

**Village of Sleepy Hollow
Planning Board Meeting - APPROVED
July 18, 2013**

The meeting was called to order at 8:00pm by Eliot Martone, Chairman.
The Chair noted that a quorum was present.

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

Absent: Penny Herbert
Sean McCarthy (Village Building Inspector)

Also Present: 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 Item #2, Item #3 and Item#9 would not be on tonight's agenda.

Proposed Agenda:

1) Maken Land Development	545 No. Broadway	Continued Public Hearing
2) William Simeoforides	404 No. Broadway	Continued
3) C.A.R.S. Inc.	333 No. Broadway	Discussion
4) Beekman Realty	185 Cortlandt Street	Public Hearing
5) Phelps Memorial Hospital	701 No. Broadway	Public Hearing
6) Scarabee Holdings, LLC	Bedford Road	Public Hearing
7) Rock of Salvation Church	135 Cortlandt St.	Continued
8) Kendal on Hudson	1 Kendal Way	Preliminary Presentation
9) Mark & Kerry Larmore	21 Pokahoe Drive	Preliminary Presentation
10) Approval of Minutes		June 20, 2013

1) Maken Land Development **545 No. Broadway** **Continued Public Hearing**

This is a continuation from a previous meeting.

Mike Miele, engineer, represented the application. He stated the main issue is how to connect to the utilities. They have applied to NYS Department of Transportation to obtain a right of way to connect under North Broadway (Route 9) to tie into the utilities on Farrington Avenue. He also stated that the only ingress/egress for this property is onto Route 9 so they will construct a turnaround on the property for this purpose.

The Chair asked if the Board could get a copy of the Con Edison application for this property. Mr. Miele stated he would provide that for the Board.

Motion to open the Public Hearing:

Moved: Mendez Seconded: Jones Vote: 6-0

Absent: Herbert

PUBLIC HEARING:

TIM BERESFORD, 544 Bellwood Avenue, asked how the house would be laid out on the back part of the property.

There was discussion regarding the rear setback. The Chair stated the Board would get that information for the public.

There were no other public comments.

Motion to close the public comments:

Moved: Jones Seconded: Mendez Vote: 6-0

Absent: Herbert

Anthony DelVecchio asked the applicant to provide plans showing the neighboring properties on all sides.

Motion to adjourn this application to the next meeting at the applicant's request, subject to the applicant receiving updated information:

Moved: Martone Seconded: DelVecchio Vote: 6-0

Absent: Herbert

2) ~~William Simeoforides~~ ————— ~~404 No. Broadway~~ ————— ~~Continued~~

See Announcements above.

3) ~~C.A.R.S. Inc.~~ ————— ~~333 No. Broadway~~ ————— ~~Discussion~~

The Chair stated this application has been on the agenda for many months and the Board has not received any new information. Janet Gandolfo advised the Board could adjourn this application and check with applicant to see if they are going to continue to pursue this application.

Motion to adjourn this application:

Moved: E. McCarthy Seconded: DeVecchio Vote: 6-0

Absent: Herbert

4) Beekman Realty 185 Cortlandt Street Public Hearing

Frank Tancredi, architect and John Manuele, property owner, represented this application. Mr. Tancredi provided an updated site plan for the Board showing curbing, curb cuts, on-street parking, trees and lighting. In the rear they have decided to eliminate a staircase and use that square footage for off street loading. They are also removing a two-foot high retaining wall and installing new walls and providing an area for trash and recycling containers.

The Chair asked how the trash area would be shielded. Mr. Tancredi stated there is a fence along Cortlandt Avenue, which will be removed and replaced with a new fence along with some landscaping. The fence will be six feet in the front and four feet in the rear because that part will be on top of a two-foot wall. They will put blue stone and stone dust to aid in drainage in that area along with a trench drain. They will eliminate concrete steps to enter the gated area. A planting area will be added in the rear to provide some screening on the south side. The garage door on Beekman Avenue along with the curb cut will be removed. A new curb will be installed and some trees planted on Beekman Avenue.

