

**RESOLUTION**  
**Village of Sleepy Hollow Planning Board**

**RESOLUTION:** FILLING OPERATIONS AND SITE PREPARATION PERMIT  
FLOOD PLAIN DEVELOPMENT PERMIT

**PROPOSED:** Material Stockpiling, Construction Offices

**LOCATION:** 60 Continental Street

**TAX MAP**

**DESIGNATION:** Section 115.11, Block 1, Lots 2 and 85 (East Parcel)

**ZONING:** RF- Riverfront District

WHEREAS, on or about November 30, 2015, the Sleepy Hollow Local Development Corporation (the "LDC" or "Applicant") submitted a facially complete application pursuant to Chapter 190 Excavation, Filling and Topsoil Removal for a Filling Operations Permit (the Permit) to the Planning Board of the Village of Sleepy Hollow (the Planning Board) to import approximately 100,000 cubic yards of fill onto the East Parcel of the of the former General Motors North Tarrytown Assembly Plant site, and make certain improvements including the erection of construction trailers and security gates and cameras (the Project); and

WHEREAS, the LDC was able to identify a source of the needed fill material from a location in the City of Yonkers under control of Sprain Road Associates (the Fill Provider) which is under a NYS DEC Consent Order to remove the material from the Yonkers site; and

WHEREAS, the Planning Board has reviewed related materials associated with the Permit, and

WHEREAS, the Planning Board, Village Staff and consultants have reviewed the proposed plans against the requirements of Chapter 190, Excavation, Filling and Topsoil Removal, and Chapter 220, Flood Damage Prevention, of the Village Code; and

WHEREAS, the Planning Board has reviewed the following materials:

1. Filling Operations Permit Application dated November 30, 2015 signed by David Schroedel, Chairman of the LDC;
2. Filling Operations and Site Preparation Plan, dated November 23, 2015 signed by Dolph Rotfeld, P.E.;
3. Floodplain Development Permit Application, dated November 23, 2015 prepared by Dolph Rotfeld Engineering, P.C.
4. Short Environmental Assessment Form, dated November 22, 2015 signed by David Smith on behalf of the Applicant;

5. Coastal Assessment Form dated November 22, 2015 signed by David Smith on behalf of the Applicant;
6. Stormwater Pollution Prevention Plan prepared by Dolph Rotfeld Engineering, PC, dated December 2, 2015;
7. Letter prepared by Sara A. DiGiacomo dated November 30, 2015 indicating that there are no taxes levied and unpaid on the East Parcel.
8. Supplemental submission materials including the following:
  - a) Email correspondence between NYS DEC and Craig Werle, Roux Associates acting on behalf of the Applicant;
  - b) Technical Report from Carlin Simpson dated September 26, 2013, regarding test results of the fill material from the facility generating the proposed fill material;
  - c) Technical memo from Tappan Zee Constructors, LLC related to results of noise monitoring conducted December 16, 2015;
  - d) Executed NYS DEC Consent Order dated December 29, 2014;
  - e) NYS DEC C&D removal Plan dated March 2, 2015.

WHEREAS, a preliminary presentation was made by the LDC to the Planning Board at a public meeting held at Village Hall on November 19, 2015 where the specifics of the proposed fill material, its location and specific issues related to its condition and need for removal were discussed; and,

WHEREAS, at its December 10, 2015, meeting the Planning Board did discuss with the Applicant the details of the proposed filling permit operation, including the use of proposed construction related equipment, proposed routing of materials and erosion control;

WHEREAS, on December 16, 2015, representatives of the Fill Provider did conduct a demonstration of the proposed rock crushing machine at which time noise measurements were taken from various locations from the surrounding neighborhood;

WHEREAS, on December 17, 2015, the Planning Board opened a public hearing in which all members of the public were invited to be heard and said public hearing was subsequently closed but allowed for written comments to be submitted to the Village up until January 7, 2016; and

Whereas, on January 6, 2016, representatives of the Fill Provider did conduct a supplemental demonstration related to the rock breaking operation at which time informal noise measurements were taken from various locations from the surrounding neighborhood; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board, after review of the materials submitted, public comments and recommendations, and the EAF, has determined that the representations made by the LDC in the proposed application and presentations to the Board are consistent with the environmental review and Findings made by the Village Board as part of the environmental review process for the Special Permit and Riverfront Development Concept Plan approval for the Lighthouse Landing development and reaffirms the Village Board's determination that the request for Filling Permit and Floodplain Development Permit meet the goals and policies presented in the

Village's Local Waterfront Development Program and that the import of additional fill as identified by the LDC is necessary to address proposed NYS DEC Site Management Plan; and be it further

RESOLVED, that nothing in the approval of the Filling Permit, Site Preparation, and Floodplain Development Permit or conditions related thereto shall be in conflict with the Special Permit issued by the Village Board June 7, 2011 incorporated herewith by reference; and, be it further

