

**Village of Sleepy Hollow
Planning Board Meeting - APPROVED
September 19, 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
Carl Aridas

Absent: Anthony DelVecchio

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 Item #2, Item #7 and Item#8 would not be on tonight's agenda. The Chair also announced a new board member, Carl Aridas. Mr. Aridas was sworn in by Mayor Ken Wray.

Proposed Agenda:

1) Phelps Memorial Hospital	701 No. Broadway	Resolution
2) Beekman Realty	185 Cortlandt Street	Resolution
3) Scarabee Holdings, LLC	Bedford Road	Continued Public Hearing
4) Kendal on Hudson	1 Kendal Way	Public Hearing
5) Maken Land Development	545 No. Broadway	Discussion
6) Rock of Salvation Church	135 Cortlandt St.	Discussion
7) William Simeoforides	404 No. Broadway	Discussion
8) C.A.R.S. Inc.	333 No. Broadway	Discussion
9) Approval of Minutes		July 18, 2013

1) Phelps Memorial Hospital **701 No. Broadway** **Resolution**

Andrew Tung, engineer with Divney Tung Schwalbe, represented this application.

The Chair stated a resolution was prepared based on several conditions. The Chair asked the applicant if they had any comments on the resolution.

Mr. Tung stated the hospital had a comment on Item #5 which is in relation to the MRI unit and the NYS Department of Health. He stated the hospital was not comfortable with the requirement that the actions of the Board may influence its' dealings with the Department of Health. He stated the hospital has the full intent to move forward with the relocation of the MRI unit but there may be other factors with the Department of Health that put a different timetable on the relocation. They are willing to come back to the Board and report their progress but are reluctant to involve any other Board or municipal agency with its' dealings with the NYS DOH.

The Chair stated his concern is that the MRI building has been in place for a long time. The structure is a non-conforming structure. The Chair stated he feels this item should stay in the resolution and if the hospital feels they can't relocate this unit inside one of their buildings, or bring the current building up to code, then they can return to the Board and say they area in jeopardy with their Department of Health re-certification.

Keith Safian, CEO of Phelps stated the MRI building was compliant with the Village Code. He is uncomfortable with any restrictions on the hospital in their certification with the NYS Department of Health. He stated takes much longer to get approvals from the DOH. He also checked the past site plan approvals and removing the MRI unit was only mentioned once. Mr. Safian stated he feels it is compliant because it has a proper foundation and utilities and doesn't present any liability issue.

Janet Gandolfo stated the MRI building is not part of an approved site plan so it is perceived as being a temporary structure. It needs to be approved in a site plan.

Keith Safian stated the hospital has asked NYS DOH for permission to move the MRI unit although they are not certain they can meet the DOH deadline of December 2015. The hospital is trying to get an extension on that deadline and with the condition in Item #5, they are afraid they won't be given the extension. They can file to add the MRI building to the site plan temporarily. Mr. Safian stated he was not aware that this building was not part of the site plan. He thought it was always intended to be a permanent structure.

Janet Gandolfo asked if it was the intent of Phelps Hospital to move this unit into the main building. Mr. Safian stated it was the intent, however they were not sure they could comply by the deadline of December 2015.

The Chair asked if they had identified what space in the hospital the MRI would be relocated. Mr. Safian stated they were building new space in the hospital to accommodate the unit as part of a new project which would depend on the fundraising for its' completion.

Janet Gandolfo asked if the Chair was concerned that the MRI building was not safe and the Village would have some liability. She asked Mr. Safian if the hospital was also concerned with patient safety.

Mr. Safian stated the MRI has been in its current location for 20 years and they recently bought a vehicle to transport stretcher borne patients to the facility. He does not believe there is any liability issue.

The Chair asked if there were any other space currently available in the hospital to accommodate the MRI without building new space. Mr. Safian stated there was only vacant space on the 4th floor of the Medical Services Building and there are structural and shielding issues that need to be in place before the MRI could be moved.

Mr. Safian suggested the Board tie their approval to the NYS DOH approval – meaning if the DOH gives them an extension then the Board should give them the same extension of time.

The Chair asked when the hospital would be going to NYS Department of Health for an extension. Mr. Safian stated they are waiting for a decision on their west wing project. Then they would ask NYS when they could submit the approval for their extension on the MRI project.

Janet Gandolfo stated they could rewrite the paragraph. She stated the Board could vote on an informal approval for the project and present a formal resolution at the next meeting.

The Chair asked about Item #6 which is the payment for sewer repairs. He stated he would prefer this work be done by the hospital's contractor and not the Department of Public Works. He stated this would help resolve a large sewer problem in Sleepy Hollow Manor.