Mr. Tancredi stated the application had received variances for parking from the Zoning Board of Appeals and that any use of this property would require parking variances. He stated they are now providing an area for refuse containment.

Motion to open the public hearing:

Moved: Jones Seconded: Mendez Vote: 6-0

Absent: Herbert

There were no public comments.

Motion to close the public hearing:

Moved: Mendez Seconded: Martone Vote: 6-0

Absent: Herbert

The Chair stated the applicant had made good progress and based on the changes presented, he recommended the Board prepare a resolution for the September meeting subject to receiving the requested submissions and the engineer's approval of the adjustments needed.

Motion to prepare the resolution for site plan approval subject to the submission of the engineering requests:

Moved: Jones
Absent: Herbert

Seconded: Mendez

Vote: 6-0

5) Phelps Memorial Hospital 701 No. Broadway Public Hearing

This application is for an elevated pedestrian bridge between the new surgical suite in the Medical Services Building and the operating rooms of the main hospital building.

Jerry Schwalbe, planner and site engineer with Divney Tung Schwalbe, Keith Safian, President & CEO of Phelps Memorial Hospital, Tom Mancino, architect, HCP Architects and Kerry Pisano and Tom Whittaker from Phelps Memorial Hospital represented this application.

Mr. Schwalbe gave an overview of the property and the site plan. He stated they received a letter from the Village engineer and wanted to address those comments.

- Columns from the bridge that come down to the loading area – They will be just to the left of the trailer for medical waste, however there is no issue with the trucks that load that waste. There will be a slight adjustment of the column. They will more clearly define that area on the plans and show the location of that trailer.
- Status of Phelps’s Master Site Plan:
 - Robin’s Nest Building: A small water retention basin has been finished and will be planted in the fall.
 - MRI Building: Phelps received approval from Department of Health to maintain that MRI unit until Dec. 2015. Their plan is to move that unit into the hospital building at that time and then complete a wider drop off area and parking area by Spring 2016.
 - Basin next to parking structure has been completed.
 - Stormwater unit next to ER has been completed and installed.
 - Payment for offsite sewer improvements: Village will determine if this work was completed and get back to Phelps on the findings.
 - Trailers: Two trailers located in the rear, lower parking lot. One trailer is empty and will be removed in the next month. The second trailer contains 11 staff members and a decontamination treatment center for nuclear and biological exposure. The staff will be moved into office space in the hospital. The decontamination unit has been in place since 1999 and also services Indian Point. It can handle decontamination of 50-60 people per hour as opposed to a smaller unit in the Emergency room. Phelps would like the trailer to remain in that capacity.

The Chair stated this seems like more a permanent structure than a temporary trailer. Mr. Schwalbe stated Phelps’s plan is to move the staff and have this trailer function for temporary emergency services only.

The Chair asked what needed to be done to make this temporary structure a permanent

submit to the planner and to the building department whatever plans or information is needed with regard to the master site plan.

Motion to approve resolution for construction of the bridge subject to the applicant submitting to the Building Department, Village Planner and Village Engineer whatever further and additional plans they may require with regard to the entire site plan:

Moved: DeVecchio Seconded: E. McCarthy Vote: 6-0
Absent: Herbert

6) Scarabee Holdings, LLC Bedford Road Public Hearing

Janet Gandolfo stated the notices from the public hearing have been received from the Building Department and checked by Rae Lee in that department.

The Chair read the public notice into the record.

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

Kyle McGovern presented easement to the Village Attorney. He stated there is a continuing permanent access easement between the property at 144 Bedford Road and these lots. He also stated if they receive Board approval there would be a driveway easement for the two lots to share access to Route 448 (Bedford Road).

Janet Gandolfo stated this would be part of the record and an agreement between the two parties.

Mr. McGovern stated he had attempted to contact the DOH regarding their easement but had not heard back.

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. Lot 1 would be 2.06 acres and Lot 2 would be 2.61 acres.