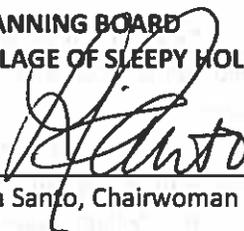
RESOLVED, that the said Application for Filling Operations, Site Preparation, and Floodplain Development Permit approval relative to the import of fill and other related improvements as shown on the Site Preparation Plan as dated November 23, 2015, is hereby granted approval and the Applicant may obtain the endorsed approval of the Planning Board Chairwoman on a copy of the resolution and upon the Site Preparation Plan drawings, as and when revised as necessary to show compliance with the following conditions, which endorsement shall permit filling in the Sleepy Hollow Department of Architecture, Land Development, Buildings & Building Compliance (the Building Department) for purposes of obtaining filling and building permits in accordance with this resolution and all Village and building code requirements; and, be it further

RESOLVED, that this approval shall expire one (1) year after the date of this resolution if the following modifications and conditions have not been completed to the satisfaction of the Planning Board and the Village Building Department, and, the Applicant has not obtained the required filling and building permit or permits for construction in accordance with the approved plan(s):

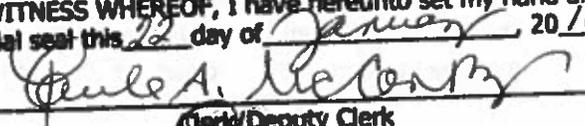
1. The Filling Permit granted herewith shall be for a period of three (3) months from the date that the first truckload of fill is brought to the Site with provisions as outlined in Section 190-17 of the Village Code for renewal of the permit for an additional three (3) months.
2. As soon as reasonably possible, but in no case less than seven (7) days prior to when the first truckload of fill will be brought onto the Site, the Fill Provider shall provide in writing a notice to the Village Architect and the Planning Board Chairwoman that filling operations are to begin.
3. As per Section 190-6 of the Village Code, prior to issuance of a filling permit a suitable surety bond, payable to the Village, in an amount fixed by the Building Inspector and in a form approved by the Village Attorney shall be filed with the Village.
4. The Fill Provider shall post a separate bond in an amount to be fixed by the Building Inspector and the Village Engineer in form approved by the Village Attorney with the Village to guarantee repair of any damage to Continental Street or other Village roads or utilities caused by the Project filling operations.
5. Construction activities shall be in conformance with the Village of Sleepy Hollow Noise Ordinance.
6. The Applicant shall schedule construction trips to and from the Site along Continental Street from Broadway by way of Route 117 and prohibit deliveries on school days prior to 8:30 AM and between 2:30 PM and 3:30 PM.
7. Prior to the beginning of any portion of the proposed filling operations, a detailed Management and Protection of Traffic Plan utilizing at least three flagmen or flagwomen shall be reviewed and approved by the Police Chief, Village Consulting Engineer, and the Building Inspector with a report provided to the Planning Board.

8. The Fill Provider shall be responsible for paying the costs associated with any police and or traffic control personnel required under the Management and Protection of Traffic Plan to which reference is made in Condition 7 and any additional police and or traffic control personnel required during the transportation of materials within the Village limits.
9. The Fill Provider shall be responsible for paying the costs associated with the use of an inspector, retained by the LDC, to monitor periodic testing of the fill material. Testing shall be consistent with the representations made by the Village's Environmental Consultant as part of the review process. Testing results shall be provided to the Village on a regular basis.
10. In order to reduce the transmission of dust resulting from construction activities, the Fill Provider shall: post a 10 mph speed limit signage on the East Parcel and Continental Street to reduce vehicle speed; cover trucks carrying soil and other dry materials; periodically (at least once per week or as directed by the Building Department) wash paved areas within the construction limit line; apply water, as necessary, during crushing; provide and use a wheel washing area for trucks as directed by the Building Department, and apply water to stockpiles and unpaved roads during dry periods and as directed by the Building Department.
11. The Fill Provider shall submit proof of General Liability Insurance and endorsement and certificate of insurance naming the Village of Sleepy Hollow and its officials, employees, agents and consultants as additionally insured. Proof to be provided to the Village Attorney with a copy to be placed on file with the Village Clerk.
12. A separate Building Permit and Certificate of Occupancy shall be required for the installation and use of the office trailers located on the East Parcel.

PLANNING BOARD  
VILLAGE OF SLEEPY HOLLOW

  
\_\_\_\_\_  
Lisa Santo, Chairwoman

1-21-16  
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Date

I, Paula A. McCarthy the undersigned Clerk/Deputy Clerk, do hereby certify that the foregoing is a true copy of an extract duly adopted by the Board of Trustees of the Village of Sleepy Hollow, on the 21<sup>st</sup> day of January, 2016 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 said date.  
IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 22 day of January, 2016.  
  
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Clerk/Deputy Clerk