

**RESOLUTION**  
**Adopted at the February 22, 2018 Meeting of the**  
**Village of Sleepy Hollow Planning Board**

RESOLUTION:               SITE PLAN APPROVAL  
PROPOSED:                 East Parcel Phase 1  
LOCATION:                  60 Continental Street  
TAX MAP  
DESIGNATION:             Section 115.11, Block 1, Lots 2 and 85 (East Parcel)  
ZONING:                  RF - Riverfront District

WHEREAS, the Village of Sleepy Hollow (the “Village”) established the Sleepy Hollow Local Development Corporation (the “SHLDC”) as a not-for-profit local development corporation with purposes and powers that include constructing, acquiring, rehabilitating for use by others, and assist financially with the construction, acquisition, rehabilitation and improvement, to maintain and/or lease such facilities on its behalf or for others within the Village; and

WHEREAS, as part of the application processes and previous decisions and agreements between the Village, Lighthouse Landing Ventures, LLC and its predecessors in interest, the East Parcel (Section 115.11 Block 1 Lot 2 and Sect. 115.11 Block 1 Lot 85, generally the terminus of Continental Street) (the “Project Site”) was to be conveyed to the Village, or its designee; and

WHEREAS, the Village designated the SHLDC to receive the conveyance and take ownership of the East Parcel; and

WHEREAS, by deed dated December 22, 2014, and recorded under Control No. 543173286 on December 24, 2014, the SHLDC received the conveyance and took ownership of the East Parcel; and

WHEREAS, an application to grant a Special Permit (the “Special Permit”) and approve a Riverfront Development Concept Plan (the “Concept Plan”) for the construction of a Department of Public Works facility, active and passive recreation uses including but not limited to an outdoor amphitheater with great lawn, a multipurpose sports field, skate park and sports

courts, a community facility, parking, roadway improvements including but not limited to a vehicular and pedestrian overpass from Continental Street to cross over adjacent Metro-North train tracks, and at the Village's discretion, a proposed school district bus repair garage or other Village related use(s) (collectively, the "Proposed Project") was made by the Sleepy Hollow Local Development Corporation (the "LDC" or "Applicant") to the Mayor and Board of Trustees (the "Village Board") of the Village of Sleepy Hollow (the "Village") and granted on or about September 12, 2017; and

WHEREAS, as part of the Special Permit, the Board of Trustees completed its own waterfront consistency review and found the proposed RDCP was consistent with the goals and policies of the Village's Local Waterfront Revitalization Program (the LWRP);

WHEREAS, the Applicant recently filed for and received a revised filling permit (granted November 16, 2017), so as to continue site preparation work and allow the placement of fill at locations not originally identified as part of the initial fill permit; and,

WHEREAS, on or about December 21, 2017, a facially complete application for Site Plan approval was filed with the Planning Board of the Village of Sleepy Hollow (the Planning Board) (the Application) pursuant to the Village Zoning Ordinance, Article X, Site Plan review, and to applicable laws and regulations considered pertinent to the Application, which is for Phase I of the redevelopment of the East Parcel; and,

WHEREAS, Phase I includes the following: implementation of a ground improvement program including the use of surcharging and wick drains to ready a portion of the Site for development activities, relocation of two existing utility lines (water and sewer), placement of fill necessary to construct a new Department of Public Works facility and the placement of fill necessary for the construction of a portion of a new access-way out to Beekman Avenue (hereinafter, the Phase I Improvements); and,

WHEREAS, the Planning Board reviewed and considered the Application at its November 16, 2017, January 18, 2018 and February 22, 2018 regularly scheduled meetings; and,

WHEREAS, on February 22, 2018, the Planning Board opened a public hearing on the Application in which all members of the public were invited to attend and comment on the Application and the public hearing was subsequently closed; and,

WHEREAS, the Planning Board has reviewed the following materials:

