

Planning Board
Village of Tarrytown
Regular Meeting
May 27, 2015; 7:00 p.m.

PRESENT: Chairman Friedlander; Members Tedesco, Aukland, Raiselis Birgy;
Alternate Member Lawrence; Counsel Zalantis; Village Engineer
McGarvey; Secretary Bellantoni

ABSENT: Village Administrator Blau

Chairman Friedlander read the following adjournments:

Continuations of a Public Hearing:

- 67 Miller Avenue – Bartolacci
- 25 Main Street – HKP Realty Inc.
- 112 Wilson Park Drive (Lot 2) – Toll Brothers
- 73 High Street – Hanley
- 320-330 South Broadway – Tappan Manour Condominiums
- 61 Gracemere – Split Development Corp.

Continuations of a Preliminary Presentation:

- 51 High Street – Batska
- 160 Wildey Street - Ferraro

CONTINUATION OF A PUBLIC HEARING–Toll Brothers–229 Wilson Park Drive (Lot 10)

Judson Siebert, Keane and Beane, on behalf of the applicant said they have a plan that deviates slightly from the one previously submitted in advance of tonight's meeting. After conferring with the two neighbors on County House Road in Sleepy Hollow and getting them to agree between with each other, we have made one substitution to the proposed plan. Five Norway spruce were planned for the intersection of both property owners and lot 10; and at the request of the Bernacchia's landscaper, we are adding one more. All are of a specific variety, narrower so that all six can fit in that space. The planting plan remains the same and we are not withstanding that we are not required to do any offsite plantings to address the concerns of Mrs. Bernacchia, we have proposed plantings along the trail, in the open space area, between the trail and the Bernacchia residence. We have also provided a draft license agreement which will allow Mrs. Bernacchia to enter onto Village property to maintain the plantings once they are installed. There is one area of difference that does remain and that is the rock outcropping. The trail jogs a little closer to the lot 10 property line but we cannot do plantings because of that rock outcropping and the Village easement. We have done all that we can to try to accommodate this issue.

Ms. Raiselis asked if our Landscape Consultant, Lucille Munz has seen the plan. Mr. Siebert she has been on board since August 2014 and stated that we have done all that is necessary. She has not seen this latest revised version of the plan.

Chairman Friedlander said he is fine with this but asked that the revised plan to be sent to her and she will then give us a written report.

Mr. Tedesco said the other issue is the boundary line. Our former counsel has advised that we not approve until that issue is resolved and asked our current counsel to comment.

Counsel Zalantis said it is not our issue. It is a private issue and it should not stop the approval.

Ms. Raiselis asked who is putting down the cash bond for the plantings requested on the trail. If Ms. Bernacchia is requesting all of these plantings that her landscape architect has designated, is she putting up the bond. Counsel Zalantis said the concept was that the board would require a bond for insure that the plantings would be done and then after two years it would be released. Mr. Siebert said they stated they would not be responsible for the maintenance but expected to place a bond to make sure that the plants take and hold for both the trail property and lot 10, provided it is for a limited duration. Counsel Zalantis said she thinks the board would consider a two-year limit.

Mr. McGarvey said the boundary issue is not resolved, correct. Mr. Siebert said we have had discussion with Ms. Bernacchia's counsel about entering into an agreement that will resolve the boundary issue between us and also provide her and easement for the continued presence of the fence on lot 10, which there is not dispute that the fence is and has been an encroaching structure.

Mr. McGarvey said what does that do to the trail easement. Mr. Siebert said that does nothing to the trail easement. Mr. McGarvey said doesn't the fence encroach into the trail easement. Mr. Siebert said it does encroach slightly. Mr. McGarvey said so what do we do, we can't have dual easements on a property. Mr. Siebert said the easement is only to allow the fence to remain. We own the property and we are giving you and easement for the trail. Mr. Birgy said we should have an unencumbered easement; now we have an encumbered easement. Counsel Zalantis asked how far the fence encroaches into the trail easement, which is Toll's property. Mr. Siebert said a few feet into the property in one section. He said this does not change your use of the easement for the trail. To resolve the issue of the boundary line, Mr. Siebert said he does not see this as a practical or legal impediment. Counsel Zalantis asked where they are measuring the trail from, the fence or the easement line. Mr. Siebert said the easement is a total of 20 feet and the trail is approximately 10 inches in the easement. Counsel Zalantis said there is still going to be 10', even with that fence. Mr. Siebert said yes. Mr. Birgy said you are transferring that property over to the village eventually, aren't you. Mr. Siebert said no, it is an easement. Mr. Birgy said but you are going to sell lot 10 and what will happen to that property. Mr. Siebert said it's an easement and the new

owners will take title to lot 10 subject to an easement held by the village for trail purposes, just as other lots in the subdivision have been conveyed subject to village easements. Counsel Zalantis said the easement will run in benefit to the village but the property will remain in title to Toll at this point and later to Toll's successors, correct. Mr. Siebert said that is right.

Chairman Friedlander said so this easement is to allow the fence to remain where it has been. Mr. Birgy said so that fence was erected illegally. Mr. Siebert said yes it was erected without permission. Chairman Friedlander asked if this agreement has been signed-off yet; Mr. Siebert said no. Chairman Friedlander asked when will it be signed-off but Mr. Siebert said he did not know. Chairman Friedlander said the fence is not part of our preview; Mr. Siebert said that is correct.

Ms. Raiselis said the understanding is that the boundary issue is a private matter but is this going to stop us from making a vote at the next meeting. Counsel Zalantis said it is a private matter between the owners, the boundary line and fence issue. If there something that involves the subdivision approval, that is the preview of this board but the boundary line and fence issues are private matters between the owners of the property. Ms. Raiselis stated what Toll Brothers has to do to resolve this will not prevent us from approving this and Toll Brothers says they are not building the trail. I think we have to know what the subdivision approval says about who is building the trail. Rob Dowd of Toll Brothers said the trail stopped at this point because of this issue; once it is resolved, we will remove the trees and clean it up so that the construction of the trail can begin again. Counsel Zalantis asked if they would agree to that work being done prior to the issuance of a building permit. Mr. Siebert said he had to look at the actually subdivision agreement regarding the trail. Mr. Birgy said he thinks what the Trail Committee is saying is that the encumbrance, that being the fence, on the trail is what is preventing them from continuing with its construction. Mr. Siebert said the Trail Committee has never expressed that concern as long as he has been here; he said as a matter of fact they have pushed for the easement in order to continue with the trail. Chairman Friedlander said basically what it comes down to is the trail will be 10'-12' wide and what's on the other side doesn't matter; they said let's move forward. Mr. Birgy referred to a letter from the lakes committee dated today (copy attached) where they say something different. He emphasized "that is what they say today," so that is what is confusing. Mr. Siebert said it is contrary to what they have said months ago.

