

**Village of Sleepy Hollow
Planning Board Meeting - APPROVED
June 20, 2013**

The meeting was called to order at 8:04pm by Eliot Martone, Chairman.
The Chair noted that a quorum was present.

Present: Eliot Martone, Chairman
Ed McCarthy
Hugh Jones
Penny Herbert
Nicholas Cicchetti
Isabel Mendez
Anthony DelVecchio

Absent: Penny Herbert

Also Present: Sean McCarthy (Village Building Inspector)
Janet Gandolfo (Village Attorney)
James Natarelli (Dolph Rotfeld Engineering/Consulting Engineer)
Owen Wells (VHB Engineering/Village Planners)
Mary Gerlanc (Recording Secretary)

Announcements - The Chair announced that the applicant for C.A.R.S. Inc. (Item #4) on tonight's agenda has asked for an adjournment.

The Chair also announced that there are only four members for tonight's meeting so any votes must be unanimous.

Proposed Agenda:

1) Maken Land Development	545 No. Broadway	Public Hearing
2) William Simeoforides	404 No. Broadway	Continuation
3) Beekman Realty	185 Cortlandt Street	Discussion
		Pending ZBA Approval
4) C.A.R.S. Inc.	333 No. Broadway	Discussion
5) Michael & Angelica Cammarota	545 Riverside Drive	Preliminary Presentation
6) Phelps Memorial Hospital	701 No. Broadway	Preliminary Presentation
7) Scarabee Holdings, LLC	Bedford Road	Preliminary Presentation
8) Rock of Salvation Church	135 Cortlandt St.	Preliminary Presentation
9) Approval of Minutes		April 18, 2013, May 16, 2013

The Chair read the public hearing notice into the record.

David Maken, contractor, represented the application. Mr. Maken stated that at last month's meeting, the Board had asked them to explore another access for the driveway instead of off North Broadway (Route 9). Mr. Maken had approached the next-door neighbor but they declined to give them access through their property. He stated that this project has previously been approved for a driveway on Route 9.

The Chair stated egress onto Route 9 was just one issue for this application. The Board had not received answers regarding utilities and water. Mr. Maken stated the neighbors had also denied them an easement for sewer and water from their property. Mr. Maken stated his only option was to tie into water and sewer from the next street by going through Route 9. The Chair asked if the applicant had provided a proposal for this tie in to the Village Engineers. He stated the Board had not received any tests for water on the property.

James Natarelli stated the closest water/sewer lines were on Farrington and Bellwood Avenues. Mr. Maken stated he is proposing to go onto Route 9 to tie into the nearest street. Sean McCarthy asked how Mr. Maken would determine the inverts and depths of the sewers. Mr. Maken stated he would have his engineer provide that information once the application is approved. The Chair stated the Board would not approve any application until all engineering and plans are presented and approved by the Village Planners and Engineers and a public hearing is held

The Chair asked Sean McCarthy what part of this application had previously been approved for this property. Mr. McCarthy stated that there was an approval to construct a single-family home on this lot with vehicular access onto North Broadway (Route 9). There was an arrangement with two other property owners for a utility easement, however those properties have been sold and now the new owners have to be approached for the easement, which was never executed.

Janet Gandolfo suggested the applicant get the approval from New York State to run the utilities under their road. Mr. Maken stated they had already started that process.

The Chair asked for a motion to open the public hearing:

Moved: Jones

Seconded: Herbert

Vote: 4-0

Absent: Cicchetti, Mendez, DelVecchio

PUBLIC HEARING:

TIM BERESFORD, 544 Bellwood Avenue, asked how the house would be set on the property because there is a utility pole on the property and it connects to his house and another house.

Mr. Maken stated they had approached Con Edison who would move the pole to another location. The Chair asked Sean McCarthy how the Board could check on the relocation of the utility pole. Mr. McCarthy stated the applicant could make a request to Con Edison and they would determine if service would be underground instead of on a pole. The Chair requested the applicant present Con Edison's decision/layout as part of their submission to the Board, since it affects other neighbors as well as the applicant.

Tim Beresford asked how the rear yard line is defined on the property line with respect to how the house will be situated. The Chair stated the Board would get an answer for this question.

Mr. Beresford also questioned the curb cut for the egress from the property onto Route 9. The Chair stated the driveway could be either u-shaped or have enough space on the property for a vehicle to turn around and exit forward onto Route 9.