Discussion ensued regarding the original 2009 resolution. Keith Safian stated he thought it was decided the work was not going to be done. He stated the Village needs to decide if the work should be done; however the hospital is committed to paying \$51,000 to the Village for this project. The Chair asked if the hospital would handle the project or pay the money to the Village. Mr. Safian stated the hospital would not be equipped to supervise this project and would prefer to pay the stated amount.

Janet Gandolfo stated that plans for this sewer project were submitted with the previous site plan and had been approved by the Village Engineer. The \$51,000 amount was the amount figured in 2009 and that number would have to be renegotiated for the work to be completed now. There have been more improvements to the hospital, which have impacted the sewer system.

Andrew Tung stated that the applicant did not prepare the drawing but the village prepared the drawing for that phase. This was a further issue that was identified in 2009.

Janet Gandolfo suggested the item state that payment to be negotiated but no less than \$51,000 and that the Village Administrator would contact the hospital regarding the amount.

She stated the change to paragraph 5 as follows:

The applicant shall pursue authorization from NYS DOH to relocate the existing MRI building as expeditiously as possible and shall keep the Village informed of its' progress by no later than December 2014.

The Chair stated that the resolution move forward with the changes so the applicant could obtain site plan approval for this project:

Moved: Martone Seconded: McCarthy Vote: 6-0
Absent: DelVecchio

2 Beekman Realty 185 Cortlandt Street Resolution

Sean McCarthy stated the applicant's architect requested an adjournment for tonight's meeting.

Motion to adjourn the matter until next month's meeting at the request of the applicant pending submission of requested materials:

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

3) Scarabee Holdings, LLC Bedford Road Continued Public Hearing

Kyle McGovern attorney and Michael Stein, engineer from Hudson Engineering represented this application.

Mr. McGovern forwarded an email to the Board from David Rockefeller's attorneys in response to the Board's question regarding future development of the property to the north of the subdivision in question, which is owned by David Rockefeller and the property across the street that is owned by the National Trust of Historic Preservation. The law firm of Milbank, Tweed wrote that development to the north was very unlikely. The expectation was that the property would be given to the trust and would become part of the New York State Park preserve. Regarding the National Trust of Historic Preservation – any development across the street from the subdivision would be inconsistent with the trust.

Mr. McGovern gave Ms. Gandolfo a copy of the fully executed easement document between Scarabee Holding LLC and William Null and Lauren Thaler to address the shared driveway

easement. He stated the same document covers the easement for Lot 3 to pass through Lot 2 to access Bedford Road.

Mr. McGovern stated that the metes and bounds would be completed soon and that document would be ready for recording. He also submitted a Stormwater Facility Maintenance agreement executed by James Ford, the owner of Scarabee Holdings, LLC. Mr. McGovern spoke to New York State Department of Transportation regarding an easement to allow access to connect to the NYS DOT drainage system. The DOT will not execute any easement documents with any landowner. The owners would have to maintain the property and an application would be made with the DOT to get a permit to access the system. Mr. McGovern stated the owner has signed a statement that he would maintain the system and if he failed to maintain it then the DOT has the right with written notice to the owner to maintain it themselves. This will be filed with the Village and attached to any deed document.

Michael Stein stated that a utility work permit would be issued by the NYS DOT to connect to their system. He stated that the DOT has reviewed the plans and requested a drain inlet be installed to make it easier to see that there were no obstructions and water would flow without any problem.

The Chair asked about the level spreader. Mr. Stein stated they had recalculated and remodeled proposed conditions and shortened the level spreader to be ten feet from the property line and there are no changes to the way the stormwater flows.

Michael Stein stated there was an issue with the water main that connects to the property. They requested the property not connect to that main since it serves Pocantico Hills. Instead they will connect to the water main on Sleepy Hollow Road. Mr. Stein stated there is an existing 20-foot wide water and sewer easement that comes down from the corner of the property to Sleepy Hollow Road. They will be using that easement to make the connection.

The Chair asked if that existing easement could be made part of the site plan. Michael Stein stated it was File Map 28184. The Chair asked that it be referenced in the record.

Michael Stein did a tree removal plan, which showed approximately 107 trees that would be removed. They also looked along the easements, anything within 7 feet of the trench would have to be removed.

The Chair stated there would be a continuation of the Public Hearing and asked if anyone from the public would like to comment.

There were no public comments.

Motion to close the Public Hearing:

Moved: Mendez

Seconded: Jones

Vote: 6-0

Absent: DelVecchio

Janet Gandolfo stated that the permanent access easement is acceptable to the Village along with the representation from the Rockefeller family. She stated the facility maintenance commitment is fine and she requested the applicant attach that to the deed and provide the Building Department with a copy of the recorded deed once the property is transferred.

Michael Stein asked about the Consistency Findings from the Waterfront Advisory Committee. There was no quorum at the last meeting. Janet Gandolfo suggested the Planning Board make the consistency findings in their resolution for site plan approval for this application.