Ms. Raiselis suggested that Toll Brothers come to the next staff meeting where they will have the subdivision conditions and iron this out so that we can all move forward; all agreed to do that. Ms. Raiselis said and by that time we will have a report from Lucille Munz regarding the landscaping.

Robert Rosh, attorney with McCarthy Fingar, representative for Robin Bernacchia, the neighbor at 4 County House Road, stated that they have objections to the landscape plan dated May 14, 2015, exclusive of the deviations presented tonight. The rock outcropping does not allow for screening. Ms. Raiselis asked why his client can't screen on her property at the point. Mr. Rosh said there is not enough room between

the trail and her pool. Chairman Friedlander asked the distance. Mr. Rosh said he doesn't have that number. Chairman Friedlander said there has to be a setback.

Mr. Rosh said the prior attorney said in October 2012 that this lot cannot be approved until the lot line issue is resolved and that stands today. Ms. Bernacchia said she would agree to a license agreement or easement as long as the landscape plan her landscape architect submitted is done. There needs to be screen by the rock outcropping. Ms. Raiselis said but we can't plant on a rock. Mr. Rosh said it can be removed. Ms. Raiselis said on our easement you are going to remove a rock. He said it was not our decision to put a trail behind his client's property, which is a multi-million dollar property. Ms. Raiselis said she thinks he should also come to the work session so that we can work this out.

Chairman Friedlander said what he thinks is happening here is you want to stretch this out and you are using us to avoid the litigation. Whatever was said before, right or wrong, is not the issue right now; the issue right now is how we resolve this and it seems we are the only ones who want to resolve this so we can move forward. We do not want to be in the middle of your dispute with Toll Brothers; you have dragged us into it because we have the trail there and you have used this as a mechanism to exploit the planning board; you are just using us and I am tired of it. Go to court, fight it out and be done with it. Mr. Rosh said that is not what the board said two years ago. Chairman Friedlander said that is because we thought we were dealing with reasonable people who were willing to compromise; you are not willing to compromise. Mr. Rosh said we are willing to compromise. We presented a landscape plan that was rejected without an explanation. Chairman Friedlander said you are trying to get us involved; that is not our preview to give you a landscape plan for your client's property; our landscape plan has to be for the Village of Tarrytown. Mr. Rosh said what about the invasion of privacy for my client. Chairman Friedlander said when you client bought that property there was open space there; and if you client did not want to see that open space and was concerned about her privacy; she could have landscaped her property and placed her pool in a location to protect her privacy. Whether she did that or not, now someone else is going to develop and she wants them to protect her privacy; that is not their responsibility.

Mr. Rosh said this is an invasion of my client's privacy. We are just looking for protection of their privacy, that all. We thought we had an agreement but we have not seen this plan until today. Chairman Friedlander said talking is now communicating. You have been talking for 2 ½ year and still have not reached an agreement. Because you think you have a mechanism to hold things up for years and you client can go on her merry way that is not an agreement that's a hold up. We are not doing that. Mr. Rosh said it is the protection of my client's privacy. Ms. Raiselis asked how large is this opening, 8 feet – 10 feet? Mr. Rosh said he doesn't know. Mr. Tedesco said no matter how large the opening is, it can be screened on your client's property if they have the will to do so. To set the record straight, prior counsel did not say it was a public dispute. He coined private dispute but he felt it would be better to resolve it before moving forward with an approval for lot 10. That was his opinion. Mr. Rosh said it was an

agreement with the board not to go forward with further proceeding until the boundary line issue was resolved. Mr. Birgy said but it was not to be open ended; we have to move forward with this. Ms. Raiselis asked for Counsel Zalantis opinion. Counsel Zalantis said she does not think this board has taken any action or determination; and even if they did, they could make another determination. She asked if surveys have been submitted to this board.

Mr. Siebert said surveys have been submitted but there is not issue with the metes and bounds. The issue is how two different surveys plotted it on the two site plans; it's an issue with the placement of the stakes in the field which are placed approximately 6' from each other. The metes and bounds descriptions are exactly the same. It has always been our position that this is a private issue and we have tried to work it out. He believes that the landscape plan presented tonight is reasonable. We have committed to do things that we ordinarily would not do including landscaping on Village open space areas. Counsel Zalantis said she thinks everyone would have preferred there be a resolution but we are hoping to work out some of the issues at the staff meeting. It would be beneficial to keep communicating. The board is concerned that the conditions of the subdivision be met.

Mr. Tedesco moved, seconded by Mr. Birgy to continue the public hearing; all in favor. Motion carried.

CONTINUATION OF A PUBLIC HEARING–32 Warren Ave.–Srs. Of the Sacred Heart

Sr. Bernadette Kenny, legal counsel for the Sister of the Sacred Heart, said the Village hired an independent consultant, Lynstaar Engineers, to review the proposal and they received the Lynstaar report which was very favorable to their application. Mr. Gary Lynch of Lynstaar Engineering is here this evening to answer any questions and address any concerns. They have submitted a new plan prepared by their engineers, which reduced the length of the tank by about 4-5'.

Gerry Rauch of Landmark Facilities Group said they have made modifications to the plan by reducing the size of the fuel oil tank from 3,000 gallons to 2,000 gallons and added additional safety features on the fuel oil side; there is a 5 gallon containment box at the fuel fill location and there is an automatic overfill prevention valve that has been specified which prevents the tank from spilling over when being filled. Once the tank reaches 90% full, there is a shutoff which prevents any more fuel from entering the tank, eliminating the possibility of fuel spelling. They are also specifying that all of the equipment be painted green and Mr. Lynch's suggestion, which will help them blend in with the environment.

