

JARDIM ESTATES EAST

Tarrytown, New York

Lead Agency **Village of Tarrytown Planning Board**

Applicant **Holy Spirit Association**

Prepared by



Engineering, Surveying and Landscape Architecture, P.C.

White Plains, New York

Date of Acceptance **October 22, 2012**

Jardim Estates East

Village of Tarrytown
Westchester County, New York

FINAL ENVIRONMENTAL IMPACT STATEMENT

Project Name:

Jardim Estates East

Project Location:

Tarrytown, New York

Lead Agency

Village of Tarrytown Planning Board
One Depot Plaza
Tarrytown, NY 10591
(914) 631-1652

Applicant:

Holy Spirit Association for the Unification of World Christianity
4 West 43rd Street
New York, NY 10036
Contact: Kaye Allen

Internet address at which the FEIS will be posted: www.tarrytowngov.com
(follow links to **Boards & Commissions** and **Planning Board**)

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Village of Tarrytown
Westchester County, New York

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The following consultants contributed to the preparation of this report

DEIS Preparation and Coordination

VHB Engineering, Surveying and Landscape Architecture, P.C.
50 Main Street, Suite 360
White Plains, NY 10606
Contact: Gina Martini, AICP
914-467-6600

Civil Engineer

Cronin Engineering P.E., P.C.
39 Arlo Lane
Cortlandt Manor, NY 10567
Contact: Keith Staudohar P.E.

Traffic & Transportation Engineering

John Collins Engineers, P.C.
11 Bradhurst Avenue
Hawthorne, New York 10532
Contact: John Collins, P.E.

Environmental and Wetlands:

Wetland Mitigation, Inc.
10 North Street
Cold Spring, NY 10516
Contact: Steven Marino

Cultural Resources:

Historical Perspectives, Inc.
P.O. Box 3037 (7 Peter Lane)
Westport, CT 06880
Contact: Cece Saunders

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FINAL ENVIRONMENTAL IMPACT STATEMENT

Legal:

Oxman Tulis Kirkpatrick Whyatt & Geiger LLP
120 Bloomingdale Road
White Plains, NY 10605
Contact: John Kirkpatrick, Esq.

Jardim Estates East

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Westchester County, New York

FINAL ENVIRONMENTAL IMPACT STATEMENT

VILLAGE CONSULTANTS / REVIEWERS

Carole Griffiths, Chair
Tarrytown Environmental Council

Frank Fish, FAICP
BFJ Planning, 115 5th Avenue, New York, NY 10003

Danna M. Cuneo
B. Laing Associates Environmental Consulting
225 Main Street, Ste. 205, Northport, NY 11768

Jardim Estates East

Village of Tarrytown
Westchester County, New York

FINAL ENVIRONMENTAL IMPACT STATEMENT

Involved and Interested Agencies:

Lead Agency

Village of Tarrytown Planning Board
One Depot Plaza, Tarrytown, NY 10591

Involved Agencies

Village of Tarrytown Board of Trustees
One Depot Plaza, Tarrytown NY 10591

Westchester County Planning Board
148 Martine Avenue, Room 432, White Plains, NY 10601

Westchester County Department of Health
145 Huguenot Street, New Rochelle, New York 10801

NYS Department of Environmental Conservation
Pete Grannis, Commissioner, 625 Broadway, Albany, NY 12233
William Janeway, Region 3, 21 South Putt Corners Road, New Paltz, NY 12561

NYS Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau, Peebles Island, PO Box 189, Waterford,
NY 12188-0189
Old Croton Aqueduct State Park, 15 Walnut Street, Dobbs Ferry, NY 10522

NYS Department of Transportation, Region 8
4 Burnett Boulevard, Poughkeepsie, NY 12603

NYS Department of State, Division of Coastal Resources
41 State Street - 8th Floor, Albany, NY 12231-0001

United States Army Corps of Engineers
Attn: NANOP-R, Jacob Javits Federal Building, 26 Federal Plaza, New York, NY
10278-0090

Interested Agencies

Village of Tarrytown Zoning Board of Appeals
One Depot Plaza, Tarrytown NY 10591

Jardim Estates East

Village of Tarrytown
Westchester County, New York

FINAL ENVIRONMENTAL IMPACT STATEMENT

Village of Tarrytown Architectural Review Board
One Depot Plaza, Tarrytown NY 10591

Village of Tarrytown Environmental Advisory Council
One Depot Plaza, Tarrytown NY 10591

Irvington Union Free School District
Mr. James P. Reese, Assistant Superintendent for Business, 40 No. Broadway,
Irvington, NY 10533

Town Council of Greenburgh
177 Hillside Avenue, Greenburgh, NY 10607

Town of Greenburgh Parks and Recreation Department
Commissioner Gerard Byrne, 11 Olympic Lane, Ardsley, NY 10502

Environmental Notice Bulletin
NYS Department of Environmental Conservation, 625 Broadway, 4th Floor, Albany,
NY 12233-1750

Neighbors
The following neighbors will be advised by letter that two copies of the FEIS and
supporting material will be available for review:

Linda Viertel
Others, as directed by the Planning Board



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2. Letter dated April 24, 2012 from Westchester County Planning Board
3. Letter dated May 3, 2012 from Linda Viertel, 8 Gracemere, Tarrytown, NY
4. Letter dated April 30, 2012 from David Aukland, 12 Gracemere, Tarrytown, NY
5. Letter dated May 9, 2012 from BFJ Planning
6. Letter dated April 24, 2012 from New York State Department of Transportation, Region Eight

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1.0

Introduction & Executive Summary



1.0

Introduction

1.1 Introduction

This document is the Final Environmental Impact Statement (FEIS) for the proposed Jardim Estates East residential subdivision in the Village of Tarrytown. The Applicant, Holy Spirit Association for the Unification of World Christianity (“HSA” or the “Applicant”) seeks subdivision approval for an approximately 46.6-acre parcel of land. The Applicant’s proposal calls for the site to be divided into 12 residential lots, including lots for two existing multi-family houses, which will remain. Two additional existing structures known as Gracemere Courts and the existing structure known as the Gate House will be demolished. Ten new single-family homes would be constructed on individual building lots. Access will be provided from the existing private roads, which will be improved to accommodate the anticipated traffic and to meet generally accepted road standards. The proposed roads will generally follow, to the greatest extent possible, the existing on-site private roads. Primary access to the subdivision would be provided from the existing private road known as Gracemere located at the westerly edge of the site (at the eastern edge of the Emerald Woods site) and from Browning Lane. An extension of the existing private road will be developed to permit access to the new lots. See Exhibit 1 for the location of the project site shown on an aerial map.

1.2 Purpose and Content of the FEIS

This Final Environmental Impact Statement (FEIS) is written in response to comments on the Draft Environmental Impact Statement (DEIS), which examined the potential environmental effects of the proposed Jardim Estates East residential subdivision pursuant to the State Environmental Quality Review Act (SEQRA) and its implementing regulations (6 NYCRR Part 617). The purpose of the EIS is to provide decision makers with an understanding of the potential environmental consequences of the proposed actions, so that an informed decision can be made about the actions they are asked to undertake. In addition, the EIS provides the basis to make a reasoned comparison of the alternatives to the proposed action.



The Village of Tarrytown Planning Board (“Planning Board”) is the Lead Agency for the SEQRA process for this proposed action. Once the Lead Agency was declared and it was determined that an EIS was required for the project, a series of public scoping sessions were held and on July 23, 2007 a final scope was adopted by the Tarrytown Planning Board. On September 24, 2007 the adopted scope was further revised by the Tarrytown Planning Board.

The Applicant submitted a preliminary DEIS for a 15-lot subdivision plan to the Planning Board in March 2009. On May 18 and June 11, 2009, the Applicant discussed the preliminary DEIS with the Planning Board at Planning Board Work Sessions and received written review by the Village’s then Planning Consultant (AKRF). The Applicant also had two meetings with neighborhood residents on September 22, 2011 and November 14, 2011. Based on comments from the Village and its consultants and discussion with neighborhood residents, the Applicant reduced the total number of lots for the subdivision from 15 to 12, including lots for two existing multi-family structures to remain.

The Applicant prepared a DEIS for a 12 lot subdivision, which was accepted as complete on March 26, 2012. A public hearing was held on April 23, 2012 and the written comment period remained open for 20 days. The DEIS is incorporated into this FEIS by reference. All substantive comments received at the public hearing and during the DEIS comment period are addressed in this FEIS. The public hearing transcript is included in Chapter 4.0 and copies of all written comments are included in Chapter 5.0 of this FEIS. Comments are organized by subject matter, referenced to their source, and responded to accordingly. Similar comments are grouped together.

1.3 FEIS Alternative Plans

As a result of comments received on the DEIS proposed conventional subdivision plan and alternative cluster subdivision plan, several alternative plans have been developed and are analyzed herein. The Applicant has participated in several work sessions with the Planning Board and these alternative cluster plans have developed with input by Planning Board members and the Planning Board’s professional planning consultants.

Various past alternatives considered by the Planning Board and the Applicant are contained in the FEIS as part of the historical record. However, the discussion of alternatives provided herein spends the most analysis on the Planning Board’s Preferred Alternative of 9 new homes (11 lots). This is compared with the Applicant’s Preferred Alternative for 10 new homes and twelve lots.

1.3.1 Woodlawn Avenue Access

The first plan shows a road connection to Woodlawn Avenue and a total of 12 lots, 10 new homes. As can be seen, providing access to the site from Woodlawn Avenue requires disturbance to steep slopes and a very minor intrusion into the wetland buffer to the lake.



According to the Applicant, accessing the lots from Woodlawn Avenue would result in reduced home values for the project. In addition, the homes on Woodlawn Avenue are close together on small lots and any increase in traffic along this already congested road would adversely impact existing residents. See Exhibit 2, Alternative Cluster – Woodlawn Avenue Access.

1.3.2 Alternative Cluster – New Roadway

The Alternative Cluster – New Roadway was developed by the Village’s Planning consultant, BFJ Planning. The plan provides the same number of building lots as the Applicant’s Preferred Alternative, but no development is proposed east of the existing private road or east of the Maselli residence. While this layout plan does require an even greater open space dedication to the Village of Tarrytown, at least one of the house lots (the second lot on the east side of the new roadway, between the roadway and the Maselli property) would be only about 80 feet deep and, therefore, not an attractive or marketable building lot. See Exhibit 3, Alternative Cluster - New Roadway.

1.3.3 Alternative Cluster – Existing Roadway

The Alternative Cluster – Existing Roadway was also developed by the Village’s Planning Consultant, BFJ Planning. The plan would utilize the existing roadway (Gracemere Avenue), which is located between two single-family homes (the Rachlin home and the Cohen home). It should be noted that the two existing single-family homes located on either side of the roadway are not part of the project site and are not owned by the Applicant. The existing "roadway" between the Rachlin and Cohen homes is approximately 12 feet wide and cannot be widened without an easement by one or both of the property owners. While it is shown as Gracemere Avenue on the tax maps, the right of way only extends to the Rachlin and Cohen property lines, then widens to 25 feet north of their lots. Since the minimum recommended width for a two-way road is 18 feet, a 12 foot wide two-way road does not work. See Exhibit 4, Alternative Cluster – Existing Roadway.

1.3.4 The Applicant’s Preferred Alternative – 12 Lots

As a result of comments received on the proposed cluster layout plan, this alternative site plan has been developed by the Applicant as part of this FEIS to provide more open space in the southeastern portion of the site, adjacent to the Greystone on Hudson subdivision.

The Applicant’s Preferred Alternative Plan (see Exhibit 5) maintains the same number of lots as studied in the DEIS. Similar to the DEIS alternative cluster plan, the 12 residential lots would include lots for two existing multi-family structures to remain and 10 new single-family houses to be constructed. Three existing single-family homes would be demolished.

In the DEIS cluster layout, the Applicant proposed two lots in the southwestern portion of the site, east of the Maselli property and north of the proposed Greystone subdivision. In the DEIS cluster layout, these two lots were lots 3 and 4. The Planning Board requested that the Applicant develop a cluster subdivision that relocates one or both of the lots from east of the Maselli

property; thereby providing more open space adjacent to Taxter Ridge Park and less development adjacent to the proposed Greystone subdivision.

This is a 12-lot cluster plan with only one lot east of the Maselli property (rather than two lots, as in the DEIS cluster plan). Eight lots are accessed from the new cul-de-sac road and one lot is accessed from the existing roadway (Gracemere Avenue) located east of Upper Gracemere Lake.

Similar to the DEIS cluster plan, the Applicant's Preferred Alternative is consistent with the clustering provisions of the Tarrytown Zoning Code (§ 305.51.1). The clustering would be used to enhance the overall physical and visual character of the proposed development and to preserve open space areas, which would total approximately 28 acres (61% of the site). Similar to the DEIS cluster plan, open space areas to be preserved would include Turtle Pond, Upper Gracemere Lake, and trail access to Taxter Ridge Park.