Motion to approve the application subject to the adoption of the formal resolution incorporating the Waterfront Advisory Committee findings and the submission of requested materials from the applicant:

Moved: Martone Seconded: Jones Vote: 6-0
Absent: DelVecchio

4) Kendal on Hudson 1 Kendal Way Public Hearing

The Chair read the public notice into the record.

Andrew Tung, Divney Tung Schwalbe represented this application along with Pat Doyle and Ed Hannon from Kendal-on-Hudson and John Hughes and Donna Maiello, also from Divney Tung Schwalbe.

This application was presented at the July Meeting of the Planning Board. In August they prepared responses to questions from the Village Engineer and the Chair. In September they conducted a field walk with the Village Architect and Planning Board consultants.

Mr. Tung gave an overview of the project and Kendal's purpose for this application. He stated this amendment to the site plan approval is submitted concurrently with the special permit amendment for Project Renew. The project is a new type of assisted living facility within Kendal specifically designed for those with memory issues. Mr. Tung restated the function and design of this memory care facility.

Mr. Tung stated the second part of Project Renew is to connect the woodland trail between Kendal and Sleepy Hollow Manor to the south. The potential for this connection was discussed but was not part of the initial site plan approval.

Mr. Tung showed the Kendal Loop Road sidewalk and promenade connections to the Rockefeller State Park preserve.

The purpose of this connection is to provide the opportunity for those in Sleepy Hollow Manor to cross through the woodland buffer to connect to the Kendal promenade and access to Rockefeller State Park preserve and not have to go around through Route 9.

Mr. Tung stated Kendal is happy to provide this but their primary concern is the safety of their residents. They proposed that the trail connection is only open during daylight hours and Kendal reserves the right to close the trail via a gate in times of inclement weather.

Mr. Tung stated the questions raised during the site walk:

1. Stormwater measurements – Kendal has provided additional backup and calculations to show there is sufficient capacity to accommodate the additional impervious area.
2. Routing of the trail at the north end – The suggestion was to connect to the promenade along the curb instead of crossing the street twice to make that connection. There are two berms in that area that would make it challenging to make the connection due to the slope and vegetation.
3. Alternative suggested route – Kendal has agreed to this proposal, which would extend the trail behind the berm to connect to the promenade. They would move the gate to the edge of the woodlands, clear the backside of the berm of woodland brush and make it a grass path so it looks the same as the berm.

Carl Aridas asked how someone coming from Sleepy Hollow Manor would know this was part of the trail if it was landscaped in grass. Mr. Tung stated there would be signs directing them to the Kendal promenade.

The Chair asked if the crossway across the Loop Road would be striped as a crosswalk. Mr. Tung stated they were proposing it not be striped as a crosswalk because the route to the Rockefeller State Park would be through the promenade.

The Chair asked the Village consultants if there were any problems not striping that crosswalk.

Stephan Maffia, Vince Ferrandino & Associates stated it would be alright not to stripe that crossing because there is another crosswalk that is already striped.

The Chair stated the Planning Board can't take action on this application because they have to wait for the Board of Trustees to vote on the special permit. The Planning Board can recommend to the Board of Trustees that they are ready to vote on a resolution once the special permit is granted.

James Natarelli stated his concern over the design of the stepping-stones over the stream. He suggested concrete or rock slabs over the drainage channel with supporting stones in the middle. He has concern of the width of the crossing as well as the lack of handrails.

Andrew Tung stated that Kendal wanted it to be more of a woodland trail. The stones would go over a low point in the drainage watercourse. It would remain a simple, rustic trail.

The Chair stated there are other woodland trails in the surrounding area that have installed wooden walkways with handrails. He commented that Kendal would prefer to have

residents safe in case they wander onto the woodland trail. He also stated there are young children in Sleepy Hollow Manor that might also enjoy the walkway and they should use it in a safe manner.

Andrew Tung stated that their model for the stepping-stones was the walkway at Swan Lake in Rockefeller State Park preserve. He proposed higher stone slabs with maybe a handrail on one side.

Carl Aridas asked why only one handrail. Mr. Tung stated they would make it as safe as possible but also as unobtrusive as possible. He stated they would look at how to accommodate the Board's comments and also keep the trail rustic.

Motion to open the Public Hearing:

Moved: Aridas Seconded: Martone Vote: 6-0

Absent: DelVecchio

PUBLIC HEARING:

JAMES WEST, 4 Evergreen Way, stated he welcomed the improvements to the trail and the hospital. He asked why there is water coming through the ravine on the property. He stated there is a large pipe that comes from the Phelps/Kendal garage and goes through the ravine. In the original special permit, Kendal was to maintain the buffer zone and control the erosion. The path crosses over the area that is eroded. He asked if Kendal would fill in the area that is eroded. He stated he is in favor of the footbridge and railing suggestion.