Ms. Raiselis asked Mr. Lynch what he did and how he went about the review. Mr. Lynch said he was asked by the Village to review the proposal for adherence to code and various issues such as environmental issues, sound, and gas spillage. They reviewed the application, met with the convent staff and the village staff. He visited the site and took pictures to see how it would blend in with the environment. From an

engineering standpoint for the sound pollution they adhered to all of the requirements for of normal codes and Village Codes. For oil spillage they have provided a double wall containment which is required today on all installations. They have added other safety options which are above and beyond what is required.

Mr. Aukland asked if a five gallon spill box is sufficient. Mr. Lynch said yes, that is a lot of spillage. If some fuel is spilled into the box as it is being fill, it is contained in that box which can be clean up by the delivery person.

Mr. McGarvey said if they have a 90% fill switch then there shouldn't be any spillage. Mr. Aukland said it's like filling your tank at the gas station, sometimes a little drips out of the spout. Mr. Lynch said or if you pull it out to fast, a small amount can spill.

Ms. Raiselis asked if they took into account that it site in the most critical environmental area of the village. Mr. Lynch said of course. Initially concern was the sound. He spoke with the Sister's engineers and they explained what they were doing to attenuate the sound, which meets the Village's 65 dbls. It adheres to the Village's noise requirement and should not be a concern. Of course that noise is only when the generator is running; and I understand it will run a test once a week for about a half hour. If there is an electrical outage, it will run just like all the rest of the generators will be running. They have incorporated many safety features. The double wall tank will hold as much as the tank which is over and above what is necessary. Today's tanks have all sorts of Federal regulations and they are designed not to erupt under any circumstances.

Mr. Birgy said he thought the consultant was going to come back with a better way to do this without adding to the amount of fuel that is already on the premises. He said he is concerned that a 2,000 tank will only last about two days in the event of a Sandy-type issue. Mr. Rauch said using their Con Ed bills and calculating the average usage he determined that 2,000 gallon tank will give them 72 hour because the generator will not be running at full load all of the time, and he feels comfortable with that. Mr. Birgy said he is concerned with the total of 8,000 gallons of fuel oil and is there any other way to meet their needs without all of the fuel oil in the vicinity of the lakes. Mr. Rauch said they did look at using the existing fuel for the generator but they fuel that is there is for the boilers; and if they have to run the boilers and the generator at the same time, they will not get the duration and they would have to rely on fuel oil deliveries, which may not be as easily available in a storm event. Secondly, they would have to put in an underground pipe which is more susceptible to undetected leaks. Mr. Birgy thought natural gas may be a better source of power. Mr. Rauch said with true emergency generators that are used for life safety situations, natural gas is not allowed; you must have a self-contained package where the fuel is with the generator. Mr. Lynch said in situations where generators are used for life safety situations there are only two reliable fuel sources and they are diesel or natural gas; but diesel is better because natural gas is an interruptible source but with diesel you just rely on deliveries.

Sr. Bernadette said in Mr. Lynch's report he states that the natural gas generator is larger, produces more sound, and is more costly than its diesel counterpart. We are just trying to address the problems we have had in the past with the hope of not having them again.

Mr. Tedesco asked about the screening. He said from the pictures presented they plan to put in good screening with tall evergreens. Mr. Rauch described the proposed landscaping plan which was presented to the board; it's basically a wall of plantings.

Mr. Tedesco asked Mr. Lynch about the testing of the generator. Mr. Lynch said it is done once a week to be sure it is all functioning properly. The manufacturer's recommendation is to let it run from 15 minutes to an hour; it is whatever you are most comfortable with. Mr. Tedesco said and this can be done once a week and the same time each time so that the neighbors are aware of this happening. He said he does not believe that noise is an issue. Mr. McGarvey said they are within the provision of the decibel level of the Village Code.

Ms. Raiselis asked them to send the landscape plan to Lucille Munz, our Landscape Consultant, for her review and comments.

Ms. Lin, Electrical Engineering, said if for some reason they cannot get deliveries, they can reduce their load allowing the fuel to last longer.

Mr. Birgy said if we are putting aside the issue of spillage, why don't we consider a 3,000 gallon tank.

Ms. Raiselis asked if a 3,000 gallon tank will be completely contained. Ms. Lin said yes, it will actually contain 115% of the inner tank.

The Chairman asked if anyone would like to speak.

Peter Bartolacci, 67 Miller Avenue, stated that he has nothing to do with the convent but wanted to get his comments on the record. He said we are talking about increasing the fuel oil in this area by about 25%. He said there is a road that runs through the Tarrytown Lakes and what would happen if a car went into the lake; what would happen if a tanker went into the lake. So here we are giving nuns a hard time when all they are trying to do is alleviate a bad situation; and they went about it with a well thought out plan that was approved by the building inspector. It was 100% code compliant and yet it got delayed and they had to hire an independent consultant to review it. The reality is that the risks you are concerned about pale compared to the everyday life of people driving across that lake. I think this is something you really need to think about because this is people's time and money, and that's the important thing. I don't think any of you realize the impact you have on other people's lives, and it's important that you do understand.

Mr. Bartolacci said the other question I have is why is this application before the Planning Board?

Mr. McGarvey said because it is a commercial property and any changes to the site plan of a commercial property come before the Planning Board.

Mr. Bartolacci said it's a change to the site plan; so you are saying it's a use of land.

Mr. McGarvey said that's right.

Mr. Bartolacci said he has a question for Mr. McGarvey and Ms. Lawrence, Chairman of the Zoning Board: When a commercial property paved over its backyard to create parking spaces, that wasn't a use of land and in this case it is; he wondered why.

Ms. Lawrence said she does not think this is an appropriate venue for her to respond; however, I am an alternate member of this board so I am not going to answer that question tonight.

Mr. Bartolacci asked if she would be willing to answer it in writing to him.

Ms. Lawrence said she will have to consult with our attorney.

Counsel Zalantis said she does not think Planning Board members can give legal advice on another application.

Mr. Bartolacci said Ok you are the attorney so why don't you tell me.

Counsel Zalantis said she is not going to discuss an application that she knows nothing about and it is not part of this application.

Mr. Bartolacci said he would like an answer and it is part of the supervisor's job to see that the laws are fairly and efficiently administered.

Counsel Zalantis said she is not sure what he is referring to but the application that is currently before this board needs site plan approval because it is non-residential and every non-residential application comes before this board for site plan application. I cannot tell you about another application, I can only speak about this application.