Similar to the DEIS cluster plan, the Applicant's Preferred Alternative would require no waivers, variances or permits with regard to steep slopes and all of the lots have been designed to meet the Village Zoning requirements so that no waivers or variances are needed for the lots for this design. Although no waivers or variances are needed for wetlands for this design, wetland permits would be required similar to those permits required for the DEIS cluster plan.

Lot area and other data for the Applicant's Preferred Alternative are shown in the table below.

**Table 1-1
Bulk and Lot Area Data for the Applicant's Preferred Alternative**

Description	Lot Area (SQ. FT.)	Lot Area (ACRES)	Street Frontage (LF)	Width at Front of Building (LF)	Principal building Coverage (% Lot Area)	Accessory Building Coverage (% Lot Area)	Total Building Coverage (% Lot Area)	Front Yard (LF)	One Side Yard (LF)	Both Side Yards (LF)	Rear Yard (LF)	Driveway Length
LOT 1	41,429	0.95	216	174	5.7	0.0	5.7	120	7	92	46	178'
LOT 2	60,792	1.40	698	182	5.7	0.0	5.7	53	29	82	173	227'
LOT 3	155,495	3.57	44	426	1.8	0.0	1.8	640	63	216	60	794'
LOT 4	43,634	1.00	298	207	13.6	2.3	15.9	40	59	132	78	424'
LOT 5	56,606	1.30	494	190	4.8	0.0	4.8	41	94	294	45	113'
LOT 6	61,642	1.42	240	199	4.4	0.0	4.4	48	38	76	219	69'
LOT 7	46,920	1.08	55	222	5.8	0.0	5.8	170	34	142	52	239'
LOT 8	77,409	1.78	46	282	3.5	0.0	3.5	340	61	203	95	*657'
LOT 9	57,848	1.33	135	272	4.7	0.0	4.7	51	62	143	54	67'
LOT 10	36,756	0.84	115	166	7.5	0.0	7.5	82	43	98	61	106'
LOT 11	36,591	0.84	186	184	7.5	0.0	7.5	35	57	115	101	102'
LOT 12	74,847	1.72	82	290	3.1	0.0	3.1	41	66	213	151	191'

NOTES:

1) PER §305-131-C(2)(c): THE MINIMUM LOT SIZE IN THE CLUSTERING PLAN MAY BE REDUCED TO NO LESS THAN 50% OF THE OTHERWISE MINIMUM LOT SIZE PERMITTED IN THE APPLICABLE ZONING DISTRICT.

2) PER §305-131-C(2)(D): THE PLANNING BOARD MAY MODIFY ALL LOT AND BULK REGULATIONS, INCLUDING LOT WIDTH, FRONTAGE, SETBACKS, YARDS, FLOOR AREA RATIOS AND BUILDING HEIGHT, IF IT MAKES FINDINGS THAT THREE OF THE CRITERIA FOR SUCH MODIFICATIONS, HEREINAFTER SET FORTH, HAVE BEEN MET. BUILDING HEIGHTS IN THE ORDINANCE SHALL NOT EXCEED A MAXIMUM AVERAGE FINISHED GRADE OF 2½ STORIES OR 25 FEET AS DEFINED IN THE ZONING ORDINANCE AND AS PERMITTED THROUGHOUT THE VILLAGE.

3) ALL LOTS EXCEPT FOR LOTS 2, 3, 6, 8 & 12 REQUIRE THE PLANNING BOARD TO APPLY §305-131-C.-(2)(c)

*TOTAL COMBINED DRIVEWAY LENGTH

Details relative to the open space parcels in the Applicant's Preferred Alternative are shown in the following table.

Table 1-2
Open Space and Environmental Features for the Applicant's Preferred Alternative

Open Space Parcel	Open Space Area (Sq Ft)	Open Space Area (Acres)	Wetland Area (Sq Ft)	Wetland Area (Acres)	Steep Slopes Area (>25%) (Sq Ft)	Steep Slopes Area (>25%) (Acres)	*Hilltop Area (>300' EL) (Sq Ft)	*Hilltop Area (>300' EL) (Acres)	Total Environmental Features Area (Acres)	Net Open Space (Not Covered by Environmental Features) (Acres)
A	900,759	20.68	84,604	1.94	199,095	4.57	21,478	0.49	7.01	13.67
B	145,878	3.35	91,101	2.09	4,947	0.11	0	0.00	2.20	1.14
C	116,944	2.68	0	0.00	98,356	2.26	0	0.00	2.26	0.43
D	65,154	1.50	17,178	0.39	0	0.00	0	0.00	0.39	1.10
TOTAL	1,228,735	28.208	192,883	4.43	302,398	6.94	21,478	0.49	11.86	16.34

NOTES:

* PER §305-131-C(2)(b): A MINIMUM OF 33% OF BUILDABLE LAND, WHICH SHALL EXCLUDE LAND AREA DEFINED BY THE VILLAGE OF TARRYTOWN AS WETLANDS, STEEP SLOPES OF 25% OR GREATER AND HILLTOPS, AS SET FORTH IN §305-67 OF THE ZONING ORDINANCE, SHALL BE SET ASIDE AS OPEN SPACE.

TOTAL EXISTING LOT AREA: 48.12 AC.
 33% OF TOTAL LOT AREA = 15.89 AC.
 NET OPEN SPACE (BUILDABLE LAND) = 16.34 AC.

Refer to Exhibit 6 for an illustration of the Applicant's Preferred Alternative show together with the adjacent Greystone subdivision.

1.3.5 The Planning Board's Preferred Alternative – 11 Lots

The Planning Board's Preferred Alternative (see Exhibit 7) responds to the request by the Planning Board to eliminate any development in the southeastern portion of the site, east of the Maselli property and north of the proposed Greystone subdivision. This layout plan is essentially the same at the Applicant's Preferred Alternative, but the lot in the southeastern portion of the site has been eliminated altogether. The result is an 11-lot plan with no residential development east of the Maselli property and/or adjacent to the Greystone residential lots.

Lot area and other data for the Planning Board's Preferred Alternative are shown in the following table.

Table 1-3
Bulk and Lot Area Data for the Planning Board's Preferred Alternative

Description	Lot Area (SQ. FT.)	Lot Area (ACRES)	Street Frontage (LF)	Width at Front of Building (LF)	Principal building Coverage (% Lot Area)	Accessory Building Coverage (% Lot Area)	Total Building Coverage (% Lot Area)	Front Yard (LF)	One Side Yard (LF)	Both Side Yards (LF)	Rear Yard (LF)	Driveway Length
LOT 1	41,429	0.95	216	174	5.7	0.0	5.7	120	7	92	46	178'
LOT 2	60,792	1.40	698	182	5.7	0.0	5.7	53	29	82	173	227'
LOT 3	74,847	1.72	82	290	3.1	0.0	3.1	41	66	213	151	191'
LOT 4	43,634	1.00	298	207	13.6	2.3	15.9	40	59	132	78	424'
LOT 5	56,606	1.30	494	190	4.8	0.0	4.8	41	94	294	45	113'
LOT 6	66,401	1.52	240	199	4.1	0.0	4.1	48	38	78	248	89'
LOT 7	58,469	1.34	55	219	4.7	0.0	4.7	170	34	142	108	239'
LOT 8	111,101	2.55	46	317	2.5	0.0	2.5	340	67	215	114	*657'
LOT 9	57,848	1.33	135	272	4.7	0.0	4.7	51	62	143	54	67'
LOT 10	36,756	0.84	115	166	7.5	0.0	7.5	82	43	98	61	106'
LOT 11	36,591	0.84	186	184	7.5	0.0	7.5	35	57	115	101	102'

NOTES:

- 1) PER §305-131-C(2)(c): THE MINIMUM LOT SIZE IN THE CLUSTERING PLAN MAY BE REDUCED TO NO LESS THAN 50% OF THE OTHERWISE MINIMUM LOT SIZE PERMITTED IN THE APPLICABLE ZONING DISTRICT.
- 2) PER §305-131-C(2)(D): THE PLANNING BOARD MAY MODIFY ALL LOT AND BULK REGULATIONS, INCLUDING LOT WIDTH, FRONTAGE, SETBACKS, YARDS, FLOOR AREA RATIOS AND BUILDING HEIGHT, IF IT MAKES FINDINGS THAT THREE OF THE CRITERIA FOR SUCH MODIFICATIONS, HEREINAFTER SET FORTH, HAVE BEEN MET. BUILDING HEIGHTS IN THE ORDINANCE SHALL NOT EXCEED A MAXIMUM AVERAGE FINISHED GRADE OF 2½ STORIES OR 25 FEET AS DEFINED IN THE ZONING ORDINANCE AND AS PERMITTED THROUGHOUT THE VILLAGE.
- 3) ALL LOTS EXCEPT FOR LOTS 2, 3, 6, & 8 REQUIRE THE PLANNING BOARD TO APPLY § 305-131-C.-(2)(c)

*TOTAL COMBINED DRIVEWAY LENGTH

Details relative to the open space parcels in the Planning Board's Preferred Alternative are shown in the following table.

Table 1-4
Open Space and Environmental Features for the Planning Board's Preferred Alternative

Open Space Parcel	Open Space Area (Sq Ft)	Open Space Area (Acres)	Wetland Area (Sq Ft)	Wetland Area (Acres)	Steep Slopes Area (>25%) (Sq Ft)	Steep Slopes Area (>25%) (Acres)	*Hilltop Area (>300' EL) (Sq Ft)	*Hilltop Area (>300' EL) (Acres)	Total Environmental Features Area (Acres)	Net Open Space (Not Covered by Environmental Features) (Acres)
A	1,071,408	24.60	109,016	2.50	218,483	5.02	26,230	0.60	8.12	16.48
B	145,878	3.35	91,101	2.09	4,947	0.11	0	0.00	2.20	1.14
C	116,944	2.68	0	0.00	98,356	2.26	0	0.00	2.26	0.43
TOTAL	1,334,230	30.630	200,117	4.59	321,786	7.39	26,230	0.60	12.58	18.05

NOTES:

* PER §305-131-C(2)(b): A MINIMUM OF 33% OF BUILDABLE LAND, WHICH SHALL EXCLUDE LAND AREA DEFINED BY THE VILLAGE OF TARRYTOWN AS WETLANDS, STEEP SLOPES OF 25% OR GREATER AND HILLTOPS, AS SET FORTH IN §305-67 OF THE ZONING ORDINANCE, SHALL BE SET ASIDE AS OPEN SPACE.

TOTAL EXISTING LOT AREA: 48.12 AC.
33% OF TOTAL LOT AREA = 15.89 AC.
NET OPEN SPACE (BUILDABLE LAND) = 18.05 AC.



The Planning Board has stated its interest in continuing the existing pedestrian access through the Jardim East project site linking the Greystone subdivision to the south with Taxter Ridge Park to the north. At the request of the Planning Board, the Greystone subdivision plan does in fact include provision for trail access through Greystone linking to Taxter Ridge Park via the Jardim Estates East property. However, it should be noted that this trail connection is located in the very southeastern corner of the Jardim East site. No trail is proposed into the proposed Greystone subdivision immediately east of the Maselli property since the adjacent portions of the Greystone subdivision would be private home sites, not publicly accessible open space. The location of the proposed trail connection between the Greystone and Jardim subdivisions does not change with either the Applicant's Preferred Alternative or the Planning Board's Preferred Alternative. This is illustrated on Exhibits 6 and 8.

The Planning Board's objective with regard to trails on the site includes both the north-south trail linking to Greystone (discussed above) and an east-west trail along the southern portion of the site east of the Maselli property as shown on Exhibit 7. The Planning Board has clearly expressed its interest in the east-west trail with regard to trail connections to Taxter Ridge Park. By eliminating any development in the southeastern portion of the site, east of the Maselli property and north of the proposed Greystone subdivision, the Planning Board's objective with regard to the east-west trail along the southern portion of the site can be achieved.

1.3.6 **Comparison of Potential Impacts**

DEIS Cluster Layout vs. The Applicant's Preferred Alternative

In many ways the DEIS Cluster Layout (see Exhibit 9) is similar and results in similar impacts to the Applicant's Preferred Alternative (see Exhibit 5). Both plans would result in the same number of new homes and retention of the same two multi-family homes. Both plans would result in the demolition of three existing residences – one on proposed Lot 1 and two in the southern portion of the site, south of the existing roadway. Under both of these plans, the existing structure on Lot 1 will be replaced by a new structure that is outside of the 150-foot setback. Under both of these plans, the two existing residences in the southern portion of the site will be demolished, the area cleaned and regraded, and then replanted with wetland seed. Many impacts would be the same for these two plans, including the number of new village residents, new public school-age children, water use and sanitary sewer impacts, trips to be generated and property taxes to be generated. Essentially, the primary difference in these two cluster plans is the location of one or two individual lots within the buildable areas on the 46 acre site.

The main difference between the DEIS Cluster Layout and the Applicant's Preferred Alternative is the additional open space that the Applicant's Preferred Alternative provides east of the Maselli property and north of the Greystone subdivision.