The Chair stated the Board should limit egress to right turns only out of the driveway.

RUSSELL McADAM, 7 Farrington Avenue stated he had no interest in allowing the applicant to open the "paper" street on his property for egress from the applicant's property onto Bellwood Avenue.

The Chair asked if Mr. McAdam would entertain a request for someone to look at egress to sewer and water from his property. Mr. McAdam stated he would consider it as long as he did not incur any expenses for this request and that he retained the rights to that piece of property.

The Chair asked for a motion to close the public hearing:

Moved: Jones

Seconded: Herbert

Vote: 4-0

Absent: Cicchetti, Mendez, DelVecchio

Hugh Jones stated the real estate listing for this property is misleading to the public because it doesn't have accurate information as to taxes, property address and house plans nor does it show any indication that this proposal was approved by the Planning Board. The Chair asked the applicant to state on the listing that the drawings were renderings, not the actual house on the property.

The Chair stated the applicant had other submissions to make to the Board including utility easements and the Con Edison plan for moving the utility pole. He also stated the Village would answer questions from the neighbor regarding the rear yard line and setbacks. This matter is continued to the next Planning Board meeting.

William Simeoforides, architect, represented his client who is the new tenant for this space which is a proposed ice cream store.

Mr. Simeoforides presented the following changes since the last meeting:

- There were no variances on record for this property
- The setbacks are within zoning code for a commercial property.
- Parking for store and tenants: There are two- 3 bedroom and one- 2 bedroom apartments in the rear and they are proposing 4 parking stalls (1 handicapped, 1 compact space, 2 regular size). The adjacent property lease states overflow parking is available for the tenants of 404 North Broadway.
- The location of garbage is currently on the adjacent property. He is proposing replacing a wooden stair on the side of the building with an enclosed area for the store's garbage. Tenants would keep their garbage in an area near their apartments and then bring to the curb for pickup.
- Roof gutter: They would replace the fascia with a new gutter and tie everything together so water doesn't drain onto the sidewalk.
- The aisle for the handicapped parking space was increased to five feet.
- Wheel stops for cars were added.
- Lighting/Canopy: The canopy would be replaced and new lighting added underneath it and on either side of the entrance.

The Chair asked about the seating capacity of the store. Mr. Simeoforides stated the plan showed six tables and one parking space is required for every five seats so they would need 2 parking spaces. The Chair stated the applicant would need new parking calculations based of the number of bedrooms on the property in addition to the seating in the store.

The Chair stated he was concerned about adjoining the two properties for overflow parking either for the tenants or for customers of the ice cream store. He stated there are two owners for the Citgo gas station and that property is under some proceedings as well as an active foreclosure on that property by the Town of Mt. Pleasant for taxes. He asked Janet Gandolfo if parking in that area could be taken into consideration while it is under litigation. Janet Gandolfo stated it would not be prudent to include the Citgo station in anything for 404 North Broadway.

Paul Anthony, the owner of the Citgo station, stated they are in court right now with the option to buy the Citgo property, however the owner of that property may not remain the owner depending on the outcome of the legal issues.

The Chair stated the Board could not make a determination if that property could be used for overflow parking until the court matter is settled, however the parking requirements have to take into account the entire parcel which is made up of the store and the

apartments. Mr. Simeoforides stated the applicant might apply for a parking variance from the Zoning Board.

GARY McLEAN, owner of 404 No Broadway stated he never had a problem with parking with the previous tenants for the retail space and the tenants in the apartments.

The Chair stated that the ice cream store is a different use than the former flower shop so the parking requirements are not the same. The Board has a legal obligation to make sure the applicants fulfill the parking requirements based of the Village Code. He suggested Mr. McLean discuss the parking requirements with the Board of Trustees.

The Chair stated it was the applicant's decision to apply for a parking variance from the Zoning Board or proceed with a use variance from the Planning Board. The Chair stated this matter would be continued to the next meeting.

**3) Beekman Realty 185 Cortlandt Street Discussion
Pending ZBA Approval**

Frank Tancredi, architect and John Manuele, property owner, represented this application. The project is a proposal to build two apartments on the second floor of the building and retail space on the ground floor. The applicant was granted area variances from the Zoning Board for pre-existing, non-conforming setbacks and for parking.