The board asked that applicant to come to the next staff meeting.

Mr. Tedesco moved, seconded by Mr. Aukland to continue the public hearing; all in favor. Motion carried.

NEW PUBLIC HEARING – Cannavo – 17 North Washington Street

Chairman Friedlander read the following public hearing notice:

PLEASE TAKE NOTICE that the Village of Tarrytown Planning Board will hold a public hearing on Wednesday, May 27, 2015 at 7:00 p.m. at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

*Dominick Cannavo, MD
245 Seventh Avenue, 8B
New York, NY 10001*

For approval to convert the existing 3-story commercial building to commercial and residential use. The property is located at 17 North Washington Avenue and is shown on the tax maps as Sheet 1.40, Block 16, Lot 5 and is in the GB Zone.

Documents are available for inspection in the Planning and Zoning Office. All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing-impaired; request must be made to the Village Clerk at least one week in advance of the meeting.

By Order of the Planning Board

Dale Bellantoni, Secretary

DATED: May 17, 2015

Rand Marshall of the Rand Group introduced himself and Carlo Liberti, Architect on behalf of the applicant stated that they revised the plans. The only change is apartments are going on the second and third floor and storage on the fourth floor of the brick building; before the storage was on the second floor. He provided a survey.

Mr. Tedesco asked if the storage will still be motorcycles. Mr. Marshall said yes but no gasoline; the building will be fully sprinklered and fully alarmed. Mr. Tedesco asked if there are any variances required. Mr. Marshall said he believes there is not.

Ms. Raiselis ask if they are going to change the front at all. Mr. Marshall said it's going to stay the same because it is a historic building. The only change will be some windows will be blocked with the same bricks. Ms. Raiselis said you are blocking the windows. Mr. Marshall said we are removing some of them because the existing floors don't match up. We are putting structural steel floors in so the elevation of the windows will have to change. Ms. Raiselis said you are going to go to ARB for that, right. Mr. Marshall said yes.

Mr. Birgy asked if the windows could remain because blocking up the windows will change the historic nature of the building. Mr. Marshall said we are putting new windows in.

Ms. Raiselis said basically it's all to code and no variances needed.

Mr. Marshall said 90% of the work is going to be inside the building.

Chairman Friedlander opened the hearing to the public.

Mr. Marshall said Mr. McGarvey had DPW come down and look at the sewer. We are going to have to put a new sewer in. Luckily it's deep enough and in good shape. It's in the middle of the road so we won't have to rip up the whole road to put it in.

Ms. Raiselis said personally she is very happy that something is happening with the building because it is a beautiful structure just sitting there.

Mr. Marshal said they are going to install two new water line, domestic and sprinkler.

Mr. Aukland moved, seconded by Mr. Tedesco to close the public hearing; all in favor. Motion carried.

Mr. Rand said we have parking because Dr. Cannavo owns all three buildings so there is parking in all the areas.

Mr. McGarvey said the survey of the property encompasses the whole building and not much else. I know you have parking inside for the five spots needed for the two apartments; but if he is planning to use parking on the adjacent site, he has to be careful; because if they come for any kind of development, they won't have the parking. Mr. Rand confirmed that there are seven parking spaces inside the building.

Mr. Aukland stated that the Planning Board declares this an Unlisted action which requires no further review under SEQRA. The board is declaring a negative declaration and finds there is no significant adverse impact from this application because it is interior renovations to an existing building.

Mr. Aukland moved, seconded by Mr. Tedesco to close the public hearing; all in favor. Motion carried.

Mr. Aukland read the attached resolution of approval, seconded by Mr. Tedesco; all in favor. Motion carried.

NEW PUBLIC HEARING – Crescent Associates – 155 White Plains Road

Chairman Friedlander read the following public hearing notice:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday March 30, 2015, at 7:00 p.m. at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

*Crescent Associates LLC
c/o Silverman Realty*

*237 Mamaroneck Avenue
White Plains, NY 10605*

To consider an application for the addition of a canopy and vestibule to the existing building located at 155 White Plains Road, Tarrytown New York.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.201, Block 121, Lots 5.11 and is located in an OB Zone.

Documents are available for inspection in the Planning and Zoning Office. All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing-impaired; request must be made to the Village Clerk at least one week in advance of the meeting.

*By Order of the Planning Board
Dale Bellantoni
Secretary to the Planning and Zoning Boards*

DATED: March 20, 2015

The certified mailing receipts and return cards were submitted; the sign was posted.

Joel Sachs, Keane and Beane, stated that they are here this evening on behalf of the applicant for site plan approval for two minor modifications to the existing building at 155 White Plains Road. They were before the board for a preliminary presentation in February and since then they have shrunk the size of the canopy and made some changes to the roof screen. They appeared before the Architectural Review Board and received their approval.

Mr. Sachs introduced Patrick Burke, Columbia University Vice President for Capital Management, and Michelle Cooper from Columbia University and their architect Ron Evans from Array.

Mr. Burke gave a description of the interior of the building and what it will be used for. He said they are proposing to construct a 10' x 20' canopy over the entrance with a new concrete pad to match the existing sidewalk.

Mr. Tedesco said you have made quite a reduction in the canopy from 800 s.f. down to 200 s.f.

Mr. Aukland asked if it is still adequate for someone in a wheelchair. Mr. Burke said absolutely. He showed the layout of the canopy. Mr. Burke pointed out that there are no columns; very simple, matches the existing architecture. There will be a 3½' tall monument for the push button for access. He showed all elevations and stated that it is 136' back from the street; people would not be seen from the street.

Chairman Friedlander opening the meeting to the public; no one responded.

Ms. Raiselis moved, seconded by Mr. Tedesco to close the hearing; all in favor. Motion carried.

Ms. Raiselis read the attached resolution of approval, seconded by Mr. Aukland; all in favor. Motion carried.

NEW PUBLIC HEARING – Salvation Army – 115 Wildey Street

Chairman Friedlander read the following public hearing notice:

*PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Wednesday, May 27, 2015 at **7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:*

*The Salvation Army
115 Wildey Street
Tarrytown, NY 10591*

For renewal of the April 22, 2013 approval for site plan improvements for the portion of the property located in the Village of Tarrytown as part of the demolition of the existing building and the construction of a new building in the Village of Sleepy Hollow.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.40, Block 7, Lot 2 and is located in an M1.5 (Multi-Family) zone.