The Applicant's Preferred Alternative responds to specific comments requesting that fewer lots be located east of the Maselli property and north of the Greystone subdivision. However, given the layout of the Greystone subdivision, which includes residential lots and backyards adjacent to



this portion of the Jardim East site, a public trail connecting the Jardim East site and the Greystone site in the area suggested by the Planning Board would not be possible.

The strength of the Applicant's Preferred Alternative is that it provides additional open space, where requested by the Lead Agency and proposes one less lot east of the Maselli property while still affording the Applicant a desirable and viable lot configuration and significant open space adjacent to the Taxter Ridge Preserve. The Planning Board's Preferred Alternative is a less desirable plan for the Applicant because it results in one less building lot overall and therefore, significantly impacts the ability of the Applicant to afford the substantial open space dedication, development of trails or other improvements associated with a 12-lot proposal.

The Applicant would readily pursue either the DEIS Cluster Layout or the Applicant's Preferred Alternative if approved by the Planning Board. As stated previously, under a mutually agreeable 12 lot cluster plan, the open space would be offered for dedication without a fee to the Village of Tarrytown and trails or other improvements to the land offered to the Village are negotiable. The Applicant has stated that it is committed to working with the Village to develop a viable subdivision and ensure a substantial open space dedication to the Village. As stated previously, the Applicant would impose conservation easements for those areas that the Village would rather not own or maintain.

Planning Board's Preferred Alternative vs. The Applicant's Preferred Alternative

Based on a comparison of these two alternatives, The Planning Board clearly prefers the 9 new home (11 lot) cluster design. Its reasons include:

- a) The review of the Applicant's conventional subdivision layout, which is the basis for the subdivision lot count, led the Village Engineer, Mike McGarvey, and the Planning Board to conclude that the lot proposed in the southeast corner of the site close to Taxter Road Park is not viable. Therefore, any cluster plan should be limited to 9 new homes.
- b) Planning Board members agreed that of the 10 new lots proposed in the Applicant's preferred cluster, lot 3 was in the most environmentally sensitive area, and thus should be the lot removed to create an 11-lot cluster plan with 9 new homes.
- c) The Planning Board's Preferred Alternative includes an east-west trail along the southern portion of the site east of the Maselli property. An east-west trail could not be provided in this area of the site as part of the Applicant's Preferred Alternative.

The following table provides a comparative analysis of the Planning Board's Preferred Alternative and the Applicant's Preferred Alternative.

Table 1-5
Comparative Analysis: Planning Board's Preferred Alternative
and Applicant's Preferred Alternative

	Planning Board's Preferred Alternative	Applicant's Preferred Alternative
No. of Lots	11	12
New Village Residents ¹	26	31
New Public School-age Children ²	4	5
Domestic Water Use (gpd) ³	4,400 gpd	4,800 gpd
Wastewater/Sanitary Sewer (gpd) ⁴	3,740 gpd	4,080 gpd
Trip Generation ⁷		
Peak AM	11	12
Peak PM	15	16
Total Property Tax Generated	\$441,738 ⁵	\$481,896 ⁵
School Taxes Generated	\$269,460 ⁶	\$293,957 ⁶
Site Disturbance	6.64 ac. ⁸	7.22 ac. ⁸
Tree Removals	340 ⁸	362 ⁸
Zoning and Land Use Impacts	<p>Requires flexibility from the Planning Board to reduce dimensional parameters as allowed by the provisions of the Tarrytown Zoning Code § 305.51.1.C.(2).</p> <p>Results in ±30.6 ac. of open space.</p> <p>One less building lot impacts the ability of the Applicant to afford the substantial open space dedication associated with a 12-lot proposal – open space acquisition by the Village could be negotiated. In any event, the open space preserved as part of the cluster subdivision will remain as dedicated open space, either through acquisition, donation or conservation easement. Trails or other improvements to open space areas would not be provided by the Applicant.</p> <p>Represents the Planning Board's Preferred Alternative with no residential development east of the Maselli property and/or adjacent to the Greystone residential lots.</p>	
	<p>Requires flexibility from the Planning Board to reduce dimensional parameters as allowed by the provisions of the Tarrytown Zoning Code § 305.51.1.C.(2).</p> <p>Results in ±28.2 ac. of open space.</p> <p>The open space would be offered for dedication without a fee to the Village of Tarrytown. Trails or other improvements to the land offered to the Village are negotiable.</p>	

1 Based on a standard multiplier of 4.3710 persons per household for a five bedroom single-family homes in the northeast region. (Source: Development Impact Assessment Handbook, Urban Land Institute, 1994)

2 Utilizing standard multiplier of 0.6445 public school children per household for a single-family home with five bedrooms in the northeast region. (Source: Development Impact Assessment Handbook, Urban Land Institute, 1994)

3 Based on an average of four people per household and a daily design rate of 100 gallons per person per day.

4 It is estimated that approximately 85% of the daily demand for water would be entering the sanitary sewer system.

5 Based on an estimated \$40,158 per lot, which is the current total annual property tax on homes in Emerald Woods.

6 Taxes to the Irvington Central School District are approximately 61% of total annual property taxes.

7 Based on Hourly Trip Generation Rates, ITE Trip Generation Handbook, 7th Edition. Land Use 210.

8 The figures shown are estimates and subject to change upon completion of the final grading and stormwater plans.



1.4 Other Information Requested by the Lead Agency

1.4.1 Existing Multi-Family Buildings

In work sessions with the Planning Board, additional information was requested relative to the existing multi-family structures on the project site. The requested information is provided in the following table.

Table 1-6
Existing Multi-Family Buildings

	Location	Bathrooms	Bedrooms	Total SF	Occupants
Gracemere Lodge					
Apt. #1	1 st floor	2.5	5	2350	unoccupied
Apt. #2	1 st floor	1	3	1159	married couple
Apt. #3	2 nd floor	2	3	995	married couple and their 1 high school age child (senior next year), and their 1 adult child who graduated from college this year
Gracemere Hall					
Apt. #1	1 st floor	1.5	4	1800	At present there are a married couple, and their 4 school age children (ages ranging from 8 to 17), and one child who graduated from high school this year.
Apt. #2	1 st floor	1	3	1350	At present the apartment is occupied by a married couple and their adult child.
Apt. #3	2 nd floor	1	2	930	At present the apartment is occupied by a married couple.
Apt. #4	2 nd floor	1	1	900	At present the apartment is occupied by a married couple.
Apt. #5	2 nd floor	1	2	1264	At present the apartment is occupied by a married couple, and their 2 children, 1 high school age (senior next year), and one college age.
Apt. #6	3 rd floor	1	2	1150	At present the apartment is occupied 1 adult, and her 1 college age son.
Apt. #7	3 rd floor	1	2	1060	At present the apartment is occupied by a married couple and their adult daughter.
Apt. # 8	3 rd floor	1	1	800	unoccupied

Notes: All three apartments in Gracemere Lodge share a common laundry room. The square footage is 555.
All eight apartments in Gracemere Hall share a common laundry room. The square footage is 300.



1.4.2 Sewer Flow

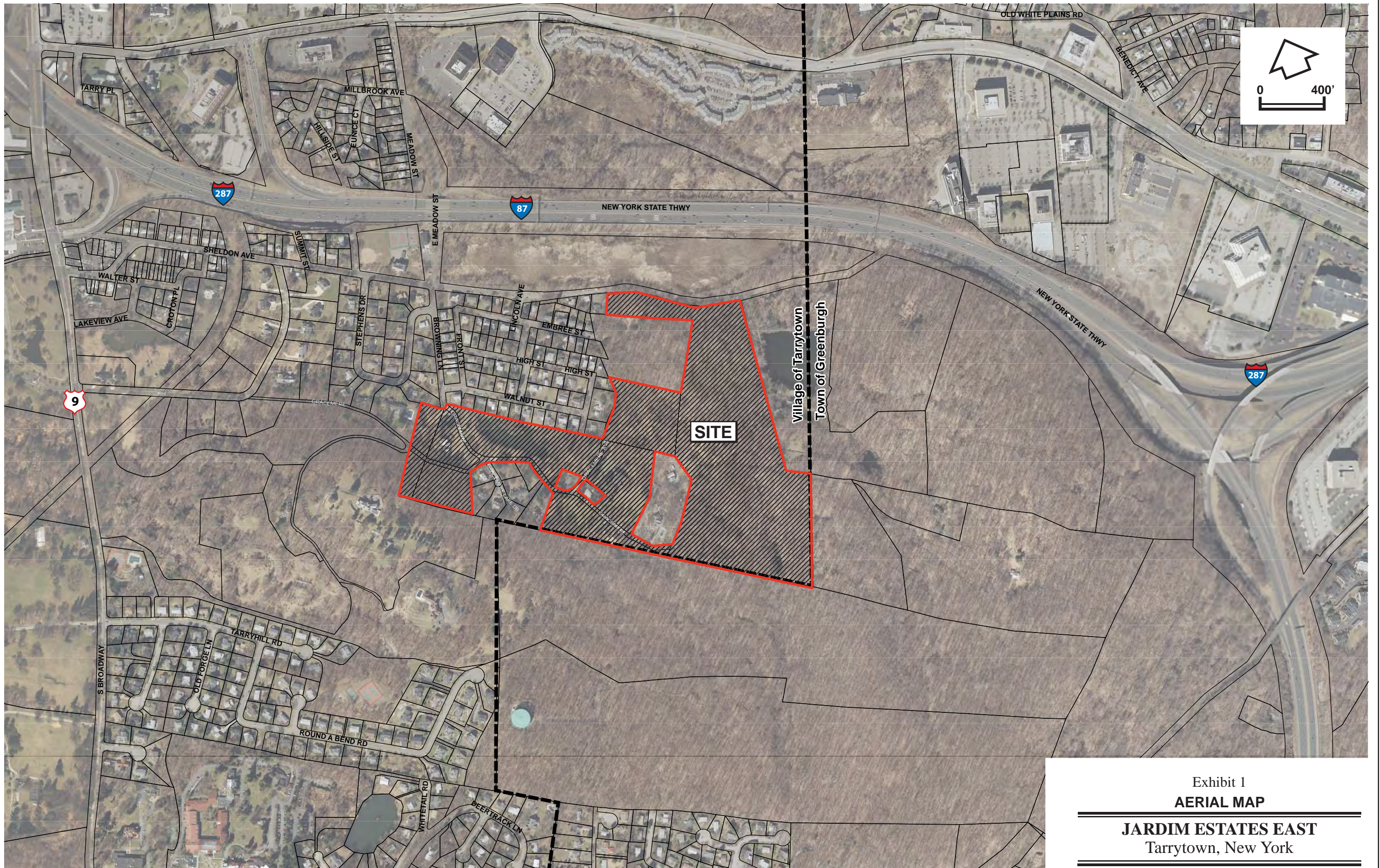
In a letter dated August 8, 2012, the Village Engineer, Mr. Michael McGarvey, expressed concern about sewer flow at the intersection of Sheldon Avenue and Meadow Street. He asked for a sanitary flow analysis.

The Applicant has consulted with its civil engineer and agreed to perform the sewer flow analysis to determine the existing conditions of the sewer main and the Applicant will provide the existing and proposed condition report to the Village Engineer prior to issuance of the Findings Statement for the project. The Applicant will hire a company that can do the flow metering over a period of time, to be determined by Mr. McGarvey. The investigation will include a video scope of the sewer section to determine the cause of the clogging and subsequently propose the necessary mitigation.

Mitigation measures may include one of the following:

- having the line jetted out to remove the clogging material
- having the line cleaned of roots
- "pipe bursting" the line and relining with a larger diameter pipe

If having the line jetted out -or having the line cleaned of roots is not likely to solve the sewer flow issue, then a potential mitigation measure is that the sewer line may need to be re-laid. This could potentially affect a state wetland buffer area. These items would be investigated and a method will be chosen prior to issuance of the Findings Statement for the project.



Site Location

BASE MAP SOURCE: GIS Town of Greenburgh and Village of Tarrytown

Exhibit 1
AERIAL MAP
JARDIM ESTATES EAST
Tarrytown, New York

VHB Engineering, Surveying and Landscape Architecture, P.C.

LEGEND

EXISTING PROPERTY LINE

EXISTING EASEMENT LINE

EXISTING SPOT ELEVATION

EXISTING CONTOURS

EXISTING TRAIL

EXISTING WETLAND LIMIT

EXISTING 150' WETLAND BUFFER

EXISTING WATERCOURSE

EXISTING POND

EXISTING FENCE

EXISTING WALL

EXISTING STEEP SLOPES (>25%)

EXISTING DRIVEWAY

PROPOSED PAVEMENT

PROPOSED ROAD CENTERLINE

PROPOSED CONTOURS

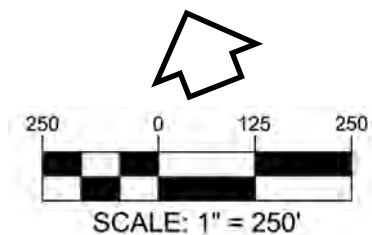
PROPOSED PROPERTY LINE

PROPOSED EASEMENT LINE

LIMIT OF DISTURBANCE

PROPOSED BUILDING

PROPOSED OPEN SPACE



BASE MAP SOURCE:



Survey And Topographic Data Shown Hereon Is Taken From Maps Prepared By Riley Land Surveyors, LLP

Exhibit 2

ALTERNATIVE CLUSTER -
WOODLAWN AVENUE ACCESS

JARDIM ESTATES EAST
Tarrytown, New York

VHB Engineering, Surveying and Landscape Architecture, P.C.