Mr. Stein stated an easement would be necessary to gain access to Lot Two through Lot One. Lot One would have an easement through Lot Two to connect to the existing water main. Both properties would have access to the sanitary sewer. They have submitted copies of a comprehensive stormwater analysis to the Village Planner and the Planning Board. They have received a memo with comments from the Building Department.

Mr. Stein stated they would like to discuss the Village Code, section 425-16, subsection B. Kyle McGovern stated the comment from the Village Engineer pursuant to this code and talking about upstream drainage elements. Mr. McGovern stated that the property across

the street is the National Trust for Historic Preservation – the Rockefeller property- and is not permitted for further development by that trust. Also the lot immediately to the north of the proposed subdivision is owned by David Rockefeller and is to be deeded into a trust upon his death and would have restrictions on any future development. Mr. McGovern stated they would contact counsel for the Rockefeller family and obtain a letter of representation for the fact those properties cannot be developed.

Michael Stein stated they could submit offsite analysis showing flow rate collected by drain inlet from the DOT roadway that is directed onto the property. Currently the pipe discharges to the end of the roadway and down a steep slope. They would connect to that pipe and convey to a level spreader and return it to sheet flow and not a channel flow. Mr. Stein showed how the water flow would be directed to a berm built by the DOT and stated they would make sure the neighbor’s properties are not affected.

James Natarelli stated his main concern is where the water would be discharged if not in the existing swale area which is shallow dense grass. He would like to see how the water is going to be mitigated with the new drainage features suggested. Michael Stein suggested they could widen and improve the level spreader area where the water flows out and giving it more of a storage area allowing the water to slow down. He stated they would provide the offsite water analysis to the Village Engineer.

Michael Stein stated they would do some adjustments to the stormwater system and to the elevations on the drawings.

The Chair stated he was concerned regarding water runoff especially on Route 448 and the properties below.

Motion to open the public comments:

Moved: Mendez Seconded: Jones Vote: 6-0

Absent: Herbert

PUBLIC HEARING

WILLIAM NULL 144 Bedford Road stated he is fine with the subdivision plans and the shared driveway. He also had to address drainage issues with his house during site design.

Motion to close the public comments:

Moved: DelVecchio Seconded: Jones Vote: 6-0

Absent: Herbert

The Chair reopened the public comments for an additional comment.

MIKE WIEBE, 77 Sleepy Hollow Road stated he is concerned with the removal of trees from the property since it would change the character of the walking trails in the area.

Michael Stein stated their intent is not to remove trees all the way up to the edge of the property line but leave all sloped areas vegetated. They are providing rear yards as recreation areas for the property owners. There would still be a buffer of trees on the properties.

Discussion ensued about whether that condition would be part of the site plan approval.

Motion to continue the public hearing:

Moved: Jones Seconded: Mendez Vote: 6-0

Absent: Herbert

The applicant needs to provide the following for the next meeting:

- Tree plan
- Drainage plan
- Letter from the Rockefeller attorney
- NYS DOT information
- Subdivision map with easements

Motion to refer this application to the Waterfront Advisory Committee:

Moved: Mendez Seconded: Jones Vote: 6-0

Absent: Herbert

The Chair stated the Board would take a five-minute break.

7) Rock of Salvation Church 135 Cortlandt St. Continued

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

Mr. Torga updated his presentation of the parking lot for the Rock of Salvation Church. They are now proposing an open green area in the rear of the building and reducing the number of parking spaces to 18 spots.

The Chair stated the Board had received a notice from the Building Department regarding the building next door at 139 Cortlandt Street. That building has a condition of site plan approval that was tied to the Church's property at 135 Cortlandt Street for access and drainage. The Chair stated if the applicant constructs their parking lot then the property at 139 Cortlandt Street is in non-compliance for site plan approval. The applicant has to accommodate the conditions of 139 Cortlandt's site plan approval in anything they do with the property at 135 Cortlandt Street.