Documents are available for inspection in the Planning and Zoning Office. All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing-impaired; request must be made to the Village Clerk at least one week in advance of the meeting.

By Order of the Planning Board

Dale Bellantoni, Secretary

DATED: May 16, 2015

The certified mailing receipts were submitted and the sign was posted.

William Null, Cuddy and Feder, on behalf of the applicant explained that two years ago his client received approval from the Village of Sleepy Hollow to remove the existing Salvation Army building as well as the property adjacent to it (formerly Frank's Chevrolet) in order to construct a new Salvation Army building. A small portion of the existing parking lot and the property at the corner of Wildey and Valley Streets is in the Village of Tarrytown; therefore, they were required to get an approval from the Village of

Tarrytown as well. They came before the Tarrytown Planning Board and received their approval on April 22, 2013. Since they have not yet begun work on the Tarrytown portion of the property, they have come back before the Planning Board seeking a one-year extension of the approval.

Chairman Friedlander opened the meeting for questions and/or comments to the staff and to the public. No one responded.

Mr. Aukland moved, seconded by Ms. Raiselis to close the public hearing; all in favor. Motion carried.

Mr. Aukland read the attached resolution of approval, seconded by Ms. Raiselis; all in favor. Motion carried.

NEW PUBLIC HEARING – Allman – 145 Neperan Road

Chairman Friedlander read the following public hearing notice:

*PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Wednesday, May 27, 2015, at **7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:*

*Suzanne and John Allman
145 Neperan Road
Tarrytown, NY 10591*

To consider an application for a rear addition which will encroach into steep slopes in order to update and enlarge their kitchen and add a covered porch.

The property is located at 145 Neperan Road and is shown on the tax maps of the Village of Tarrytown as Sheet 1.50, Block 22, Lot 4 and is in the R-10 zoning district.

Documents are available for inspection in the Planning and Zoning Office. All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing-impaired; request must be made to the Village Clerk at least one week in advance of the meeting.

By Order of the Planning Board

*Dale Bellantoni
Secretary to the Planning and Zoning Boards*

DATED: May 16, 2015

The certified mailing receipts were submitted and the sign was posted.

John Whelan, architect with McCarthy LePage Architects introduced himself and Mark LePage, Principal of McCarthy LePage Architects on behalf of the applicant said they received ARB approval and Zoning Board approval. There is a small amount (113 s.f.) of steep slopes in the project area, which consists of a small portion of the potting shed which is being used as a foundation for the porch; and the stairs will come down next to the new porch and follow the steep slope down to the patio.

Ms. Raiselis asked Mr. Whelan to explain what material will be used to construct the stairs. Mr. Whalen said the stairs coming off the porch will be wood and the stair going down the slope to the patio area will be stone masonry. He said this is the only way to safely get down to the patio area and the amount of steep slopes affected will be less than 1%. It will enable them to get to the patio directly from the kitchen and the porch.

Mr. Aukland asked what the actual intrusion into the slopes is; are the stairs going to be anchored. Mr. Whelan said yes, they will have a footing. Mr. Aukland asked if the profile of the slope will change. Mr. Whelan said no, the stairs are coming straight down.

Mr. McGarvey said a slope less than 200 s.f. with a band width less than 10 feet would be exempt but it is a continuous rock slope there so they require a steep slope waiver from this board.

Mr. McGarvey asked if there is any other way to get down to the patio. Mr. Whalen said on the other side of the house there is a very irregular masonry walkway to get down; but in order to get there from the kitchen, they would have to go around to the other side of the house; and it is very narrow and dangerous.

Mr. Aukland said there is not direct benefit for the Village but it would relieve the hardship for the owner. Mr. Whalen said yes.

Counsel Zalantis asked if the proposed development would be injurious or detrimental to the surrounding properties. Mr. Whalen said absolutely not. Counsel Zalantis asked if this is the minimum amount you would need to put in the stairs. Mr. Whalen said yes.

Chairman Friedlander asked if it will be visible to the neighbors on either side. Mr. Whalen said not because there is a garage so it would not be seen. Chairman Friedlander said it will be shielded.

Ms. Lawrence said at the ZBA meeting the next door neighbor wrote a letter in favor of the project stating it is needed because it is dangerous going down the other way.

Counsel Zalantis asked if there is any potential increase of fire or flood from the project. Mr. Whalen said not from the stairs. He said they are putting in drywell at the bottom for the new roof on the porch.

Counsel Zalantis asked if it is making access easier than the existing access. Mr. Whalen said yes much easier and much safer.

Chairman Friedlander opened the meeting to the public. No one responded.

Mr. Aukland moved, seconded by Mr. Birgy to close the public hearing; all in favor. Motion carried.

Mr. Aukland read the attached resolution of approval, seconded by Mr. Birgy; all in favor. Motion carried.

NEW PUBLIC HEARING – 21 Wildey Street, LLC – 21 Wildey Street

Chairman Friedlander read the following public hearing notice:

PLEASE TAKE NOTICE that the Village of Tarrytown Planning Board will hold a public hearing on Wednesday, May 27, 2015 at 7:00 p.m. at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

*21 Wildey Street LLC
485 West Putnam Avenue
Greenwich, CT 06830*

To construct a new two-story plus cellar residential building with 12 affordable housing units. The property is located at 21 Wildey Street and is shown on the tax maps as Sheet 1.40, Block 8, Lot 8.1 and is in the M-1 Zone.

Documents are available for inspection in the Planning and Zoning Office. All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing-impaired; request must be made to the Village Clerk at least one week in advance of the meeting.

By Order of the Planning Board

Dale Bellantoni, Secretary

DATED: May 17, 2015

The certified mailing receipts were submitted and the sign was posted.

Joe Cotter, John Meyer, Paul Janis and Sean Flynn, all of National Resources, were present on behalf of this application.

Mr. Meyer said the project received prior approval from this board but they have made some modification since that approval. It is a two-story building with 12 unit affordable housing units. He said at the request of the Architectural Review Board they eliminated two parking spaces in the front of the building in order to create a landscape area and to

provide public access from the sidewalk directly to the building. They created two towers on the front façade of the building; one 4' high and the other 2'-5". They also added a standing metal seamed roof.