12 Lots:
10 New Homes +
2 Existing Homes

--- Proposed Trail(s)

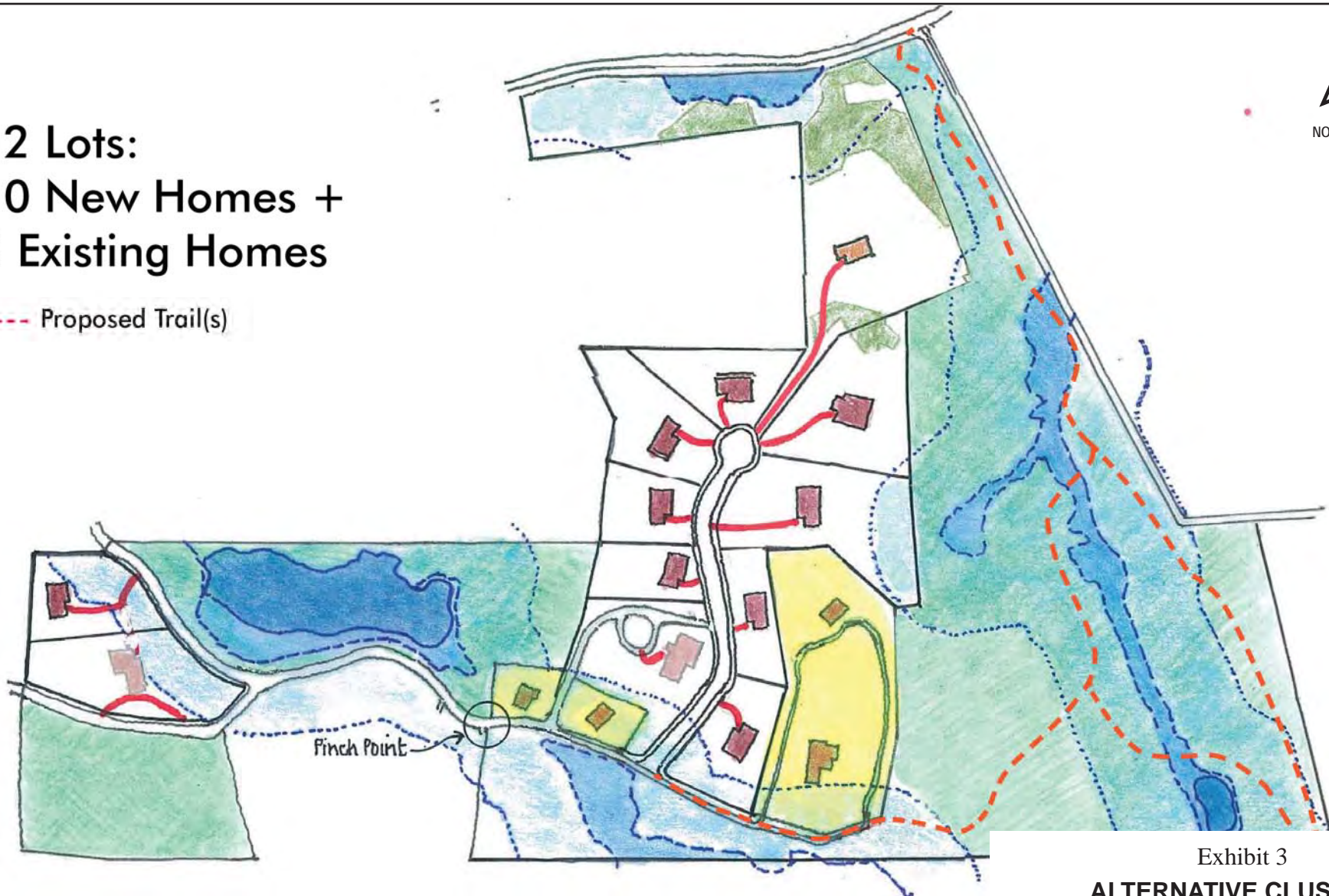


Exhibit 3

**ALTERNATIVE CLUSTER -
NEW ROADWAY**

JARDIM ESTATES EAST
Tarrytown, New York

12 Lots:
10 New Homes +
2 Existing Homes

----- Proposed Trail(s)



Exhibit 4

**ALTERNATIVE CLUSTER -
EXISTING ROADWAY**

JARDIM ESTATES EAST
Tarrytown, New York

LEGEND

EXISTING PROPERTY LINE

EXISTING EASEMENT LINE

EXISTING SPOT ELEVATION

EXISTING CONTOURS

EXISTING TRAIL

EXISTING WETLAND LIMIT

EXISTING 150' WETLAND BUFFER

EXISTING WATERCOURSE

EXISTING POND

EXISTING FENCE

EXISTING WALL

EXISTING STEEP SLOPES (>25%)

EXISTING DRIVEWAY

PROPOSED PAVEMENT

PROPOSED ROAD CENTERLINE

PROPOSED CONTOURS

PROPOSED PROPERTY LINE

PROPOSED EASEMENT LINE

LIMIT OF DISTURBANCE

PROPOSED BUILDING

PROPOSED OPEN SPACE

250

0

125

250

SCALE: 1" = 250'

The map displays a topographic site plan for Jardim Estates East in Tarrytown, New York. It features a central yellow road with 12 numbered points (1-12) indicating proposed building locations. The site is divided into several areas: 'WETLAND A' (top left), 'WETLAND B' (bottom center), 'WETLAND C' (middle right), and 'WETLAND D' (top right). 'OPEN A' is located on the far right, and 'OPEN B' is in the center. The map includes contour lines, property lines, and various infrastructure like roads (Front Street, Lincoln Ave, Walnut St, Woodlawn St, Sheldon Avenue) and a driveway to one residence. A legend in the top left corner defines symbols for existing and proposed features. A scale bar and north arrow are in the top right corner.

BASE MAP SOURCE:

CRONIN
ENGINEERING
PROFESSIONAL ENGINEERING & CONSULTING

Survey And Topographic Data Shown Hereon Is Taken From Maps Prepared By Riley Land Surveyors, LLP

Exhibit 5
**APPLICANT'S
PREFERRED ALTERNATIVE**
JARDIM ESTATES EAST
Tarrytown, New York

VHB Engineering, Surveying and Landscape Architecture, P.C.

LEGEND

- EXISTING PROPERTY LINE
- EXISTING EASEMENT LINE
- EXISTING SPOT ELEVATION
- EXISTING CONTOURS
- EXISTING TRAIL
- EXISTING WETLAND LIMIT
- EXISTING 150' WETLAND BUFFER
- EXISTING WATERCOURSE
- EXISTING POND
- EXISTING FENCE
- EXISTING WALL
- EXISTING STEEP SLOPES (>25%)
- EXISTING DRIVEWAY
- PROPOSED PAVEMENT
- PROPOSED ROAD CENTERLINE
- PROPOSED CONTOURS
- PROPOSED PROPERTY LINE
- PROPOSED EASEMENT LINE
- LIMIT OF DISTURBANCE
- PROPOSED BUILDING
- PROPOSED OPEN SPACE



BASE MAP SOURCE:



Survey And Topographic Data Shown Hereon Is Taken From Maps Prepared By Riley Land Surveyors, LLP
Adjacent Subdivision Data Shown Is Taken From Maps Prepared By Hudson Engineering & Consulting, P.C.

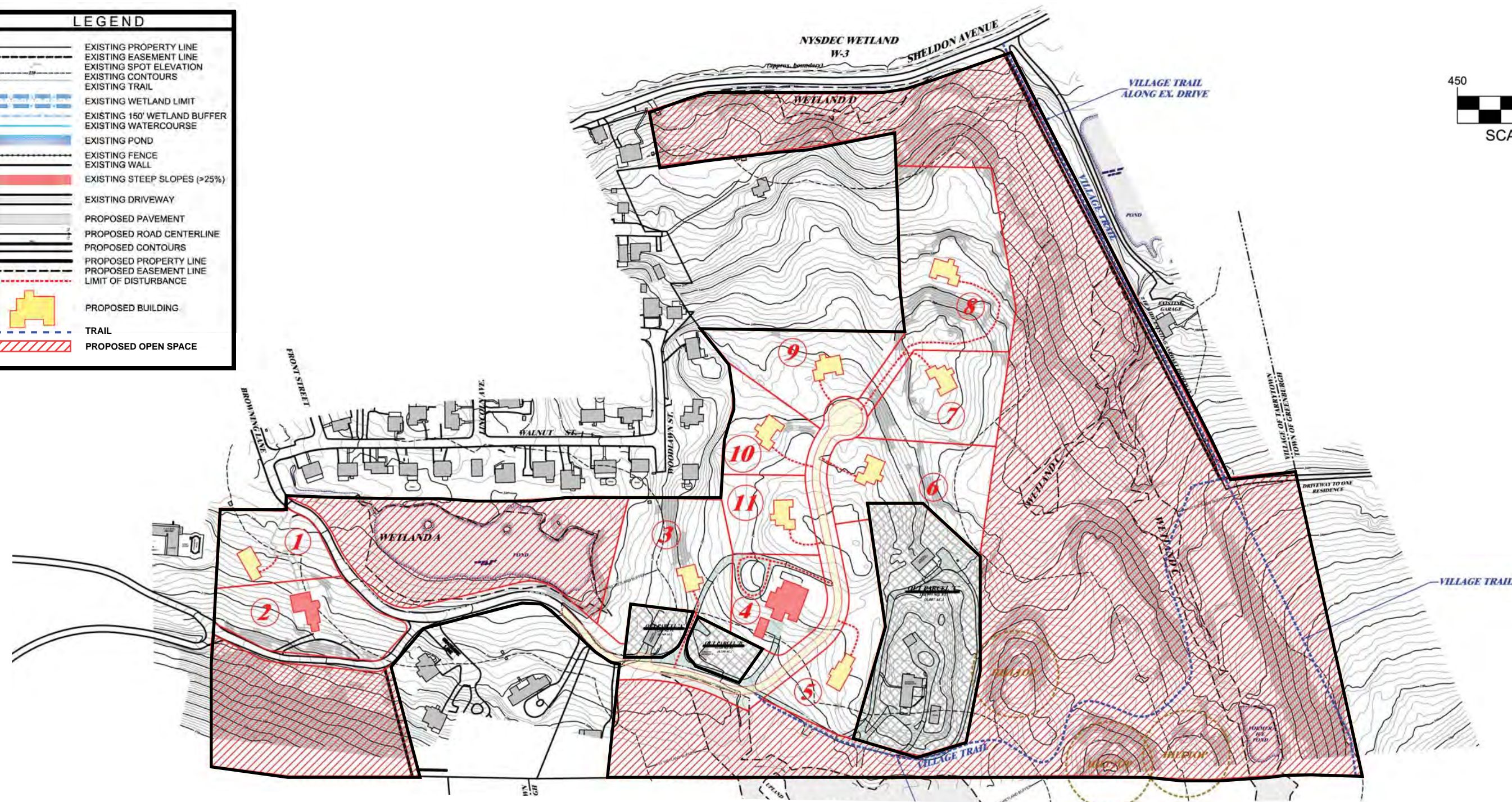
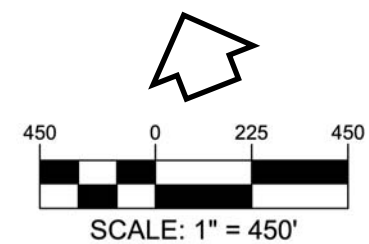
Exhibit 6
**APPLICANT'S PREFERRED
ALTERNATIVE WITH
ADJACENT SUBDIVISION**

JARDIM ESTATES EAST
Tarrytown, New York

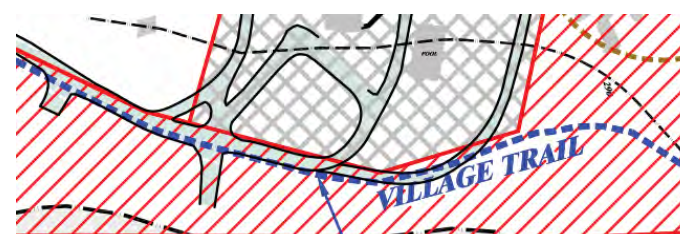
VHB Engineering, Surveying and Landscape Architecture, P.C.