The Chair asked how the existing space on the second floor would be incorporated into the apartments. Frank Tancredi stated it would have an entryway from 110 Beekman Avenue. The Chair asked if the current staircase in the rear of the building would be removed. Mr. Tancredi stated they have not decided yet but may update that staircase and use it as another means of egress for the apartments.

The Chair asked if a second outside staircase were necessary. Mr. McCarthy stated that would have to be confirmed with the Building Code if one exit would be enough.

The Chair asked about the landscaping for the property. Mr. Tancredi stated they would do a landscaping plan if the application were approved by the Planning Board.

Hugh Jones asked how many parking spaces were required for this proposal and how many parking spaces would be created. Mr. Tancredi stated 10.3 spaces were required and they had proposed no parking spaces; only room for one loading space in the rear. However, they had already received their parking variance from the Zoning Board.

Mr. Jones asked where in the Village was there parking for this area. Janet Gandolfo stated there was residential permit parking at 21 Beekman Avenue and in the Elm Street parking lot. Hugh Jones asked if the Board could make permit parking a condition of approval.

John Manuele restated the history of the building as warehouse space. He stated they took

Mr. Dart stated this property is currently a vacant residential lot in Zone R4-02. The proposed house is 3,780 square-feet within the setback. It is a two-story, four-bedroom, three bathroom house with terraces. There is no driveway, just a proposed area with impervious paving. The applicants are also proposing a small lap pool in front of the house. There are municipal utilities along Riverside Drive for sewage, gas and water. There is electrical service from a pole at the rear of the site.

The applicant is proposing a stormwater, retention system of 45,000-gallon retention tanks under the decks. Most of the water that falls on the property will be retained; and either metered in to the municipal system or used for irrigation during the summer months. The expectation is that runoff from the site will be minimal

The homeowner will be using materials such as natural stone, stucco, painted steel sash for doors and windows, which are elements used in other homes throughout Philipse Manor.

The Chair asked if the plans had changed since originally submitted. Mr. Dart stated they had not. The Chair asked if the applicant was aware they would need a variance because the setbacks were not within the Building Code.

Sean McCarthy asked what was the proposed set back for the front yard. Mr. Dart stated it was 25 feet. Mr. McCarthy stated it must be 30 feet in front, 25 in the rear and the combination of side yards must be 25 feet. Mr. Dart stated they would comply with all codes. Mr. McCarthy stated that principal building lot coverage should be 20% not 30%.

The Chair also stated it is against Village code to have a pool in the front yard setback. Owen Wells stated it was in Chapter 450-45 of the Village Code along with pool safety and enclosure standards.

Mr. Dart stated the pool was at an elevation that doesn't show it from the street. Also there is an existing 8-foot privet hedge that would be preserved. He stated the applicant might seek a variance because they are trying to preserve large trees in the rear of the property and it would be more costly because of the slope of the property in the rear.

The Chair asked if the applicant received the requests from the Village Engineer. Mr. Dart acknowledged they had received the requests and would be in compliance as they progressed with the plans. They would also plant additional trees in place of those that would be removed and put in screening landscaping between the neighbors.

Penny Herbert asked if the Mr. Dart was aware of the underground streams on Farrington and Hunter Avenues. Mr. Dart stated they would do borings and percolation tests before they build anything. The plans show the intention of a basement area but they are not sure how much of an area is feasible.

George O'Reilly stated he is familiar with the water table in that area. The applicant's house would be built into the grade, and not too deep because of the topography in that area.

The Chair stated there was a large water retention system in the plans and asked how much water could the land reabsorb and the effect it would have on the surrounding neighbors and street. James Dart stated they would be able to solve this issue.

Hugh Jones asked if there was a garage and where would the pool equipment be located. James Dart stated indicated the driveway and the garage on the site plans. He stated he would submit revised site plans once he adjusted the areas and setbacks.

The Chair stated the Planning Board had received a letter from residents expressing their concerns over the project and it was part of the record.

The Chair asked for a motion to open an informal public comments session:

Moved: Jones

Seconded: McCarthy

Vote: 4 – 0

Absent: Cicchetti, Mendez, DeVecchio

PUBLIC COMMENTS

MARK NACHMAN, 279 Farrington Avenue asked if there would be a public hearing on this application. The Chair stated the Planning Board would declare themselves the lead agency on this application and once they receive all the submissions a public hearing would be scheduled.