- Application package received December 21, 2017 consisting of:
  1. Executed Application Form
  2. EAF long form
  3. Coastal Assessment Form
  4. Affidavit of Ownership
- Preliminary Surcharge Program Plan prepared by WSP
- Review memos dated January 17, 2018 from Woodard & Curran (W&C);
- February 16, 2018 review memo from Planning & Development Advisors;
- Response letters from WSP on behalf of the LDC dated February 5, 2018 to the Planning Board with supporting documentation and plans;
- Email correspondence from W&C dated February 22, 2018;
- Site plan drawings submitted by the following with last revision date:
  - a. Cover Sheet, February 5, 2018 by WSP;
  - b. Utility Layout Plan Sheets 1-17 (UP 01 through UP17) February 5, 2018 by WSP;
  - c. Utility Details (UD-01 and UD-02), February 5, 2018 by WSP; by WSP
  - d. Sanitary Sewer Profiles (SSP-01 through SSP 03) February 5, 2018;
  - e. Sanitary Sewer Bypass Plan (SSBP-01) February 5, 2018 by WSP;
  - f. Surcharge Grading Plan (GP01-GP17) February 5, 2018 by WSP;
  - g. Vertical Drains and Instrumentation Plan (GP18-GP21) February 5, 2018 by WSP;
  - h. Instrumentation Details (GP22 and GP23) February 5, 2018 by WSP;
  - i. Grading profiles and details (GPD-01) February 5, 2018 by WSP;
  - j. Erosion and Sediment Control Plans (ESCP-01 through ESCP17) February 5, 2018 by WSP;
  - k. Erosion and Sediment Control Details (ESCD1 and ESCD 2) February 5, 2018 by WSP;

WHEREAS, pursuant to 6 NYCRR Part 617, the SEQRA regulations, the Planning Board has made the following findings and caused, noted or conducted the following activities:

1. Received a completed application and application fee;

2. Requested, received and considered comments from the Village Engineering Consultant, Village Attorney, Village Planner and Building Inspector about the proposed project which were provided in written form or discussed with the Board during the course of the Planning Board meetings;
3. Requested, received and reviewed a long Environmental Assessment Form and Coastal Assessment Form;

NOW, THEREFORE, BE IT RESOLVED, that having reviewed the entire record as noted above, in relation to the previously approved Special Permit and Riverfront Development Concept Plan, the Planning Board:

1. Considered Section 450-16.A(2)(a) of the Village Code which covers site plan review by the Planning Board and after a review of the documentation submitted by the Applicant, the Planning Board finds that the Phase 1 Application meets the riverfront development design standards set forth in Section 450-18 of the Village Code;
2. Considered Section 450-16.B(3) of the Village Zoning Code which requires a review of a site plan in comparison to the approved RDCP. The Applicant made a presentation of the comparison between the RDCP and the proposed Phase 1 site plan as part of a formal presentation to the Planning Board during a regularly scheduled Planning Board meeting. After review of both plans, the Planning Board finds that, while there may be minor variations between the proposed Phase 1 site plan and the RDCP, the Phase 1 site plan is in keeping with the spirit and intent of the RDCP and is in general conformance with the RDCP;
3. Finds after review of Coastal Assessment Form prepared by the Applicant and the Waterfront Consistency determination prepared by the Board of Trustees for the RDCP, that the Application is consistent with the goals, policies, and standards and conditions of the Village of Sleepy Hollow LWRP; and, be it further

RESOLVED, that the Planning Board, after review of the materials submitted, public comments and recommendations and the EAF has determined that the Application does not present significant adverse environmental impacts not addressed or inadequately addressed in the

comprehensive environmental review under SEQR conducted on behalf of the Village as part of the preparation of the Riverfront Development Concept Plan for the Project, and there are no changes in circumstances or newly discovered information presenting such potential impacts; and be it further

RESOLVED, that having fully considered the environmental review record and supporting documentation, and having considered the preceding written facts and conclusions relied upon to meet the requirement of 6 NYCRR 617.7 and 617.11, the Planning Board confirms and restates previous certifications that:

1. The requirements of 6 NYCRR Part 617 have been met and fully satisfied;
2. Consistent with social, economic and other essential considerations, from among the reasonable alternatives available, the proposed Project is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including effects disclosed in the environmental impact statements; and
3. Consistent with social, economic and other essential considerations, the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures that were identified as practicable; and be it further,

RESOLVED, that said Application is hereby granted approval and the Applicant may obtain the endorsed approval of the Planning Board Chair on a copy of this resolution, subject to conditions and modifications identified below:

1. This approval shall expire if construction has not commenced within one year of the date of the adoption of the site plan approval, and thereafter diligently pursued and construction completed within two years of the issuance of the building permit. Opportunity for extensions of the site plan approval to be granted for good cause by the Planning Board at the request of the Applicant for periods of six months each.