Mr. Torga stated he was aware of this previous condition. Mr. Torga spoke with the owner of 139 Cortlandt Street and stated they would continue those shared systems for

water retention and drywells, however they have no idea if those systems are in place and there are no records in the Building Department for any shared systems. The only way they could find out is to open the space. The applicant is requesting permission from the Board to start demolition, clean up the site to find these systems.

The Chair stated the Board cannot give permission for demolition because once given, it cannot be rescinded. Mr. Taborga stated the two residences on the property are condemned and it is not the intention of the applicant to keep them.

Janet Gandolfo stated in terms of the applicant wishing to demolish buildings on the property that is a separate application to the Building Department and is subject to conditions of that department.

Ms. Gandolfo asked if Mr. Taborga is asking the Planning Board to merge the lot at 135 Cortlandt Street with the current Church property. Mr. Taborga agreed with that statement. Ms. Gandolfo stated the applicant must look at the conditions for both lots and whatever condition was required for that lot would now be required for the entire parcel.

Owen Wells stated the site plan for 139 Cortlandt Street from 1998 shows shared access between 135 and 139 Cortlandt Street. He asked Mr. Taborga if two parking spaces would be lost if they allowed shared access for the properties. Janet Gandolfo asked if Mr. Taborga had discussed zoning issues with Mr. McCarthy if they had to lose the two parking spaces for the shared access. Owen Wells stated there is no zoning conformance issue with the church. Mr. Taborga stated they wanted to provide more parking spaces to make the lot functional.

Ms. Gandolfo stated the Village Engineer, Village Planner and Building Department need to give feedback based on the new plans submitted.

The Chair stated the applicant has to consider the other property and the conditions imposed on their site plan approval and how it affects the applicants' property and their site plan approval.

Mr. Taborga asked if they have to keep a legal easement for access through the Church's property. Ms. Gandolfo responded it depends on what is stated in the deed. Mr. Taborga stated when the Church purchased the property, there were no easements on the deed; it was completely independent of the other property.

Janet Gandolfo stated if this Board approves this application then the other property has no parking. Discussion ensued regarding the property being sold without a legal right of way.

The Chair asked if the applicant has any issue with entering into an easement for a right of way to the property at 139 Cortlandt Street. Mr. Taborga stated the Church wanted to use their parking lot for their members only. He stated they would have a problem enforcing that if it was considered a public lot.

Janet Gandolfo asked how many parking spaces the lot at 139 Cortlandt Street would be

losing. Mr. Taborga stated they would be losing six spaces but can get to the rear of the building through a fire lane on the north side of the building.
Discussion ensued regarding the number of spaces the building at 139 Cortlandt would lose if there were no shared access.

Janet Gandolfo suggested the Board needs more history on the two properties and to review any prior approvals, deeds, easements or rights of way that have been previously filed.

James Natarelli stated he needed to review the current plans and submit his comments to Sean McCarthy.

Motion to open the meeting for public comments:

Moved: DeVecchio Seconded: Jones Vote: 6-0
Absent: Herbert

There were no public comments.

Motion to close the public comments:

Moved: Mendez Seconded: McCarthy Vote: 6-0
Absent: Herbert

The Chair stated this application would continue to the September meeting. The applicant needs to research how the two properties are related in terms of approvals. The Board will review the latest submission and make comments.

8) Kendal on Hudson 1 Kendal Way Preliminary Presentation

This application is a preliminary presentation for an amended site plan approval. Andrew Tung, engineer - Divney, Tung, Schwalbe, represented this application along with Ed Hannon, Chairman - Kendal on Hudson, Pat Doyle, Executive Director - Kendal on Hudson, John Hughes - project counsel, and Donna Maiello, landscape architect - Divney, Tung, Schwalbe.

Mr. Tung stated that Kendal has made a joint application to the BOT and the Planning Board for amendments to the Special Permit for site plan approval as it applies to Kendal-on-Hudson for Project Renew.