LEGEND

- EXISTING PROPERTY LINE
- EXISTING EASEMENT LINE
- EXISTING SPOT ELEVATION
- EXISTING CONTOURS
- EXISTING TRAIL
- EXISTING WETLAND LIMIT
- EXISTING 150' WETLAND BUFFER
- EXISTING WATERCOURSE
- EXISTING POND
- EXISTING FENCE
- EXISTING WALL
- EXISTING STEEP SLOPES (>25%)
- EXISTING DRIVEWAY
- PROPOSED PAVEMENT
- PROPOSED ROAD CENTERLINE
- PROPOSED CONTOURS
- PROPOSED PROPERTY LINE
- PROPOSED EASEMENT LINE
- LIMIT OF DISTURBANCE
- PROPOSED BUILDING
- TRAIL
- PROPOSED OPEN SPACE



Inset: Illustration Without Topography



BASE MAP SOURCE:



Survey And Topographic Data Shown Hereon Is Taken From Maps Prepared By Riley Land Surveyors, LLP

Exhibit 7
**PLANNING BOARD'S
 PREFERRED ALTERNATIVE**
JARDIM ESTATES EAST
 Tarrytown, New York

VHB Engineering, Surveying and Landscape Architecture, P.C.

LEGEND

—

EXISTING PROPERTY LINE

- - -

EXISTING EASEMENT LINE

- - -

EXISTING SPOT ELEVATION

- - -

EXISTING CONTOURS

- - -

EXISTING TRAIL

—

EXISTING WETLAND LIMIT

—

EXISTING 150' WETLAND BUFFER

—

EXISTING WATERCOURSE

—

EXISTING POND

—

EXISTING FENCE

—

EXISTING WALL

—

EXISTING STEEP SLOPES (>25%)

—

EXISTING DRIVEWAY

—

PROPOSED PAVEMENT

—

PROPOSED ROAD CENTERLINE

—

PROPOSED CONTOURS

—

PROPOSED PROPERTY LINE

—

PROPOSED EASEMENT LINE

—

LIMIT OF DISTURBANCE

—

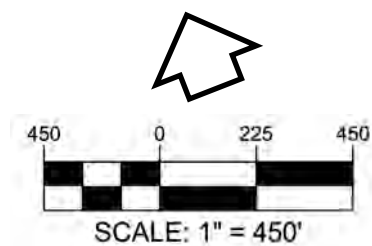
PROPOSED BUILDING

—

TRAIL

—

PROPOSED OPEN SPACE



BASE MAP SOURCE:



Survey And Topographic Data Shown Hereon Is Taken From Maps Prepared By Riley Land Surveyors, LLP
Adjacent Subdivision Data Shown Is Taken From Maps Prepared By Hudson Engineering & Consulting, P.C.

Exhibit 8
PLANNING BOARD'S PREFERRED
ALTERNATIVE CLUSTER
WITH ADJACENT SUBDIVISION

JARDIM ESTATES EAST
Tarrytown, New York

VHB Engineering, Surveying and Landscape Architecture, P.C.

LEGEND

- EXISTING PROPERTY LINE
- EXISTING EASEMENT LINE
- EXISTING WETLAND LIMIT
- EXISTING WATERCOURSE
- EXISTING POND
- EXISTING ROAD TO REMAIN
- PROPOSED PROPERTY LINE
- PROPOSED EASEMENT LINE
- PROPOSED OPEN SPACE
- PROPOSED PAVEMENT
- PROPOSED YARD SETBACK
- PROPOSED BUILDING

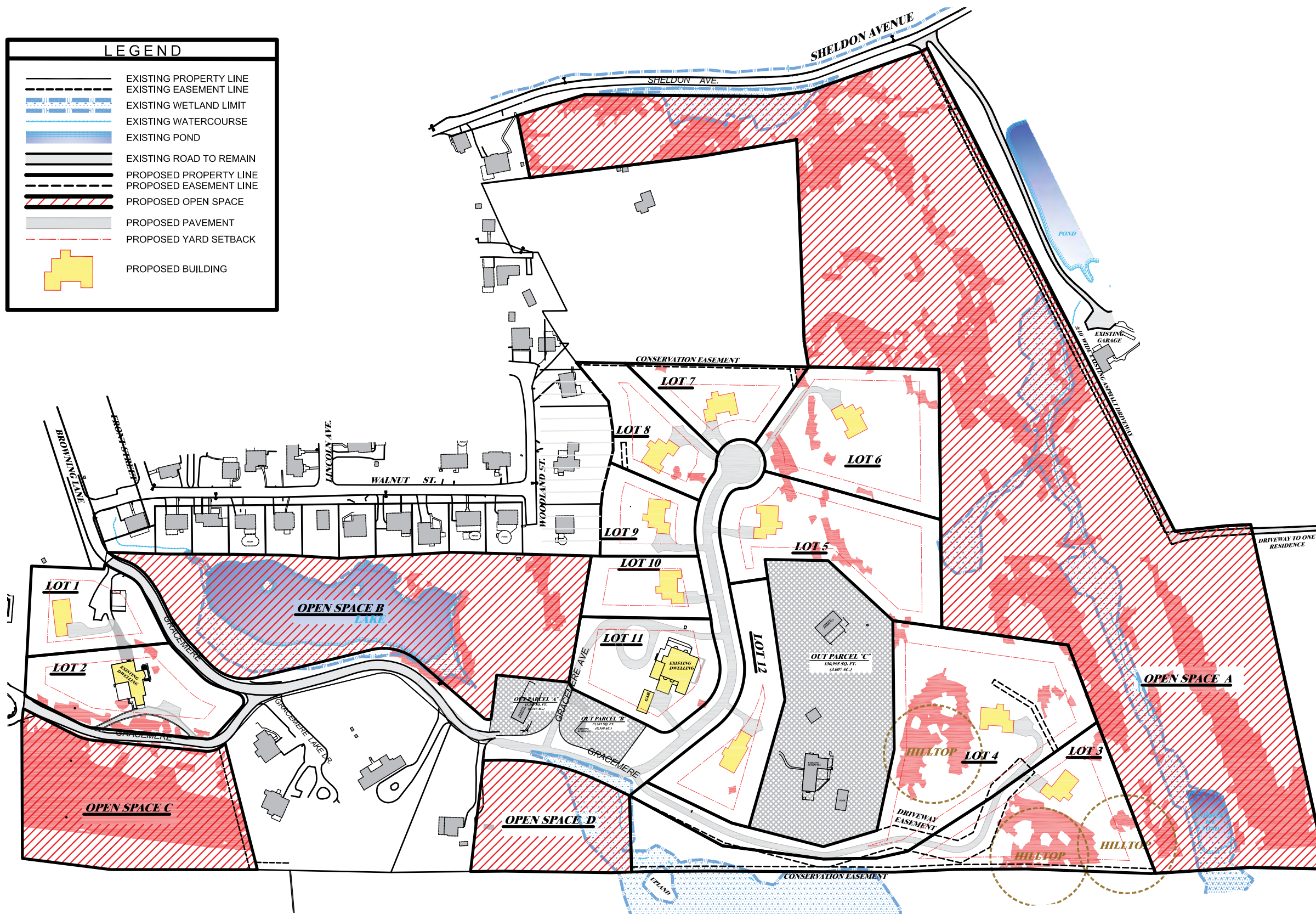
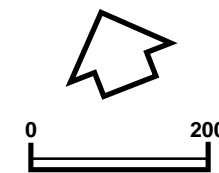


Exhibit 9

DEIS-CLUSTER LAYOUT

JARDIM ESTATES EAST
Tarrytown, New York



2.0

Index of Comments and Responses



2.0

Index of Comments and Responses

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Correspondence #1	Pg. 2	Westchester County Department of Health	Waivers, Permits and Variances	3.12.8
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Correspondence #3	Pg. 2	Linda Viertel	Infrastructure	3.7.3
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Comment Source/Key		Commenter	FEIS Subsection	Comment/ Response #
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Comment Source/Key		Commenter	FEIS Subsection	Comment/ Response #
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3.0

Comments and Responses



3.0

Comments and Responses

3.1 Executive Summary

3.1.1 Comment

The introduction implies that the two existing multifamily structures (Gracemere Lodge and Gracemere Hall) that will remain on the site will become single family homes, but does not clearly state whether or not this is the case. The applicant should explicitly state that the existing multifamily homes on the site will be converted to single family residences.

(Correspondence #5, BFJ Planning, 5/9/12, p. 3)

Response

The two existing multifamily structures (Gracemere Lodge and Gracemere Hall) will remain multifamily structures. The proposed subdivision will provide individual lots for both of the existing multifamily structures to remain on the site. All but two of the existing dwelling units in Gracemere Lodge and Gracemere Hall are currently occupied. The existing buildings are used primarily as housing for church members.

According to Town of Greenburgh Tax Assessment Records, Gracemere Lodge contains three apartments and Gracemere Hall contains eight apartments. By the mid-twentieth century (prior to HSA's purchase of the property in 1975) Gracemere Lodge and Gracemere Hall had been converted into apartments.

3.1.2 Comment

p. 1-2: The applicant states that "Access will be provided from existing private roads, which will be modified as necessary (widened) to accommodate the anticipated traffic and to meet generally



accepted road standards.” Any proposed road widening should be clearly explained and indicated on the subdivision plan.

(Correspondence #5, BFJ Planning, 5/9/12, p. 3)

Response

Road widening is proposed for those areas of the existing road that are not 18 feet wide. There will be a 20-30 foot section of the roadway that will have a reduced width between 14 to 16 feet wide, paved with Belgian block and with the appropriate signage, similar to the traffic calming measures used in the Emerald Woods subdivision located to the west of the project site. The proposed Jardim Estates East subdivision plans will be revised to clearly show those areas.

3.1.3 Comment

Table 1.2, which provides a summary of project impacts and proposed mitigation, does not include wetland and wetland buffer impacts. These impacts should be added to the table and proposed mitigation for such impacts should be described.

(Correspondence #5, BFJ Planning, 5/9/12, p.3)

Response

Wetland and Wetland Buffer Impacts

There will be no direct or indirect impact to wetland areas as a result of the current proposal. No wetlands will be filled or crossed, and drainage patterns throughout the site will be maintained so that hydrology to the wetland areas are not affected. Under the proposed plan, encroachments within the 150-foot setback to wetlands are minimized so that only areas of existing disturbance will be disturbed. Specifically, the following activities are proposed within 150 feet of site wetlands or watercourses:

DEIS Conventional Plan (lot numbers refer to the DEIS Conventional Layout Plan):

- Lot 1 - Remove the existing house in the wetland buffer;
- Lot 4 - remove the two houses in the wetland buffer adjacent to the wetland across from outparcel C (Maselli); add two detention basins; add a common driveway for this and Lot 5, with the initial portion within the buffer;
- Lot 5 - make improvements if required to the existing driveway in the wetland buffer; add a detention basin to serve Lot 6;
- Lot 6 - construct a driveway in the wetland buffer;
- Lot 11 - replace the driveway with a new road in the wetland buffer.

DEIS Cluster Layout Plan (lot numbers refer to the DEIS Cluster Layout Plan):

- Improvements to the existing access road to access Lots 3 and 4. Re-paving and drainage improvements are proposed, but most of this work is substantially within the existing traveled way.



- Demolition of three existing residences – one on proposed Lot 1 and two in the southern portion of the site, south of the existing roadway. On Lot 1, the existing structure will be replaced by a new structure that is outside of the 150-foot setback. The two existing residences in the southern portion of the site will be demolished, the area cleaned and regarded, and then replanted with wetland seed.
- Lot 11 - replace the driveway with a new road in the wetland buffer.

None of these activities will represent a significant adverse environmental impact, and in fact will represent an improvement over existing conditions at all locations.

Proposed Wetland Mitigation

The applicant proposes a number of activities that will result in improvements to existing wetlands and watercourses on the Jardim Estates site. It is noted that some of these activities may require wetland permits from the Village of Tarrytown.

At Gracemere Lake, the applicant will discontinue the mowing of the grass in close vicinity to the lake. It is noted in the Wetlands section that a portion of the area that is flagged as wetland around the lake was based on soils and hydrology, but there is a lack of hydrophytic vegetation due to regular maintenance of this area. This condition also invites resident Canada geese to browse along the edges of the pond, and in three instances this year to nest along the shore of the pond. Allowing the grasses to grow taller will deter the geese and eliminate some of the nutrient loading to the pond for which they are responsible. The longer grass will also provide a more efficient buffer strip along the pond shores for the filtering of stormwater runoff, which should also result in some water quality improvement to the lake. The grasses will be monitored as they grow, and will be re-seeded if necessary after the first season to establish a community suitable for the wetland conditions.

At Wetland C, a different condition exists that should be dealt with. Where the existing trail enters the site from the east, the culvert that allows stream flow from the south has been entirely blocked by sedimentation. Two possible remedies for this condition exist. The sediment can be removed and the culvert restored, allowing the resumed flow of the watercourse in its original path. A sediment trap should remain on the upstream side of the culvert for future maintenance in the event more sediment accumulates.