Mr. Meyer said they received ARB approval and they asked that we put a fence on the wall on the right side of the building between this building and the library as a safety precaution for children playing on the grassy hillside of the library property. They have agreed to do that.

Mr. Meyer said the building will have four one-bedroom units and eight two-bedroom units.

Mr. Birgy asked if the units will be for sale or for rent. Mr. Meyer said he believes they will be for rent and governed by the Village for applicants eligible to rent. Mr. Birgy said and the ownership will be retained by the developer. Mr. Meyer said correct.

Mr. Meyer said they are installing three street trees and boxwood hedges across the front.

Mr. Meyer summarized the changes to the original approved plans as landscaping, pedestrian access and the front façade treatment.

Ms. Raiselis asked if Lucille Munz has seen the landscape plan. Mr. Meyer said we have not submitted it to the Village Landscaper.

Mr. McGarvey asked what they are doing about snow. Mr. Meyer said it will be put in the strip along rear property line and in front corner where there is no parking space. Mr. McGarvey said what is going to happen with the snow if it piles up. Mr. Meyer said if necessary we will remove it from the site.

Chairman Friedlander opened the meeting to the public

Dean Gallea, 28 Wildey Street said he has not seen a lot of change. He has some concerns; snow removal is an issue which became a big issue last year. Mr. Gallea said he wants assurance that it will stay on site or be taken away. He said the apartments on the lower level will be looking at a wall and he is concerned that there will be a large turnover because of that.

Ms. Raiselis said the wall that was there for the last 100 years or so was about 4 feet high. Mr. Gallea said but it gets higher in the back. Ms. Raiselis asked how high the retain will be. Mr. Meyer said 6 inches at the front curb to approximately 8 feet toward the rear and 7 feet from the building which is to the code of New York State for light and ventilation.

Mr. Birgy said we can't see the window there in the elevation drawing. Mr. Meyer said the elevation shown is looking from a lower elevation but looking down from the higher elevation or the Library you can see the windows. Mr. Birgy said looking at those

windows you would be looking at a wall. Mr. Meyer said the wall is higher than the window; that is correct. Ms. Raiselis asked what the retaining wall is made of. Mr. Meyer said concrete block. Ms. Raiselis asked if something could be done to make that concrete wall look nicer, maybe landscaped with ivy. She doesn't think it is going to be dark. Chairman Friedlander said we can ask Lucille Munz for her suggestions on landscaping that wall. Ms. Raiselis asked if they are willing to landscape it. Mr. Meyer said yes. He said to keep in mind that is a walk way. Chairman Friedlander said the landscaping will come above and over the fence and down. He asked Ms. Pinckney who is a member of the ARB how high the fence will be. Ms. Pinckney said 3'-6". Mr. Meyer said that is a question I have for the Building Inspector/Engineer because the building code does not require a fence there because there is not walkway immediately adjacent to it. If the Building Department does not have a problem with it, we would do a 3 foot fence.

Patricia Pinckney, 18 North Broadway and member of the Library Board, said seems it will be similar to the one at the Lodge at Hudson Harbor; it will be attractive. Mr. Meyer said we have been asked by the Library if they could plant hedges there. Ms. Raiselis said they will block all of the light.

Maureen Petry, Library, said the lower level of the Library is the Children's Room so we thought it would be good to put a fence so the children couldn't see into the windows.

Mr. Gallea asked about the snow. Mr. McGarvey said we are going to have to discuss with the board as to how much snow is too much and has to be taken away.

Mr. Meyer said it has been used as a parking lot and we do not blow the snow into the street. We discussed this before and it was said that it will be pushed..... Mr. McGarvey said and it will not be pushed into the street, it's illegal.

Timothy Duch, 118 North Washington Street, is concerned with the west side of plan. We did have a problem with the snow melting and coming down into our basement. He wants assurance that the water will not come down and deteriorate his 6" wall (curb). Mr. Meyer said the area you are speaking about is a driveway and a dumpster area which will always be kept clear so any snow would be about 10-15 feet from your property line.

Liza Glover, 38 McKeel Avenue and Library Trustee, thanked everyone for working so hard on this and making it such a good building for everyone.

Mr. Gallea said if the cars have to go out to plow the snow, there must be a parking space to go back into; parking spaces cannot be used to pile snow.

Mr. Aukland moved, seconded by Mr. Tedesco to close the public hearing; all in favor. Motion carried.

Mr. Aukland read the attached resolution of approval, seconded by Mr. Tedesco; all in favor. Motion carried.

NEW PUBLIC HEARING – Tarrytown Waterfront LLC – 5 Hudson View Way

Ms. Raiselis recused herself from this application.

Chairman Friedlander read the following public hearing notice:

*PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Wednesday, May 27, 2015, at **7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:*

*Tarrytown Waterfront LLC
5 Hudson View Way
Tarrytown, NY 10591*

For the construction of the River House, a new 4-story building with 43 residential units and a two-story parking garage.

The property is located at 5 Hudson View Way and is shown on the tax maps of the Village of Tarrytown as Sheet 1.40, Block 4, Lot 18 and is in the WGBD zoning district.

Documents are available for inspection in the Planning and Zoning Office. All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing-impaired; request must be made to the Village Clerk at least one week in advance of the meeting.

By Order of the Planning Board

Dale Bellantoni, Secretary to the Planning and Zoning Boards

DATED: May 16, 2015

The certified mailing receipts were submitted and the sign was posted.

Joe Cotter, John Meyer, Paul Janis and Sean Flynn, all of National Resources, and Ulises Montes DeOca, Architect with Lessard Design, were present on behalf of this application.

Rendered elevation views and updated plans were handed out by the applicant's representative.

John Meyer stated that they are here for the approval of the River House which is a 43 unit, four-story building with parking in the center garage and some exterior parking. He said it follows the setback line of the previous building. The building is 42 feet high.