Kendal is a CCRC (Continuing Care Retirement Community) located on the western portion of the Phelps Memorial campus. Mr. Tung stated Kendal leases the grounds from Phelps. Kendal opened in May 2005 after an extensive review process, which rezoned the H-district to permit a second principal use within that district, i.e. a CCRC. The site plan approval was granted by the Planning Board in 2002.

The CCRC involves three levels of senior living and care: independent living units, assisted living units, and skilled nursing care. The number of units is 288. The health center, which is comprised of the assisted living and skilled nursing care, derives its' residents from independent living. The concept is that the residents move within the small community to the part that best suit their needs.

There is a subset of the population, those with memory loss or dementia, whose conditions were not optimally met by the facilities in assisted living and skilled nursing. The Department of Health in NYS revised their regulations so that assisted living would have a subset for memory care. In 2011, the Kendal Board and the residents began to plan for a time where certain components of the health center could be adjusted to better serve those with memory loss problems – Project Renew.

Mr. Tung showed an aerial photo of the existing Kendal facility. There are four buildings interconnected by pedestrian bridges. Mr. Tung explained the layout of the buildings. The planning for Project Renew would change the physical setup of the interior so that a 12-unit memory care facility could be created.

The proposed changes include:

- Expanded lobby at the front and addition of a porte-cochere for covered drop off.
- The library would be relocated off the main lobby and under an existing pedestrian bridge, which connects the Mary Powell Building and the Aleto Building.
- The memory care facility will be set up like a large living space with separate bedrooms and a shared living room, dining area, TV area and other shared spaces.
- A new garden area, one level down from the main entry but not visible from the loop road, only from the interior courtyard.
- A new door and a ramp would be added in the Mary Powell Building.
- A vestibule would be added on the west side at the entrance to the health center.
- Two new doors to the interior garden area along with new sidewalk in that area.
- Add six new units to the health center.
- Reduce 16 skilled nursing units.
- Assisted living units would increase to 22, of which 12 units would be the memory care facility.

There is also a proposed addition to connect the trail from the north end of Birch Close and the Kendal existing walkway system. It connects in two locations to the paths in Rockwood Hall section of the State Park Preserve. The connection to the Sleepy Hollow neighborhood was discussed during the initial approval process but was not part of the project, however it was included as a provision that sometime in the future a connection could be made.

The proposal is to connect at the right of way off Birch Close, which extends to the boundary line of the Phelps campus. Portions of the trail currently exist within the south buffer. Mr. Tung showed existing pictures of the open areas where the trails were partially created for utilities and landscape maintenance. Mr. Tung also showed photos that indicated their vision for the trails. It would be an open, clearly marked trail for daytime

access through Kendal to the State Park Preserve. Kendal proposes that this trail would be closed at night and in inclement weather with a gate at Birch Close and at the beginning of the Kendal walkway system.

The Chair asked the proposed height of the gate and who would maintain opening/closing the gates. Mr. Tung stated the gate would be the same height as the existing fence, which is 4-5 feet. He stated there is an existing fence at the Birch Close end of the trail. Kendal facilities staff would open/close the gates every day and during bad weather.

The Chair stated it is a safety concern and asked Mr. Tung to provide the height of the existing fence.

Mr. Tung received memos from the Village Engineer and Village Planner and addressed their comments on trail design and drainage. The intent is not to take down existing trees. The path would meander down a gentle grade and stay away from trees. There is a drainage course that they propose, which would be crossed by stepping-stones of a similar kind as in the north end of Swan Lake in Rockefeller State Park. The stones would have minimal affect on the landscape, low maintenance and not change the flow of the drainage.

The Chair stated the Board of Trustees would be Lead Agency on the special permit and the Planning Board would be Lead Agency on the site plan approval.

Motion to schedule public hearing for September subject to submissions and the Board of Trustees declaration as Lead Agency on the special permit.