An alternative to this would be to remove the trail entirely and restore the stream channel. It is likely that this would ultimately dry out some of the existing area that is flagged as wetland, because the resumption of natural flow through this area would eliminate any backing up of water at the culvert which currently provides hydrology to this small wetland area. Since the wetland is artificially created by the clogged culvert, this represents a restoration rather than adverse impact. The applicant will seek feedback from the Planning Board to determine if either of these activities at the trail are desirable. A Wetland Permit would be required for this activity.



3.1.4 Comment

The zoning compliance chart [Exhibit 1-3] indicates building height and building stories as “to be determined” and that height and stories for existing structures are “as is.” The applicant should provide building heights and number of stories for all lots.

(Correspondence #5, BFJ Planning, 5/9/12, p.3)

Response

For the existing structures:

Gracemere Hall = 3 stories

Gracemere Lodge = 2½ stories (2 stories plus dormer)

Gate House = 2 stories

Gracemere Courts (2 buildings) = 1 story

The height of the proposed new homes will not exceed 2½ stories or 30 feet. The exact height of the new homes will be determined when the homes are designed prior to site design and site plan review for individual house lots.

3.2 Project Description

3.2.1 Comment

An aerial map identifying the project site should be provided.

(Correspondence #5, BFJ Planning, 5/9/12, p. 3)

Response

As requested, an aerial map identifying the project site has been provided in chapter 1 of this FEIS.

3.2.2 Comment

All plans related to construction activity including permitting, SWPP Plans, etc. should be reviewed by the Village Engineer.

The applicant should explain how construction vehicles will access the site as Gracemere is a narrow roadway and may not be adequate to handle such vehicles.

(Correspondence #5, BFJ Planning, 5/9/12, p. 3)



Response

All plans, including the SWPP Plans, have been submitted to the Village for review by professional staff, consultants and others. The Applicant and its engineers will work and comply with the Village Engineer on all plans related to construction activity including the stormwater plans.

It is anticipated that construction vehicles will utilize Browning Lane to access the project site. While Gracemere from Route 9 and the extension from Sheldon Avenue were used for the construction of Emerald Woods and was satisfactory and adequate for the construction vehicles, the applicant would limit its use to vehicles six wheels or less. Therefore, the applicant anticipates no problems accessing the project site from either from Browning Lane or Route 9 / Gracemere.

3.3 Land Use, Zoning and Public Policy

3.3.1 Comment

The proposal does not include affordable affirmatively furthering fair housing (AFFH) units, which is inconsistent with County Planning Board policies.

The draft EIS does not explain how the project will comply with existing Village of Tarrytown regulations regarding the provision of affordable AFFH units. Our records indicate that on December 5, 2011, the Village adopted regulations based on the County's "Model Zoning Ordinance Provisions for Affordable Affirmatively Furthering Fair Housing Units" as included in the Westchester County Fair and Affordable Housing Implementation Plan (dated August 9, 2010). To be fully consistent with the Model Ordinance Provisions, the proposed development should contain two affordable AFFH units within the development. The final EIS should include a discussion of compliance with the local law and the inclusionary requirement.

(Correspondence #2, Westchester County Planning Board, 4/24/12, p.2)

Response

As stated in the DEIS (page ix), pursuant to Village Code Section 305-130, this development will include the required affordable unit component. The Tarrytown Village Board is currently working on an amendment to the law with regard to creating the required affordable unit off-site or the possibility of purchasing an affordable unit off-site. The amendment to the local law has not been finalized as of this writing, but the applicant will comply with the local law and will work with the Village of Tarrytown to ensure that this project complies with local fair and affordable housing requirements.



3.3.2 Comment

This section [3.5 Public Policy] of the DEIS should reference the Village's affordable housing policy as outlined in its affordable housing regulations (§305-130 of the Village Code). The Proposed Action is required to address the Village's affordable housing regulations, which require that within all residential developments of ten units or more, 10% of the units created must be provided as affordable. (It should be noted that affordable units may be provided off site upon approval by the Village Board of Trustees).

(Correspondence #5, BFJ Planning, 5/9/12, p. 5)

Response

Comment noted. Pursuant to Village Code Section 305-130 (adopted 12-5-2011), the proposed project will comply with the Village's affordable housing regulations, which require that within all residential developments of ten units or more, 10% of the units created must be provided as affordable. Upon approval by the Village Board of Trustees, the applicant may provide the required affordable housing off-site. See response to comment 3.3.1.

3.3.3 Comment

A reference to moderate income housing in the DEIS. I'd like to know what that is.

(Public Hearing Speaker #3, Linda Viertel, 4/24/12, p. 33)

Response

See response to comments 3.3.1 and 3.3.2.

3.3.4 Comment

We also note that while the draft EIS states that Gracemere Lodge and Gracemere Hall will be retained on the site, the draft EIS is not clear as to whether the applicant will seek to renovate these structures into single-family houses or keep them as multi-family buildings. Model ordinance provisions provide for multiple affordable AFFH units within structures that are part of single family subdivisions. The final EIS should explore if these buildings could be used to satisfy the AFFH requirement for the site.

(Correspondence #2, Westchester County Planning Board, 4/24/12, p.2)



Response

Gracemere Lodge and Gracemere Hall will remain multi-family buildings. The existing buildings are used primarily as housing for church members, and all but two of the existing dwelling units in Gracemere Lodge and Gracemere Hall are currently occupied. In addition to the possibility of off-site units raised in response 3.3.1, the applicant will explore whether units in Gracemere Hall and Gracemere Lodge could be used to satisfy the AFFH requirement for the site. See response to comment 3.1.1 and response to comment 3.3.1.

3.3.5 Comment

As has been previously noted, the DEIS indicates that Gracemere Hall, which contains 8 apartments will remain and Gracemere Lodge, which contains 3 apartments will remain. It is not clearly stated that these buildings will be converted to single family residential use.

The applicant should indicate at what point in the project phasing Gracemere Hall and Gracemere Lodge will be converted from multifamily to single family use.

(Correspondence #5, BFJ Planning, 5/9/12, p. 4)

Response

Gracemere Lodge and Gracemere Hall will remain multi-family buildings. See response to comment 3.1.1.

3.3.6 Comment

The DEIS states that “under the proposed conventional layout plan, the site and all on-site roadways would remain privately owned with no direct vehicular or pedestrian links to the adjacent Taxter Ridge Park Preserve.” The applicant should note that the Planning Board has stated its interest in ensuring pedestrian access through the project site linking the Greystone subdivision to the south with Taxter Ridge Park to the north. At the request of the Planning Board, the Greystone subdivision plan includes provisions for trail access through Greystone linking to Taxter Ridge Park via the Jardim Estates East property.

(Correspondence #5, BFJ Planning, 5/9/12, p. 4)

Response

The conventional layout plan would *not* include trail access through HSA property to connect the Greystone property to Taxter Ridge Park.



The applicant's proposed cluster subdivision plan, however, would provide open space totaling approximately 27.167 acres (56.5% of the Jardim Estates East site). The applicant's cluster subdivision plan has been designed to allow pedestrian access through the project site linking the Greystone subdivision to the south with Taxter Ridge Park to the north. According to the applicant, under the proposed cluster subdivision plan, the open space would be offered for dedication without a fee to the Village of Tarrytown and trails or other improvements to the land offered to the Village are negotiable. The Planning Board should note that these terms are offered in concert with the applicant's proposed cluster plan and may not be feasible with a substantially altered cluster layout.

3.3.7 Comment

Table 3.2 "Conventional Bulk Zoning Regulation Schedule R-60 Zoning District" indicates that building height and building stories for the proposed residences are "to be determined" and that height and stories for existing structures are "as is." The applicant should provide building heights and number of stories for all lots.

(Correspondence #5, BFJ Planning, 5/9/12, p. 4)

Response

For the existing structures:

Gracemere Hall = 3 stories

Gracemere Lodge = 2½ stories (2 stories plus dormer)

Gate House = 2 stories

Gracemere Courts (2 separate buildings) = 1 story each

The height of the proposed new homes will not exceed 2½ stories or 30 feet. The exact height of the new homes will be determined when the homes are designed prior to site design and site plan review for individual house lots.

3.3.8 Comment

The applicant states that the proposed subdivision is in compliance with bulk zoning regulations for the R-60 zoning district. This cannot be verified as building heights for the existing and proposed homes on the site are not provided.

(Correspondence #5, BFJ Planning, 5/9/12, p. 4)

Response

See response to comment 3.3.7.



3.3.9 Comment

In the discussion of density calculations for each lot, the applicant notes that “based on the proposed finished floor, garage and basement elevations, the 25% reduction in density calculation [provided for in the code if the maximum height of any structure or building in an area of high ground is limited to 30 vertical feet...] would not apply.” It is unclear how the applicant was able to make this determination, as building heights for the proposed residences are not provided.

(Correspondence #5, BFJ Planning, 5/9/12, p. 4-5)

Response

The applicant is not proposing to locate any structure or building in an area of high ground.

3.3.10 Comment

The Village’s landscape consultant should review the referenced Tree Survey provided in Appendix 16.9 and conclusions with regard to impacts to trees and other vegetation.

(Correspondence #5, BFJ Planning, 5/9/12, p. 5)

Response

All plans, including the Tree Survey, have been submitted to the Village for review by professional staff, consultants and others. The Applicant and its engineers will work and comply with the Village’s landscape consultant on all plans related to site landscaping and tree removal.

3.3.11 Comment

The Tarrytown Comprehensive Plan calls for the preservation of open space areas on the project site. The applicant notes that under the cluster subdivision alternative described in Chapter 9 of the DEIS open space areas including Turtle Pond and Upper Gracemere Lake would be preserved and trail access to Taxter Ridge Park would be provided. Under the Proposed Action these open space areas are not preserved.

(Correspondence #5, BFJ Planning, 5/9/12, p. 5)

Response

Comment noted. See response to comment 3.3.6.



3.4 Cultural Resources and Visual Resources

3.4.1 Comment

This property is the last remaining estate open space to be developed in Tarrytown; and it is not flat, grassy land- it is filled with rock outcroppings, old heritage trees, the remains of 19th century foundations, and has a storied history. A cookie-cutter cluster plan, packing in as many houses as possible does not fit the rural nature of this environment, as I am sure you have witnessed from site visits.

(Correspondence #3, Linda Viertel, 5/3/12, p.2)

Response

The 46.6 acre property is proposed to be subdivided into 12 lots including two for existing multi-family buildings to remain on the site and ten for new homes. In addition, three existing single-family homes will be demolished resulting in a net increase of seven new homes. The proposed new homes have been located to avoid sensitive environmental features to the greatest extent practicable. The removal of the two existing single-family homes located in a wetland area, and the one existing single-family home located in a wetland buffer, will allow for an aggressive wetland mitigation plan resulting in improvements in wetland condition and function. Drainage and infrastructure improvements required for the project will improve the quality of the site while limiting the new development will preserve the existing character of the area.

The majority of the site has been previously disturbed with construction of the estate buildings, the man-made lake and other modern landscape features. Under the applicant's proposed cluster subdivision plan, 27.167 acres (56.5% of the site) would be preserved as permanent open space.

3.4.2 Comment

Street lighting is not addressed in the DEIS. It should be kept to a bare minimum (or none), consistent with safety considerations. Limited lighting may be appropriate for a mail point if needed, and possibly on the walking route via Woodlawn Street to school buses on Walnut Street.

(Correspondence #4, David Aukland, 4/30/12, p. 1)

Response

No street lighting is proposed.



3.5 Natural Resources

3.5.1 Comment

What concerns me most is that all of us tax-paying residents who have lived here in Gracemere, some for 40 years, are suffering more and more from flooding due to recurring storms and the rising water table. More trees will be cut down in Gracemere and above us for the Greystone project; there will be blasting, who knows what further water problems will develop in this already fragile ecological environment, already damaged heavily by deer browsing.

(Correspondence #3, Linda Viertel, 5/3/12, p. 2)

Response

The Stormwater Management Plan for the project has been designed to meet or exceed NYSDEC requirements. Implementation of the proposed stormwater management plan will result in a net reduction of stormwater peak flows leaving the site and therefore a reduction a reduction of stormwater flow downstream than currently exists.

The proposed limits of disturbance encompass only 7.9 acres of the 46.6 acre site and are the least extensive as is practicable. The limits of disturbance will be staked prior to construction and delineated with orange construction fencing which shall remain throughout construction until areas are stabilized. The majority of the site which includes wetlands, buffers and more steeply sloped areas will be left undisturbed and the proposed development will be located substantially in previously developed areas of the site.

Standard stormwater structures are sized beyond standard practice requirements to infiltrate at least the full runoff from the one year runoff events. The facility at the western end of the driveway serving lots 3 and 4 is sized to infiltrate up to the 100 year runoff event. This oversizing of the facilities will provide stormwater infiltration far beyond that required, providing additional groundwater recharge and maintaining stream baseflows in the vicinity.

Proper implementation and construction of both the stormwater drainage and quality infrastructures and maintenance of the erosion and sediment control plan will mitigate any potential adverse impact to either upstream or downstream drainage areas or facilities due to stormwater quantity or quality as a result of the proposed development.