Ulises Montes DeOca stated from he believes everyone is familiar with the design; they have articulated the elevation to make it more dynamic and to provide more human skill and more context. The building is covered with stone to provide a rich texture. The building has balconies and corners on the building that provide open areas. When you compare the approved envelope of 28 townhomes with 42 feet height, this building is the same height and has the same amount of frontage but blocks less views toward the Hudson River. There are 61 parking spaces inside the building and 20 outside. It is within the same building envelope of the townhouses for the 43 units proposed. Because this building has an interior garage, there is less paved area for parking. This building provides more green space. Ground floor units can enter from outside the building and also have an interior entry. All the rest of the units enter from an interior entry. The building jobs in and out every 8-10 feet to provide outdoor spaces. The many ins and outs are less bulky than the flat wall of the townhouses. They have used brick, stone and reclaimed lumber on the façade; all of which have been used in the other Hudson Harbor buildings. Mr. DeOca said the entire building has the same articulation.

Mr. DeOca showed renderings of the building from every elevation. He said at the narrowest site, the bulkhead is 20'-6" from the property line; the building is 38' from the property line; so the building is 58'-6" from the bulkhead. Chairman Friedlander asked if that is the north side. Mr. DeOca said it is from the outer-most wall, we have lots of ins and outs and that is to the outer-most wall. Mr. McGarvey said it was supposed to be a minimum of 30' and you have 38'. Mr. Meyer said the building line at the easterly end to the north wall was 30' and then it stepped in to 38', so this portion of the building is 38' from the property line. Chairman Friedlander asked if the 20' is the RiverWalk. Mr. DeOca said yes.

Chairman Friedlander said the last time I asked this question I never got an answer, but would like to know why the original design of this building which had an indentation in the center which created a sense of open space in the middle from the RiverWalk to the building was changed. Someone said it was because of the parking, but I never understood that. Mr. DeOca said the main reason the design changed is to be respectful of the approved building envelope and this design provides more views to the river. He said that building was higher and it did not have an active frontage along the river because it was all parking; we believe this is a better design. Also, that building was right on the property line and did not allow any buffer for the park. Chairman Friedlander asked why that building couldn't be moved back from the property line. Mr. DeOca said it would take away from the square footage of the building, making it a very small building.

Ms. Lawrence asked the rationale for not constructing the townhouses on this site. Mr. Janos said the market is such that people are looking for one level homes. Mr. Birgy said so you are building a 43 unit apartment building and this was done as a business decision to maximize marketability. He said he has never seen this building anywhere and he does not see it as a connection to the Village of Tarrytown. He sees this as a

developer based plan not a community based idea. Mr. DeOca said this building offers a greater variety; it is a 43 unit building with 10 unit types. It has a variety of planes, a variety of materials and a variety of mass. Mr. Birgy said he is concerned about the landscape of the Village of Tarrytown and he is concerned that this building is a fundamental change to the architecture of the village; it lacks connectivity.

Mr. Tedesco said he sees a lot of good changes in this building; it is not displeasing to his eyes at all. Mr. Birgy does bring up a good point about the architecture of the village; however, I look at it in connection with Sleepy Hollow and what is going to be there, does it fit in with all of that not necessarily with what is on West Main Street.

Mr. Cotter said we think this is a spectacular building. We walked the RiverWalk and tried to envision what is going to be there. We feel what is missing is landscaping on the riverfront; so we spent a lot of time and came up with more landscaped areas. We set the building back 38' in order to accommodate the landscaping. We think this building is very much Tarrytown but the Tarrytown of today. We feel these will sell. It has great visibility and we found that people like the indoor parking.

Ms. Lawrence asked if there are any projects that we can look at like this one. She said it has an industrial feel and thinks it is a very nice design but is not sure if it fits.

Chairman Friedlander said the other building was more in keeping with the waterfront and history; you had a great idea and now it's gone. I understand that it's a matter of taste.

Mr. Cotter said in order to make that building work we need things from the Trustees. They said they want to keep it at 42' which means that original design would not work. We would very much like to get the approval so that we can start building it this year.

Ms. Lawrence asked what other phases are left to do. Mr. Cotter showed on the plan where they are. This building is actually small in terms of bulk than the original design. He said they are very excited about how this is going to look from the RiverWalk. Chairman Friedlander said regarding that last comment about the green space, we are going to have to come to some terms of agreement because that is the site plan inclusive of the green space. That should be part of the site plan to cover the massing of the other building. He said he likes those green spaces areas because they may soften the parts of the building that some people don't like.

Chairman Friedlander asked to see the articulation from the RiverWalk. Mr. Cotter showed close-ups of the building showing the various features.

Mr. Aukland said he doesn't find a problem with this building. He agrees with Paul and Sally that it doesn't echo Tarrytown, but down the line it is going to be a very attractive piece among many other attractive pieces. He has no problem with the massing, the 43 units, the landscaping provided it is done attractively and the eventual incorporation of the Cooney building. He does have some problem with the architecture as shown in the

rendering; it looks like a plan apartment building; but he realizes that it will look differently when walking past it because of the detail you have put into it. He said he will leave the architecture to the ARB but feels that you could do something with the top floor without changing the layout but make the treatment a little different to kind of echo the townhouses; perhaps a dome in each corner or something to give it a little height to make it look not so flat. He feels that everything proposed is in keeping with what that area will look like once the station project is complete. He said he hasn't heard anything that says this is the wrong building for that site but he does think there are some architectural pieces that need to be improved. Mr. Cotter said we would have to go back and have a findings statement change and we thought that we would not get any more height. Mr. Aukland said it has much more interest with a different top floor. Mr. Cotter agreed. And said with constraints on the height, our hands are tied. Mr. Aukland said he sees this application as fine; it really just needs some trimming on the architecture. Mr. Cotter said they still have to go before the ARB.

Mr. Cotter said we have a whole group of professionals working on this project and we think it is going to be very fitting for the waterfront. Mr. Birgy said he respectfully disagrees. Mr. Cotter said he respectfully disagrees with Mr. Birgy. He asked that this board approve this building so that they can move forward with the rest of the process including the ARB so that we can address some of the issues David brought up.

Counsel Zalantis said she would like to have a site plan that shows what they are approving which is the building site and the landscape site, which should just be called out on a site plan. We want to look at one site plan with everything being approved on it. Counsel Zalantis asked if they ever had a site plan approval for this site. Mr. Cotter said yes. Chairman Friedlander said that was for the townhouses. Mr. Cotter said but we are using the same footprint.

Chairman Friedlander said we need to get the public amenity open space as part of the plan and we need to work together to do that.