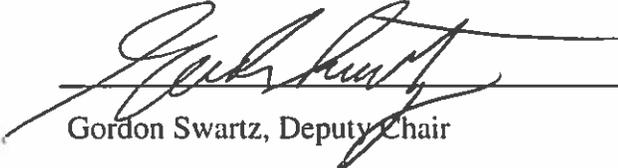
2. Documentation, sufficient in form and substance, for W&C, as the Village's Consulting Engineer, to determine that the list of items outlined in their January 17, 2018 and February 22, 2018 correspondence, as applicable, have been incorporated onto the site plan drawings. It is noted that most of the comments in the January 17, 2018 correspondence are requests for additional information or clarification of information on the site plan drawings.
3. Submission of as-built building plans and an as-built survey prior to the issuance of any Temporary or Permanent Certificate of Occupancy (C of O) or Certificate of Compliance.
4. Prior to the issuance of any permits, a 100% performance bond, in a sum to be determined by the Village's Consulting Engineer and approved as to form by the Village Attorney, shall be furnished to and accepted by the Village, to guarantee the satisfactory and complete installation and construction of all water and sewer utilities to be dedicated to public use, roads to be dedicated to public use, public sidewalks, lighting in public rights-of-way and in public open space areas, and stormwater management facilities and sediment and erosion control structures and measures within public rights of way.
5. Provision of landscape maintenance bonds to remain in effect for two years to ensure landscape plantings are established and maintained in a healthy and vigorous growing condition. The extent of the bonds to be determined by the Village Building Inspector and Village Administrator in consultation with the Applicant and in a form satisfactory to the Village Attorney.
6. The Applicant shall submit any on-going geotechnical investigation of the site which will include the geotechnical analysis of the site soil conditions as they relate to the design and construction of any proposed structure. This includes verifying the location of subsurface utilities or other infrastructure prior to any proposed ground intrusive activities. Any compaction/pile driving operation

required at the site shall be monitored by a professional engineer licensed in the State of New York. During the process of compacting/pile driving, the gauges shall be placed in the vicinity of the adjacent structures and utilities to monitor the soil movement as recommended by a geotechnical engineer. Any damage to the adjacent structures or utilities shall be the responsibility of the Applicant.

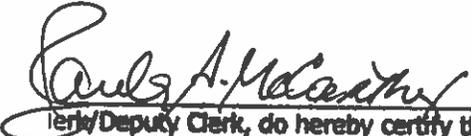
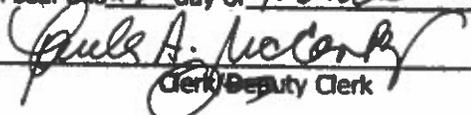
7. Consistent with the Environmental Findings and the Special Use Permit the Applicant will observe and fully comply with all of the requirements of the Site Management Plan (SMP) (SMP on file with the Village) as required by New York State Department of Environmental Conservation (NYS DEC) under the Brownfield Cleanup Program (BCP). The Applicant will copy the Village on all submittals to the NYS DEC that are required as part of the SMP.
8. All conditions identified in the Planning Board's November 16, 2017 Amended and Restated Filling Operations and Site Preparation Permit shall remain in full force and effect.

PLANNING BOARD

VILLAGE OF SLEEPY HOLLOW

  
\_\_\_\_\_  
Gordon Swartz, Deputy Chair

2-26-18  
\_\_\_\_\_  
Date

  
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the undersigned Clerk/Deputy Clerk, do hereby certify that the foregoing is true copy of an extract duly adopted by the Board of Trustees of the Village of Sleepy Hollow, on the 22 day of February, 2018 and of the whole thereof, and I further certify that the same was entered into the minutes of the meeting of said Board of Trustees held on 22 day of March, 2018.  
WITNESS WHEREOF, I have hereunto set my hand and official seal this 22 day of March, 2018.  
  
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Clerk/Deputy Clerk