The Chair asked for a motion to close the public comment session:

Moved: Herbert

Seconded: McCarthy

Vote: 4 – 0

Absent: Cicchetti, Mendez, DeVecchio

The Chair stated the Planning Board needs the following submissions from the applicant:

- Site plans to conform within the boundaries and setbacks
- Recalculate lot coverage
- Engineering input regarding water issues.

James Dart asked if they could schedule a public hearing in July. Janet Gandolfo suggested if the applicant needed a variance for the pool in the front yard, they should first obtain that variance from the Zoning Board so the site plan would be complete before they return to the Planning Board. Mr. Dart stated they would make that decision quickly so they could determine if they should go to the Zoning Board first or return to the Planning Board with additional submissions.

6) Phelps Memorial Hospital 701 No. Broadway Preliminary Presentation

Jerry Schwalbe, planner and site engineer with Divney Tung Schwalbe, Keith Safian, President & CEO of Phelps Memorial Hospital, Dan Pantane, architect, HCP Architects and

Kerry Pisano and Tom Whittaker from Phelps Memorial Hospital represented this application.

Mr. Schwalbe stated Phelps is modernizing their surgical unit and expanding 20,000 square feet into the 755 Medical Services Building.

Keith Safian stated the Village had approved the Medical Services Building, which was built and opened in 2007. The third floor has remained vacant. It was designed for a surgical unit and the structural steel was put in place when it was built along with the conduits to accommodate an operating room service. Now Phelps is ready to build the operating rooms. There are three aspects to this project:

- The opportunity to innovate inpatient and outpatient operating in a medical building.
- They can reduce healthcare costs by sharing operating equipment between the two operating suites.
- They can enhance patient safety. If an ambulatory patient in surgery in the Medical Services Building has complications, they can be taken across the bridge to the hospital for further care.

Mr. Schwalbe stated there is a 2800-square foot elevated bridge that connects the third floor of the Medical Services Building to the third floor of the hospital building. There is a slight grade change between the buildings but it is not perceptible from the outside. The rooftop equipment for the operating room includes an air handling unit and a chiller. A standby, electric generator would be placed off to the side of the loading dock area.

Mr. Schwalbe discussed the elevations of certain portions of the project. He also stated that there would be columns underneath the bridge that would be in the loading dock area but would not affect circulation in that area.

Dan Pantane showed drawings of the connection of the bridge between the Medical Services Building and the main hospital. He also showed the elevations and the slight change in elevation from one building to the other. The components for the bridge are a combination of spandrel glass and a curtain wall system with metal handles. He showed samples to the Board. They are keeping the colors lighter so the bridge appears to float above the loading dock area. The frame color for the windows and the bronze colored glass would be similar to what was used for the Medical Services Building. The spandrel glass is reflective and would provide some privacy to patients on the bridge. The actual glass wouldn't start until five feet high.

The Chair stated that Phelps larger plan presented in 2004 has been amended a number of times and several items have not been completed. The Chair stated that as a condition of approval the master plan should be brought up to date with everything that has been completed or will be completed in the future. Mr. Schwalbe stated he would provide that information to the Board for review next month.

The Chair declared the Board the lead agency on this project.

Hugh Jones asked if vegetation could be put on the east side of James House to reduce the visual impact of this project. The Chair asked if the applicant could have rooftop landscaping to block the mechanicals on the roof of the Medical Services Building to minimize the view from James House.

Keith Safian stated the use of the James House has dwindled because of Kendal-on-Hudson and the side of the James House that faces the hospital is never used for events.

The Chair asked for a motion to set the public hearing:

Moved: Jones

Seconded: Herbert

Vote: 4 – 0

Absent: Cicchetti, Mendez, DelVecchio

7) Scarabee Holdings, LLC Bedford Road Preliminary Presentation

Desmond Lyons, attorney and James Ford, Managing Member, Scarabee Holding LLC and Michael Stein, engineer from Hudson Engineering represented this application.

Michael Stein stated this is an application for a two-lot subdivision on the north side of Bedford Road. The parcel is located within the R1 zoning district, which requires a lot size of one acre. The lot that is being subdivided is currently vacant. Lot 1 would be 2.06 acres and Lot 2 would be 2.61 acres.