3.5.2 Comment

The DEIS identifies a number of instances where the proposed plans do not conform directly with Village codes, notably through new intrusions into wetland buffers. No waivers should be granted for such intrusions or other non-conformities unless there is a clear public benefit to be gained from preferring an intrusion or other non-conformity to strict application of the codes.



Specifically, lots #3 and #4 (which also block trail access...) and the access road east of lot #11 all feature new intrusions into wetland buffers.

(Correspondence #4, David Aukland, 4/30/12, p. 1)

Response

The applicant has developed an aggressive wetland mitigation plan and proposes a number of activities that will result in improvements to existing wetlands and watercourses on the Jardim Estates site. The proposed plan includes the removal of three existing single-family structures located within the wetland buffer. See response to comment 3.1.3.

3.5.3 Comment

Habitats in this sensitive area must be preserved. This cannot reliably be left to individual lot owners, so the clustered alternative plan with dedicated open space is essential.

(Correspondence #4, David Aukland, 4/30/12, p. 2)

Response

Comment noted. Also see response to comment 3.3.6.

3.5.4 Comment

Existing biotic corridors are also crucial to preserving habitats. New construction that would block important corridors – through clearing, building or driveways – must be avoided.

(Correspondence #4, David Aukland, 4/30/12, p. 2)

Response

No portion of the site proposed for development under the cluster subdivision layout is considered an important biotic corridor or habitat. According to a study by Buckhurst Fish & Jacquemart Inc. for the Westchester Land Trust, which examined an area of roughly 350 acres including Holy Spirit Association and neighboring properties in the Town of Greenburgh and Village of Tarrytown, some areas of the study area are of a high-quality habitat but the western portion of the study area, which includes the subject site, is not of any wildlife value:

6.2 Environmental Impacts

The core of the property, in Greenburgh, is a high-quality habitat for southern and central Westchester, and it deserves to be protected from development. The area contains several species of bird, amphibians, and reptiles that are unusual for southern Westchester County, many of which require



un-fragmented habitats. The site also contains several distinct types of habitat: forested wetlands, woodlands, and dry ridgelines. (See Section 5.3 for a fuller discussion.)

Failure to preserve the large, contiguous portion of the site-especially the central wetland corridor area and its connection to the ridge northwest of Taxter Road- would mean the end of this unusual, relatively intact ecosystem. Moreover, because the site is hemmed in on two sides by the freeway, the area is isolated from other natural landscapes. Therefore, any local loss of habitat would be much more acutely felt.

The western portion of the property, in Tarrytown, is not of any wildlife value. Its value must be reckoned in terms of views of the Hudson, urban green space, its historic estate landscaping with mature sugar maples, and the possible greenway trail connecting the Old Croton Aqueduct Trail to the core of the study site. ¹

3.5.5 Comment

Is there too much cutting and filling that has to go from the two houses on Sheldon, that come off of Sheldon? Does that create more of a problem aside from cutting off the biotic corridor, which is already going to be cut off by Greystone and everything else?

(Public Hearing Speaker #3, Linda Viertel, 4/24/12, p. 30)

Response

DEIS Alternative 4 (Sheldon Avenue Alternative Access Plan) examines the potential for access to the site from Sheldon Avenue. Despite efforts to design access from Sheldon Avenue to avoid wetlands and to work with the topography to the maximum extent possible, access from Sheldon Avenue is both very environmentally damaging and prohibitively expensive to construct. This access was examined by the applicant as a result of inquiries from residents of the Gracemere area, but, in the applicant's opinion, this primary access to the site from Sheldon Avenue is not a viable option. Access to the site, as proposed, is considered the least impactful to existing environmental features.

3.5.6 Comment

It just seems to me it might be a good idea if we could maybe try to update that, because I know what you're saying about designating wetlands, but if you go to an area and it's muddy and wet and there's skunk cabbage, I think that should be considered wetlands.



¹ OPEN SPACE ANALYSIS AND DEVELOPMENT SCENARIOS Holy Spirit Association and Neighboring Properties Town of Greenburgh and Village of Tarrytown, New York, prepared for the Westchester Land Trust by Buckhurst Fish & Jacquemart Inc., July 2001. Page 41.



(Public Hearing, Paul Birgy, Planning Board Member, 4/24/12, p. 39. Similar comments from: Public Hearing Speaker #4, Carole Griffiths, Chair of the Environmental Council for the Village of Tarrytown, 4/24/12, p. 44)

Response

Comment noted. The applicant's Professional Wetland Scientist (PWS) re-examined all the wetlands on the project site over several days in May and June, 2012. The PWS's findings are summarized as follows:

1. All wetlands on the site are the same size or slightly smaller than the original delineation.
2. On the south end of the site, is smaller just west of the existing cottage. The area that is currently maintained as lawn is transitioning to upland due to regular maintenance and small changes to hydrology from upland areas to the south. There is a narrow vegetated strip with a drainage channel through it that defines the extent of the wetland through here. There are no changes to the wetland immediately along the south property line. The changes are not significant enough that they effect any of the site constraints, considering the 150 foot buffer requirement here.
3. The wetland line in the eastern part of the site is slightly smaller at the old trail that crosses the stream. Originally this was a crossing with a culvert underneath. Over the years this whole area has become filled with sediment, and was the reason for the larger wetland delineation on the south side of the trail. During the last few years, the old culverts has become unblocked and water is now flowing through it again, lowering the local water table and therefore reducing the size of the wetland. This remains an excellent place to do some mitigation if it is required.
4. Further to the west at Wetland C is the area that was flagged in response to the request by B. Laing Associates. Parts of this area are developing into upland due to changes in the vegetation and surficial hydrology, and is also slightly smaller now. The changes are not significant enough that they effect any of the site constraints, considering the 150 foot buffer requirement here.
5. The wetlands associated with the larger pond in the western part of the site are also smaller on the south side of the lake. This area has long been maintained as lawn, but with the repairs that were done to the outlet structure several years ago the lawn area is developing into an upland vegetation community.

None of the wetland areas have been re-flagged, and the changes are not likely to be substantial enough that they will affect any of the lot layout plans. These findings as well as a sketch drawing of the wetland findings have been submitted to the Village's Planning Consultant.

3.5.7 Comment

The applicant notes that the Proposed Action will result in the loss of and/or change in forested habitats that connect similar habitat to the north and south and that the loss of the onsite forested uplands may alter the movement of most of the wildlife that may use this property to access the adjacent forested areas. In the discussion of mitigation measures to address these impacts in Section



5.4, the applicant states that the wooded character of the site would be preserved on undeveloped portions of some of the larger residential lots. However, the DEIS is clear that “the applicant is not proposing any legal measures to restrict future clearing or grading on individual parcels outside of the usual village restrictions on tree cutting or earth movement.” A cluster plan should be considered as a preferred alternative to a conventional subdivision layout to preserve wildlife corridors and environmentally sensitive areas, particularly along the eastern portion of the site.

(Correspondence #5, BFJ Planning, 5/9/12, p. 5)

Response

Comment noted. Also see response to comment 3.3.6.

3.5.8 Comment

Mitigation measures with regard to soil erosion, sediment control and stormwater management should be reviewed by the Village Engineer.

(Correspondence #5, BFJ Planning, 5/9/12, p. 6)

Response

All plans, including erosion and sediment control and the SWPP Plans, have been submitted to the Village for review by the Village Engineer, other professional staff, and consultants. The Applicant and its engineers will work and comply with the Village Engineer on all plans related to soil erosion, sediment control and stormwater management.

3.6 Traffic

3.6.1 Comment

Page vii states “No improvements are necessary on Gracemere Road,” which is wrong. Massive improvements on Gracemere Road will be needed for construction vehicles and additional traffic stemming from the households. The road now tilts inward toward our property, causing constant flooding and should be mitigated.

(Correspondence #3, Linda Viertel, 5/3/12, p.1)



Response

The fact is that minor improvements are required to address drainage in the area of the pond and curbing and/or guiderails between the road and pond. These improvements will be made as part of the proposed project.

3.6.2 Comment

Accidents occur regularly on the hill, often ice-bound in winter, and the traffic report does not begin to address the number of cars that actually pass along our roads cutting through from Pennybridge during school and rush hours.

(Correspondence #3, Linda Viertel, 5/3/12, p. 2)

Response

The DEIS/Traffic Impact Study evaluated existing and future traffic conditions on the surrounding roadway network including cut through traffic along Sheldon Avenue, Browning Lane, Emerald Woods and Gracemere.

3.6.3 Comment

Vehicle access to the clustered lots north of lot #11 is shown via a new road across the lawn to the east of lot #11. It is not clear why this new road is required, as access is already available via Gracemere Avenue, which would be retained as a road in active use. Unnecessary new roads should be avoided. (Note that Gracemere Avenue currently services 8 dwelling units in Gracemere Hall, and was also the route to the large Browning Estate house, now demolished, north of Gracemere Hall.)

(Correspondence #4, David Aukland, 4/30/12, p. 1)

Response

Comment noted. The applicant does not disagree with the above comment. Although the applicant owns the roadway itself (Gracemere Avenue), the applicant does not own the lots on either side of the roadway, so the applicant cannot widen the roadway, which is as narrow as 12 feet between the Rachlin and Cohen properties.

There are significant development constraints associated with the subject property and the applicant is trying to access the most readily developable portion of the site while preserving a significant portion of the site as open space. New roads have been avoided to the maximum extent practicable based on the existing site constraints.



3.6.4 Comment

Safety along Gracemere is not addressed in the DEIS. Incidents arise even with current traffic, particularly with drivers not familiar with the narrow, winding road. New homes will increase all types of traffic. Provision must be made for pedestrian and bicycle safety, including traffic calming and appropriate refuges, particularly on routes to school bus points on Walnut Street and Browning Lane. A designated school bus access easement could be provided from Gracemere Avenue to Walnut Street via Woodlawn Street, to avoid forcing walkers onto Gracemere itself.

(Correspondence #4, David Aukland, 4/30/12, p. 1)

Response

The DEIS/Traffic Impact Study evaluated existing and future traffic conditions including cut through traffic along Sheldon Avenue, Browning Lane, Emerald Woods and Gracemere and addressed pedestrian/bicycle activity and safety. The proposed subdivision (net addition of 10 new homes) will generate a total of 10 additional vehicles (4 additional vehicles on Gracemere) during the Weekday Peak AM Hour and 13 additional vehicles (5 additional vehicles on Gracemere) during the Weekday Peak PM Hour.

The proposed subdivision has been designed to preserve the rural nature of the area. The proposed subdivision indicates that Gracemere may need to be widened in short sections to no more than 18 feet.

3.6.5 Comment

Traffic frequently uses Gracemere for travel between Browning Lane and South Broadway. Provision must be made to limit this cut-through traffic to reduce the risks along the narrow and blind route to South Broadway, particularly given additional traffic from the proposed new development. (The traffic survey is not credible on circulation within the Gracemere area. It shows only 2 vehicles turning right from Browning Lane onto Gracemere at Gracemere Lake Drive during the morning peak period, while the true number is much higher. A fuller survey of daytime traffic within should be carried out to provide an accurate basis for safety considerations.)

(Correspondence #4, David Aukland, 4/30/12, p. 1-2)

Response

As discussed in responses 3.6.2 and 3.6.4 above, The DEIS/Traffic Impact Study evaluated existing and future traffic conditions including cut through traffic along Sheldon Avenue, Browning Lane, Emerald Woods and Gracemere and addressed pedestrian/bicycle activity and safety.



The traffic counts in the area were conducted during the hours of 7:00 AM and 9:30 AM and 4:00 PM and 6:30PM to determine the Weekday Peak AM and Weekday Peak PM Hour traffic volumes shown in the DEIS/TIS.

3.6.6 Comment

Construction activity and traffic must not add to safety hazards, or impede current residents. In particular, all construction vehicles should use Browning Lane, rather than the narrow road (Gracemere) to South Broadway.

(Correspondence #4, David Aukland, 4/30/12, p. 2)

Response

Browning Lane will be the main access way for the construction vehicles if this is the directive of the Planning Board and the Village Engineer. Access over Gracemere would be limited to six-wheel construction vehicles or smaller.

3.6.7 Comment

To retain the rural nature of the area, the road Gracemere should not be widened, but it should be improved to drain efficiently and to include new edging and blacktop.

(Correspondence #4, David Aukland, 4/30/12, p. 2)

Response

Comment noted. The proposed subdivision has been designed to preserve the rural nature of the area. Gracemere will only be widened if there are sections that are not 18 feet wide. There may short sections of the roadway that are 15 to 18 feet wide right now that would need to be widened. Eighteen feet is the recommended minimum width for two-way traffic.

3.6.8 Comment

Note also that road names in the January 2012 DEIS are wrong. The Planning Board had asked previously that they be corrected, and some changes were made, but errors remain. All road naming should be in line with the map since provided by the Village Engineer. Notable discrepancies are that Exhibit 1-1, which was intended to be the master naming reference for all identified features in the development, has not been updated (for instance, showing Lake Drive, which no longer exists), and the text refers extensively to Gracemere Road (the name is just plain Gracemere).

