asked about the different materials that would be used for the building.

Janet Gandolfo asked if the people using the storage facility would be parking in the lot and bringing their items across the street to the storage units.

The applicant stated it would depend on what items they are storing. They can pull up to the loading door and unload instead of parking across the street and unloading.

Janet Gandolfo stated the loading door is on the sidewalk. The concern is that this business borders a residential area and if users are parking on the sidewalk to load and unload their cars, it is not fair to the residents in the neighborhood. It gives it a more industrial look to the area. She stated sidewalks are not for business use.

The architect would like Mr. Rodriguez to close part of the shop to create an indoor loading area off the sidewalk.

The Chair asked if there were additional questions. There were none.

Owen Wells suggested circulating a notice of intention declaring the Village as lead agency. This is a procedural step in case there are any environmental issues.

3) C.A.R.S., INC. 333 No. Broadway Preliminary presentation

John Lentini, architect, presented the application on behalf of the owner.

He stated that the owner wants to add another service to his business. He wants to add painting and maybe patching of cars. Mr. Lentini stated that painting autos today is a two-part system. He discussed how painting automobiles is much more efficient today. The painting process is comprised of a color and a clear coat and using only one or two coats of paint for each process.

Mr. Lentini stated that Westchester County Dept. of Health is concerned about the effects of paint on the public. To protect the public there are a series of filters that they use to capture the VOC's. (Volatile Organic Compounds) The filters do not catch everything. In addition they install up blast ventilators.

He stated the prevailing winds do not blow exactly towards the residents. They blow mostly down Broadway. The front of C.A.R.S. faces north and the prevailing winds come from the Hudson River. He recommended suspending painting during a nor'easter since the winds blow from the North.

He explained with new paint, they don't need to paint as long and it will not be an everyday occurrence. Westchester County DOH recommended a booth but they are trying to put just a curtain around the spraying area because they are not painting entire cars.

There are pressure gauges on the filters, which sound an alarm when the filters need to be changed. This detail does not appear on the drawings. The applicant is also required by Westchester County to record all paints that he buys and how he disposes of them.

All paint has different VOC's and the applicant is permitted to put a certain amount in the air.

Dan Torena, owner of C.A.R.S., Inc., stated he is trying to capture a niche in the auto repair market. He wants to repair bumpers and rims. He is not interested in full-scale auto body repair. In the process of repair, some areas need to be painted.

John Lentini stated that their engineer filled an application with Westchester County on June 22, 2012 that was subsequently returned with 10 or 12 objections.

One objection stated the applicant needs Village approval. Most of the other objections disappeared because they are not putting in a paint booth as the engineer stated, but a spray curtain. The applicant also has to provide details as to how he is mixing the paint and how he is cleaning up his material. The engineer failed to provide this information as well as stating proper color versus VOC content.

They have to submit awareness concurrence from the local authorities in the form of a copy of the Building Permit including the proposed spraying process or a letter of no objection. The applicant may be required to obtain permission from New York State. They have not filed with the state yet. If the applicant were using a HAP (Hazardous Air Pollutant) paint, they would need a special permit.

Westchester County DOH also objected to the drawings saying they were not clear. The applicant said that was because the plans showed a spray booth instead of a spray curtain. The applicants has cleared up several of these issues do to miscommunication on the part of the engineer's drawings.

Penelope Herbert asked where the VOC's go.

The applicant stated they are captured through the filtering system and exhausted through the roof into the air.

Mr. Lentini stated that VOC's have weight and generally dissipate into the atmosphere. They could not possibly put a source of pollution in the prevailing wind direction of the residents. It is up to the County to make sure the applicant is not putting hazardous compounds in the air.

Mr. Lentini believes the prevailing wind, and where the front of the shop is located, comes down South Broadway. That's what prevailing wind is - it heads downtown.

Penelope Herbert asked what the filter does.

Mr. Lentini stated that the filter handles a lot of the contaminants, but it doesn't handle VOC's completely. VOC's are everywhere but they just want to reduce them. They are not good for people to ingest. The filter deals with the bigger particles, the solids, the metals, the contaminants and whatever dust is raised by his operation.

Mr. Lentini stated they have legislated that a full-fledged auto body shop can put 1,000 lbs. of VOC's in the air per year. C.A.R.S., Inc. is not looking to emit that amount of VOC's. There is a certain amount the applicant will be putting in the air and it will be dissipating in the air. They can't guarantee that no one will smell it but they hope that the applicant is in tune with the neighborhood and he doesn't want to alienate anyone.

The Chair asked what they want from this Board.

Mr. Lentini stated they are asking for a letter of no objection. He was not sure if there is a difference in Village Code regarding an auto body shop or an auto mechanic. He stated that the applicant is an auto mechanic who is asking permission to paint.

The Chair asked Sean McCarthy if this establishment would be approved based on the zoning laws of the Village of Sleepy Hollow.

Sean McCarthy stated that current zoning law permits auto repair. However, the Village's interpretation is that this is more of a manufacturing/industrial use, which is not permitted in this zone. It may require an interpretation from the Zoning Board, whether painting of cars is actually permitted in this zone.

The Chair stated that the other governing bodies have not weighed in yet. He asked if they are waiting on Village approval of this application.

Mr. Lentini agreed.

The Chair stated that whatever the applicant is doing is safe for the environment for the residents who live within the area. He also stated the applicant must meet all applicable codes, not just from the Village, but also from New York State and Westchester County.

Janet Gandolfo asked if the applicant needed a special license to paint.

John Lentini stated they need a permit for an emission source.

Janet Gandolfo asked if permission was granted by the Village, then what is the County's position on the applicant's license.

Mr. Lentini stated that approval from the Village is the only item standing in the way of going forth with the County license.

Ms. Gandolfo asked about the County standards for issuing the license.

Mr. Lentini stated the applicant has to put in place monitoring system with gauges for the filters that probably will be tested for the County.

Ms. Gandolfo asked if the County was aware the auto body shop borders on a residential neighborhood.

Mr. Lentini said the woman at the County knows the neighborhood extremely well. There was discussion about other body shops in the area.

Hugh Jones was concerned that this painting would be too close to the residential neighborhood.

He stated the wind in the summer is out of the South and the wind in the winter is out of the Northwest. He stated there would be times when the residents will be able to smell the paint odors and then they will complain. He said it is not in an industrial area that is buffered from the residential neighborhood. He felt it was an inappropriate use.

Mr. Lentini stated it was his concern also but he was relying on the technology to minimize the effect of the smell.

Mr. Lentini cannot guarantee the resident's won't smell anything. He does know the winds fluctuate and in the summer come out of the south so Mr. Jones is correct that it would go towards the neighbors.

Mr. Jones is concerned that even if there is only an occasional smell, that residents have lived there for years without this smell.

John Lentini requested a public hearing stating they would make a special effort to expand the notification area.

The Chair asked if the village code allows for this type of business to operate in the Village. Is it manufacturing or auto repair?

Discussion ensued about the type of business allowed in that area.

Janet Gandolfo stated Village Code doesn't define auto body shop. The code defines repair shop with regard to engine repair or mechanical repair. That use is permitted in that district. The Village doesn't have a use permitted for an auto body shop in the general highway commercial. Traditionally GM had a paint shop and that was in a manufacturing zone because of the emissions and odor given off by the paint. She stated the applicant would need a use variance or at least a ruling from the Zoning Board.