ROB MILLER, Birch Close asked about the plan for the Birch Close end of the trail. He asked who would control access to the gates.

Andrew Tung stated a four-foot wide gate would be installed at Birch Close. Kendall would maintain the trail and lock the gate every night at sunset and open at 7:00am in the morning. They would also close the gate in inclement weather.

JAMES WEST recommended that Kendal follow the times for Rockwood's opening and closing which are sunrise and sunset.

The Chair stated this has to be coordinated with the Kendal facilities work shifts. The hours of operation would be subject to the special permit. Those comments should be directed to the Village Board of Trustees.

Motion to close the Public Hearing:

Moved: Jones Seconded: Mendez Vote: 6-0

Absent: DelVecchio

The Chair proposed making a recommendation to the Village Board that the Planning Board is ready to move forward on this application once the special permit has been issued.

Janet Gandolfo stated the Planning Board would decide the issue of the footbridge, during site plan approval.

The Chair stated the changes to the facility would benefit the residents of the facility.

Andrew Tung requested that the Planning Board prepare a resolution for site plan approval so they can present to the NYS Department of Health, for consideration at the October meeting subject to resolution of the footbridge issue.

5) Maken Land Development 545 No. Broadway Discussion

There was no one to represent this application. Mr. McCarthy stated they had not received any new information on this application. The Chair asked Mr. McCarthy to contact the applicant to determine the status of this application.

6) Rock of Salvation Church 135 Cortlandt St. Discussion

Javier Taborga of C&T Design Build LLC represented the application along with Kevin Stevens, Counsel for Rock of Salvation Church. This is a proposal to provide parking spaces for the church.

Kevin Stevens represented the Church when they bought the property in question. They ran all the title searches. The agreement to share an easement with the property at 139 Cortlandt Street was never recorded with the County Clerk's office. He stated under Property Law, Section 291 the conveyance of an easement is by law void as to an innocent purchaser.

Mr. Stevens stated there are possible resolutions to the problem. He stated that it is a dilemma for the Rock of Salvation Church that bought the property in good faith.

Janet Gandolfo agreed it is a dilemma for the Village as well. She stated it was a condition of a site plan for a previous building and that doesn't need to be recorded. The condition of that site plan was never met, therefore there are questions about the Certificate of Occupancy for the building that was purchased. She disagreed that the recording issue was an issue in this case. The first property at 139 Cortlandt Street won't have any parking. The access to the parking is a fire lane and not a driveway. Ms. Gandolfo asked if the applicant had any proposals.

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

Javier Taborga stated they would need to confer with the owner of the other building. The applicant had originally proposed parking behind the Church's building. They changed their design based on the Board's original comments. They are now proposing to make that area behind the church a one-way driveway, however they would need an easement from the Fire Department to exit behind the firehouse.

The Chair asked if the parking levels were different. Javier Taborga stated the levels were different by a couple of feet and they would lose 3-4 parking spaces in the rear. Janet Gandolfo asked if they would give an easement to the property to the north for ingress and egress to the parking behind their building.

Discussion ensued regarding the easement and parking spaces for both properties.

Janet Gandolfo stated the request for a one-way exit through the fire department property would have to be submitted in writing to the Board of Trustees. She stated the application would have to include a detailed site plan.

Carl Aridas asked if the Fire Department would need to be notified. Janet Gandolfo stated they would be given notice.

Edward McCarthy asked if the Church had other parking. Mr. Taborga stated there was another lot on Clinton Street but the intention was to develop part of that property for other purposes as soon as they could construct the new parking area.

The Chair stated this application was open for discussion providing the applicant could work out the egress issues with the Village Board and the Fire Department. He stated the condition on the other site plan approval for 139 Cortlandt Street has to be considered in this application.

The Chair stated the Planning Board could inform the Board of Trustees that they would entertain this application subject to what the Board of Trustees decides.

Janet Gandolfo suggested the applicant copy the Planning Board on any submittals they make to the Board of Trustees on this matter.

7) William Simeoforides ————— 404 No. Broadway ————— Discussion

Sean McCarthy stated he had contacted the applicant who was not sure the owner would pursue the application. This matter will be held open until next month.

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

Sean McCarthy stated the applicant is still waiting on documentation from the NYS DEC. This application would be held over until next month.

9) Approval of Minutes

July 18, 2013

Motion to approve the minutes of July 18 2013:

Moved: Jones

Seconded:

Vote: 6-1-0

Absent: DelVecchio

Abstain: Aridas

Motion to adjourn the meeting:

Moved: Aridas

Seconded: Mendez

Vote: 6-0

Absent: DelVecchio

The meeting was adjourned at 9:48pm.