Moved: Cicchetti Seconded: E. McCarthy Vote: 6-0

Absent: Herbert

Steve Maffia, traffic consultant with Vince Ferrandino and Associates, commented on the TRC engineer's report dealing with the traffic impact on the proposed site plan change. Mr. Maffia stated they agreed with the findings that the changes the applicant is seeking would have little impact. He also noted that the proposed changes would not have a negative impact on the parking since there is no increase in population of residents and no increase in staffing. His site visit to the facility showed plenty of empty parking spaces available in the parking structure.

Mr. Maffia also noted that the machine traffic counts in the TRC study did not cover another access that leads to the south of the parking structure. It is identified as an emergency access but the gates to access that area were open to the general public. TRC should comment on the usage of that roadway.

The initial Kendal application was for 300 units total and was reduced to 291 units. Mr. Maffia questioned the reason why 300 plus units was not acceptable to the Boards and should that 291 number be honored in any amendment to the site plan of the special permit.

Mr. Maffia stated the connection of the trail to the existing sidewalk on the western portion of Kendal includes a double-crossing of the loop road. Their recommendation is that the applicant should extend the sidewalk to the end of the trail so that people who are entering from the woods don't have to cross the loop road twice to stay on the trail.

Mr. Tung stated there was a gate at the end of the access road and the gate is always closed. Pat Doyle stated on rare occasions an ambulance may ask for the gate to be open in an emergency.

Mr. Tung stated there is a berm to raise the level of planting in the area mentioned and would review to see if a walkway fits into that berm.

Regarding the number of units, there was an initial proposal that included additional assisted living units and was reduced in the environmental review to 291 units and the zoning was set so a certain square footage of site area was required for each CCRC unit. Five years ago, Phelps annexed seven acres of land from the Town of Mt. Pleasant so the maximum number of units permitted on the site is now 325. They are only asking for an additional six units within the health care center. The total number of units would be 294.

James Natarelli asked about the two crossings on the trail and what was proposed for the one without the stepping-stones. Donna Maiello stated once the trail is staked out they would understand exactly what is happening in that area. Discussion ensued regarding topography of the trail area.

Motion to refer the application to the Waterfront Advisory Committee:

Moved: DelVecchio Seconded: Jones Vote: 6-0

Absent: Herbert

ADDITIONAL:

The Chair asked Janet Gandolfo about the change in the Village Code to the one and two family home site plan approvals. Discussion ensued.

Janet Gandolfo stated the Planning Board could make recommendations to the Board of Trustees.

Motion to propose a resolution to the Board of Trustees to reverse the exclusion of one and two family homes for site plan approval:

Moved: Martone Seconded: E. McCarthy Vote: 6-0

Absent: Herbert

~~9) Mark & Kerry Larmore ————— 21 Pokahoe Drive ————— Preliminary Presentation~~

See Announcements above.

10) Approval of Minutes

June 20, 2013

Motion to approve the minutes of June 20, 2013.

Moved: Jones Seconded: Mendez Vote: 5-0
Absent: Herbert Abstained: DelVecchio

Motion to adjourn the meeting.

Moved: Mendez Seconded: DelVecchio Vote: 6-0
Absent: Herbert

The meeting was adjourned at 10:22pm.

Meeting Date: 7/18/2013

Resolution of the Planning Board of the Village of Sleepy Hollow

WHEREAS, the Board of Trustees recently amended the Village Code to exempt site plan review and site plan approval by the Planning Board for the construction of one and two family residences; and

WHEREAS, the Planning Board of the Village of Sleepy Hollow believes that a site plan review for such construction is necessary and desirable to ensure that all new construction in the Village is done in a manner that is beneficial for both the property owner and the neighboring properties; and

WHEREAS, the Planning Board believes that a public site plan review is the only forum in which a neighboring property owner has an opportunity to comment on new construction;

NOW, THEREFORE, BE IT RESOLVED that the Planning Board hereby requests the Board of Trustees to reconsider excluding one and two family residences from the requirements of review and site plan approval.

Moved: Martone
Absent: Herbert

Seconded: McCarthy

Vote: 6 - 0