Counsel Zalantis said we need a landscape plan and we need to call out what is being approved because the board is not going to be comfortable approving after some statements made today that this will happen depending on what is done here, etc. We need to know exactly what they are approving. A land use approval is not a site plan approval. Mr. Cotter said they got full site plan approval at the joint meeting in March. Counsel Zalantis said you did a full SEQR process.

Counsel Zalantis said for the next meeting we need the site plan showing just what is to be approved, the building and the green space. We also need a detailed landscape plan and a drainage plan. She said this board does have architectural-type discretion to the extent that you can address the concerns of massing and scaling of the building before going to the ARB, which would be helpful to this board. Chairman Friedlander said the agreement is that this board and the ARB will meet together to make a determination on the architecture; that is the way we have done the whole project.

Counsel Zalantis said that aside, as part of your site plan authority you have authorities if you look at the regulations of the Village of Tarrytown.

Mr. Tedesco suggested that you get all of these materials to us and come to the worksession so we can go over them. He asked that they get them in early enough so that the attorney can look them over and if you are missing anything, she will have enough time to let you know what is missing. If we have a productive worksession, perhaps we will be able to move this forward in a reasonable time.

Counsel Zalantis ask them to get her any prior site plan approvals.

Mr. Tedesco moved, seconded by Mr. Aukland to continue the public hearing; all in favor. Motion carried.

PRELIMINARY PRESENTATION-New York Dearler Stations, LLC-372 South Broadway

Noel Barnett with Stonefield Engineering on behalf of the applicant said they are seeking a site plan approval for the expansion of the retail use for a convenience store. He said it is an existing Shell station with an existing service area and convenience component. The property is at the northeast corner of White Plains Road and South Broadway and it is in the NS zoning district. They are proposing to remove the auto servicing, making it more environmentally friendly and increase the circulation and parking by removing one egress from the area of the intersection and shifting it further east as an ingress/egress. They are adding six proposed parking spaces to the site. The service component requires a higher number of required parking spaces than a convenience store; twenty-four spaces are required and seven are existing; by adding six additional spaces, we are going from 30% to 70% of the required number of spaces. Mr. Barnett said they have a pretty robust landscape plan. They will be adding a considerable amount of hedges around the perimeter of the property. They feel that the reconfigured ingress/egress plan will increase pedestrian safety.

Mr. Tedesco said there are a lot of positive things in your proposal. When you add your food mart, we will have three food marts in a short distance of each other. One uniqueness of Shell is the car service they provided and now you are getting rid of it. Is it a financial decision? Mr. Barnett said the owner will be present at the public hearing who can speak to that, but Shell is updating its look with all of their stations. Mr. Tedesco said although Stonefield Engineering did a traffic study and presented a report, he suggested that we get an independent traffic engineer to review that study and have the police department review it as well.

Ms. Raiselis asked if the cars will be making a left hand turn out onto Broadway. Mr. Barnett said no.

The board members agreed that the entrances and exits that presently exist are not great and what they are presenting seems much better. Mr. Aukland suggested that the other businesses, the bank and the shopping center, may be approached to work

cooperatively with Shell to make the intersection more functional and safer. Mr. Barnett explained how they plan to make it better and said they are open to any other suggestion by the board in that regard.

Chairman Friedlander asked if this station is the standard size of most stations. Mr. Barnett said they vary between 1,800 square feet and 2,500 square feet. This station has about 1,500 square feet of existing service area and about 550 square feet of retail, which makes it within the average size; there will be no change in the footprint with the new design.

Counsel Zalantis asked if they are removing the fuel tanks. Mr. Barnett said not the fuel tanks but they will be removing the grease traps, the things that are associated with the service bays will be removed as part of their demolition, which will make it more environmentally friendly. Ms. Raiselis said provided it hasn't been leaking for twenty years. Counsel Zalantis asked Mr. Barnett if they did a phase I. Mr. Barnett said they have not but there is an existing monitoring system on the site. He hasn't researched it but he will find out more about it and provide the board that information.

The Planning Board deems that this is an unlisted action and they declared their intent to be lead agency with proper notification to involved and interested agencies.

The board asked that the application be reviewed by the police department.

Mr. Tedesco moved, seconded by Mr. Aukland to set a public hearing; all in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland to set an escrow of \$5,000; all in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland to hire an independent traffic consultant; all in favor. Motion carried.

PRELIMINARY PRESENTATION – Temple Beth Abraham – 25 Leroy Avenue

Neil Bruckner, representing Temple Beth Abraham, introduced himself and Mark Fanning, the electrician hired by the Temple. Mr. Bruckner said they are here seeking approval to install six light poles surrounding the property for security. Mr. Aukland asked the kind of light that are there now. Mr. Bruckner said they have some lights on the building which shine away from the building. These lights will be around the perimeter and will shine down to cover the entire parking lot.

Ms. Raiselis asked what kind of fixture they are putting in. Mr. Fanning said LED 144 watt to equal about 250-300 watt high intensity light. Ms. Raiselis said but what about the apparatus that holds the light bulb. Mr. Fanning said it's a flood. Ms. Raiselis asked how it will contain the spillage. Mr. Fanning said they included a lighting layout with their application which shows the lumen outlet; how far out it goes into the parking lot.

He said with the angle that it is set up, it minimize the spill light out the back and stays within the parking lot. Ms. Raiselis asked the height of the pole. Mr. Fanning said 20 feet.

Mr. Birgy said it sounds like it's going to be a big improvement.

Mr. McGarvey asked if they stay on at night; are they on a photo cell. Mr. Fanning said photo cell or a timer.

Ms. Raiselis asked if they have told any of the neighbors. Mr. Bruckner said no, this is the first step that they are going through.

Mr. Aukland said there will be more fixtures but less spillage. Mr. Fanning said yes. Ms. Raiselis said she suspects there will be a lot of comments from the neighbors and suggested that they do a more detailed sketch so they can let the neighbors know what you are going to do. Mr. Aukland said it would be helpful if you can do a lumen plot beyond the property.

Mr. Tedesco stated that the board declares this a Type II action.

Mr. Tedesco moved, seconded by Mr. Aukland to set a public hearing; all in favor. Motion carried.

Mr. Tedesco moved, seconded by Mr. Aukland to set an escrow of \$5,000; all in favor. Motion carried.

ADJOURNMENT

Mr. Tedesco moved, seconded by Mr. Aukland, to adjourn; all in favor. Motion carried. Adjournment – 11:40 p.m.