The dwellings shown in the plans would be approximately 3500-4000 square feet. The dwellings would have a common driveway, which enters off the west side of the parcel. There is an existing sanitary sewer that travels along the north side of the property with an easement. They are proposing connections to that sanitary sewer. There is an existing water main that runs through one property with an easement and the other property would have to connect through that property with an easement.

The stormwater management system is designed to mitigate all the impact from the development of the site with the creation of new impervious areas. The runoff from the roof areas would be directed to the Cultec system being installed. The water from the driveway impervious areas would be collected through drain inlets and conveyed to the Cultec system.

Percolation testing was completed on the site and the stormwater design submitted based on the rates that were achieved. On June 14 they did deep test holes and achieved depths of 7 – 8 feet without any ground water. The Chair asked if the results of their tests could be provided to the Village Engineer. Mr. Stein stated he would provide their final report including all the tests to the Board.

Mr. Stein stated the houses were situated within the setback requirements. The houses would be graded so there are one or two steps to the front door and a walkout from the back door.

The Chair stated pending the applicant's submission of the water test and the deep hole test, the Board declares itself the lead agency.

Owen Wells stated the applicant would need a Waterfront Advisory Committee referral for this proposal.

Hugh Jones asked about a prior condition of approval in the original application for subdivision, that the smallest lot could not be subdivided further to create a new building lot. James Ford stated that the smallest lot was not this parcel; it was the lot at 144 Bedford Road. He stated the original parcel was 60 acres and 6 acres was subdivided from that parcel. The larger portion is still owned by David Rockefeller and will someday be part of the Rockefeller State Park Preserve.

Janet Gandolfo stated that these properties don't require any variances and are both building lots.

The Chair asked for a motion to hold a public hearing subject to receiving the requested submissions in time:

Moved: Jones

Seconded: McCarthy

Vote: 4 - 0

Absent: Cicchetti, Mendez, DelVecchio

8) Rock of Salvation Church 135 Cortlandt St. Preliminary Presentation

Javier Taborga of C&T Design Build LLC represented the application, which is a proposal to provide parking spaces for the church.

The Church acquired property at 135 Cortlandt Street, which currently has two structures in disrepair. This proposal is to demolish those two units and update the current asphalt area and create parking for the church. This lot would provide 27 parking spaces but the parking requirement for the building is 48 spaces.

The entry would be at the existing curb cut but would be wide enough to provide a double way entry and the parking would flow behind the building. They would install a fence to block the view from the neighboring property, address all storm water runoff for the site and provide some vegetation and proper signage. Also they would add lighting to the site with shields so the light projects on the lot and not on the neighbors.

The Chair asked if the applicant had received the request from the Village Engineer for additional submissions. Mr. Taborga responded he had received the request.

The Chair stated he is concerned about the parking spots in the rear and the ability of the

vehicles to pull out of the spaces and turn around to leave the lot. He stated spaces 10 -19 are not feasible for the parking lot and there is no egress out the other end of the lot because of the wall. He stated the applicant is required to provide buffers and suggested the Church consider taking spaces 10-19 and making those patio or green space for the parishioners. He also stated the Church would not need two handicapped spaces.

The Chair stated he would defer to the Village Engineer regarding spaces 6 -9. He stated the size of those spaces might be too tight.

Hugh Jones asked what the impact would be on the Village since the parcels would come off the tax rolls. Ms. Gandolfo stated they could find out for the Board.

The Chair asked the applicant to reexamine the parking layout and provide submissions that were requested by the Village Engineer. This application would be continued for the next meeting.

9) Approval of Minutes

April 18, 2013, May 16, 2013

Penny Herbert stated she was present and not absent at this meeting and that should be reflected in the votes.

The Chair asked for a motion to approve the minutes of April 18, 2013 with amendments.

Moved: Jones
Vote: 4 – 0

Seconded: Herbert
Absent: Cicchetti, Mendez, DelVecchio

The Chair asked for a motion to approve the minutes of May 16, 2013 with a minor amendment:

Moved: Jones
Vote: 4 – 0

Seconded: Herbert
Absent: Cicchetti, Mendez, DelVecchio

The Chair asked for a motion to adjourn the meeting.

Moved: Jones
Vote: 4 - 0

Seconded: McCarthy
Absent: Cicchetti, Mendez, DelVecchio

The meeting was adjourned at 10:31pm.