(Correspondence #4, David Aukland, 4/30/12, p. 2)



Response

The January 2012 DEIS was the Preliminary DEIS for review and comment by the Planning Board. The Preliminary DEIS was not accepted as complete or deemed acceptable for public review and comment.

Following the January 2012 submission of the Preliminary DEIS all road names were confirmed with the Village Engineer. On February 22, 2012, the Village Engineer provided confirmation and/or correction as to the street names within the project area and all maps were fully revised to be consistent with the information provided by the Village Engineer. All of the corrected maps were included in the DEIS dated March 13, 2012 which was accepted as complete by Planning Board, circulated to all involved and interested agencies and posted on the Internet as required by Chapter 641 of the NYS Laws of 2005. The applicant also provided the Village and members of the Planning Board with copies of the March 13, 2012 DEIS.

3.6.9 Comment

BFJ's traffic engineer has reviewed the traffic study and agrees with the results of the capacity analysis. Provisions for ensuring pedestrian and bicycle safety along Gracemere should be included in the site design, particularly along routes to the existing school bus stop.

(Correspondence #5, BFJ Planning, 5/9/12, p. 6)

Response

Comment noted. The existing walking path at the north of Upper Gracemere Lake will be improved to provide an alternate route to the existing school bus stop. The Applicant and its engineers will work and comply with the Village Engineer on all plans related to site design and pedestrian safety. See also Responses 3.6.4 and 3.6.5, above.

3.6.10 Comment

I think for the people who live here, it's important to relieve some of the traffic, to relieve that road that has collapsed many times. It is only 15 feet wide, and you won't be able to widen it on my property I know, so it's going to have to be widened toward the lake. So I would love to relieve traffic even more.

(Public Hearing Speaker #3, Linda Viertel, 4/24/12, p. 30)

Response

As noted in response to comment 3.6.4, the proposed subdivision (net addition of 10 new homes) will generate a total of 10 additional vehicles during the Weekday Peak AM Hour and 13 additional vehicles during the Weekday Peak PM Hour. The proposed subdivision has



been designed to preserve the rural nature of the area. The proposed subdivision indicates that Gracemere may need to be widened in short sections to no more than 18 feet.

3.6.11 Comment

A detailed engineering review is required as part of the NYSDOT Highway Work Permit process. Any work conducted within the New York State Right-of-Way requires a Highway Work Permit. The applicant should be directed to contact the local NYSDOT Highway Work Permit Engineer to initiate the Highway Work Permit review process.

Certain submissions are required depending upon the magnitude and impact of the proposed project. These may include, but not be limited to, a Traffic Impact Study (TIS), SYNCHRO analysis of affected intersections, Site Plan (SP), Proposed Highway Improvement Plan (HIP), and other submission as directed by the Permit Engineer.

(Correspondence #6, New York State Department of Transportation, Region 8, 4/24/12, p. 1)

Response

Comment noted. No work is proposed along any State Highway. A Highway Work Permit is not required.

3.7 Infrastructure

3.7.1 Comment

Increased sewage flows from the site into the County sewer system should be offset through inflow and infiltration (I&I) mitigation.

The proposed development will increase sewage flows from this site into the existing infrastructure. The increased flow will add to the volume of sewage flow requiring treatment at the Yonkers Joint Wastewater Treatment Plant operated by Westchester County. As a matter of County Department of Environmental Facilities' policy, we recommend that the Village implement or require the developer to implement measures that will offset the projected increase in flow. The best means to do so is through reductions in inflow, infiltration (I&I) at a ratio of three for one for the market rate units and one for one for the affordable AFFH unit. The final EIS should include a discussion of proposed mitigation.

(Correspondence #2, Westchester County Planning Board, 4/24/12, p. 2)



Response

The projected increase in flow is minor as the project includes the demolition of three single-family homes and the construction of ten single-family homes resulting in a net increase of only seven new residences.

The Yonkers JWWTP is operating under a valid SPDES permit and there are no indications that the plant cannot accept this modest flow.

3.7.2 Comment

The HSA properties include 11 dwellings, which will remain. Given the church's ongoing presence, and not knowing when, if ever, the lots will be sold, it is imperative that the HSA continue maintaining and plowing the road that gives access to their properties. All current residents have easements and cannot be forced to join an HOA for road and sewer upkeep.

(Correspondence #3, Linda Viertel, 5/3/12, p. 1)

Response

As with the Emerald Woods subdivision, it is envisioned that a Homeowners Association (HOA) will be created to be responsible for maintenance and plowing of the roads, which will remain private, and for maintenance of the pond and the lot on which it will be located.

That HOA will be governed by the owners of the lots, and HSA intends to remain as owner of two of those lots. The HOA will be governed by bylaws which will provide for simple majority rule by lot owners. Thus, until half the lots are sold, HSA will have majority control of the HOA, and thus effectively continued responsibility for the above maintenance. Once more than half the lots are sold, HSA will no longer have such responsibility.

All existing properties within the boundaries of the project area, whether owned by HSA or others, will be eligible to join the HOA. Whether the owners choose to join or not, all such properties are presently bound by a series of deeds, easements and covenants dating back into the 19th century and covering, among other things, rights of access to and responsibility for maintenance of the existing roads. Thus while none of these other property owners can be forced to join the HOA, there will need to be agreements between them and the HOA taking into account these existing responsibilities.

3.7.3 Comment

A detailed presentation of how an HOA would work in Gracemere, what the responsibilities of said HOA for new home-owners would be, what responsibilities the HSA would continue with, etc. must be delineated in exact detail, contracts created, signed, with the village, so that all of us



who live here understand who is responsible for infrastructure work, maintenance, upkeep of all conservation easements, the meadow, etc. NO detail should be left unattended. All ongoing HSA responsibilities as well as a copy of the HOA document listing what new home-owners will be paying for, responsible for should be included in the FEIS.

(Correspondence #3, Linda Viertel, 5/3/12, p. 2)

Response

In addition to response 3.7.2 above, it should be noted that the voting rights in the HOA will be limited to the owners of the properties, with no rights given to the tenants. Thus the owners of the existing eight unit and a three unit dwellings (HSA), which are intended to remain, will be members of the HOA but will have only one vote each.

The Planning Board has agreed that it is sufficient to describe the intent of the HOA in the FEIS. The actual HOA itself is not necessarily for SEQR and may be done as part of subdivision approval.

As stated above, the two existing multifamily lots with occupied units would be included in the HOA, and each lot(not each unit) would have one vote in the HOA.

3.7.4 Comment

The stormwater assessment should be reviewed by the Village Engineer.

(Correspondence #5, BFJ Planning, 5/9/12, p. 6)

Response

All plans, including the Stormwater Pollution Prevention Plans, have been submitted to the Village for review by the Village Engineer, other professional staff, and consultants. The Applicant and its engineers will work and comply with the Village Engineer on all plans related to stormwater management.

3.7.5 Comment

In this section [7.3.2 Potential Impacts] the applicant states that the proposed subdivision will consist of three existing residences and nine new residences. This is inaccurate.

(Correspondence #5, BFJ Planning, 5/9/12, p. 6)



Response

Comment noted. As proposed, the 12-lot subdivision will include separate lots for two existing multi-family structures, which we remain (Gracemere Hall and Gracemere Lodge). Three single-family structures will be demolished (the Gate House and the two houses known as Gracemere Courts). Ten new single-family houses will be constructed on individual lots.

3.8 Community Facilities

3.8.1 Comment

In this section [Section 8.1.1 Existing Site Population] the applicant states that of the existing five structures on the site, two will remain with a total of 11 units. This implies that the existing multifamily structures (Gracemere Hall and Gracemere Lodge) will continue to function as multifamily residences. This section goes on to state that “the existing population occupying Gracemere Hall and Gracemere Lodge will continue to remain post construction.” This should be clarified as the DEIS gives the general impression that all 12 lots in the proposed subdivision (2 with existing structures and 10 with new structures) will be for single family residences.

(Correspondence #5, BFJ Planning, 5/9/12, p. 6)

Response

The two existing multifamily structures (Gracemere Hall and Gracemere Lodge) will continue to function as multifamily structures. The 12 lots in the proposed subdivision will include two lots for these existing multi-family structures and ten lots for new single-family houses. All but two of the existing dwelling units in Gracemere Lodge and Gracemere Hall are currently occupied and Gracemere Hall and Gracemere Lodge will continue to remain as multifamily structures post construction.

3.8.2 Comment

The applicant states that the proposed 12 lot subdivision will result in a net increase of seven additional homes on the site. This calculation is based on the addition of 10 new single family homes minus three single family units to be demolished on the site. It is our understanding that at least two of the units on the site that are being demolished are currently vacant and in disrepair. We feel that this is important because the discussion of impacts with regard to community facilities and services should reflect an actual anticipated increase in population versus an increase in the number of structures on the site. Impacts with regard to residents, school children, etc. should be revised to reflect a net increase in population, rather than a net increase in units as some of the units to be demolished are vacant units and therefore reflect no population.



(Correspondence #5, BFJ Planning, 5/9/12, p. 6-7)

Response

The project site currently contains three single-family structures (the Gate House and the two single family houses known as Gracemere Courts) that would be demolished as part of the proposed plan. The Gate House and one of the structures at Gracemere Courts are currently occupied. The other structure at Gracemere Courts was occupied until approximately three years ago when it sustained damage to the roof. The applicant is currently getting cost estimates for roof repairs and once the repairs are complete, the home will be reoccupied.

3.8.3 Comment

The applicant calculates anticipated property tax revenues for 12 single family homes. As discussed in Section 8.1.1 it is unclear if the Proposed Action is for 12 single family homes or 10 single family homes and 2 multi-family structures. As previously stated, this should be clarified and if the proposal is not for 12 single family homes, property tax revenue projections should be revised accordingly.

(Correspondence #5, BFJ Planning, 5/9/12, p. 7)

Response

The twelve lot subdivision would include lots for two existing multi-family structures and lots for ten new homes. See Response to Comment 3.8.4 for the anticipated annual property tax revenues to be generated by the proposed 10 new homes.

Based on 2008 tax records, the 46 acre project site generates \$407,761 in annual property taxes. As part of the proposed subdivision, three exiting single family homes would be demolished and the two existing multi-family homes would be retained. When the site is subdivided, the Greenburgh Tax Assessor will reassess the multi-family structures.

3.8.4 Comment

Also, there's no tax range. There's been assertion of what the taxes would be on the homes and what the benefit would be to the community, but there's no accounting for it. I just got the DEIS, so it may be somewhere, but what we need is a range of what these houses would cost, the size of these houses, what the tax range would be; therefore, what the range of the facilities funding would be to the Village and the schools. So far we only have one number.

(Public Hearing Speaker #3, Linda Viertel, 4/24/12, p. 34-35)



Response

Anticipated site generated property tax revenues are discussed in section 8.2.2 of the DEIS. Also see section 8.3.3 of the DEIS, which discusses the per lot recreation fee levied on subdivision developers to meet village recreation needs.

The anticipated sales prices for the new homes at Jardim Estates East are expected to be between \$1.9 and \$2.4 million. It is anticipated that the homes would range from approximately 4,300 square feet to 5,600 square feet and offer four to five bedrooms.

The anticipated assessments and property taxes for the new homes at Jardim Estates East have been based on existing property taxes for the new homes constructed at Emerald Woods. The Emerald Woods residential subdivision is similar to the proposed project, being that both projects are in the same neighborhood and school district. Also, Emerald Woods abuts Jardim Estates East therefore the both sites have similar topography, natural features and neighborhood characteristics. The homes in Emerald Woods have sold for between \$1.8 and \$2.35 million.

According to 2012 property tax data for homes at the Emerald Woods site, these homes are currently paying between \$39,657 and \$59,438 in annual property taxes to all taxing jurisdictions. As described in response to comment 3.8.3, when the site is subdivided, the Greenburgh Tax Assessor will reassess the multi-family structures to remain on the site. So the analysis of anticipated tax revenues provided herein is based on 10 new homes.

The following table illustrates the anticipated property tax revenues to the affected taxing jurisdictions for the 10 new homes based on the lower estimated property tax of \$39,657 per home. A similar analysis is provided in table 3-2 for the 10 new homes based on the higher estimated property tax of \$59,438 per home. As seen below, the respective percent of total taxes paid to each jurisdiction is 25.2 percent to the Village of Tarrytown, 61 percent to the Irvington School District, 10.4 percent to Westchester County, 1.0 percent to the Refuse Disposal District, 1.8 percent to the Saw Mill Valley Refuse District, 0.5 percent to the Town of Greenburgh and 0.1 percent to the Sheldon Brook Drainage District.

Table 3-1 Anticipated Annual Property Tax Revenues – Low Estimate

Tax District	Total Tax Generation	% of Property Taxes	Annual Property Taxes to the Taxing District
Village of Tarrytown	\$396,570	25.2%	\$99,936
Irvington School District	\$396,570	61.0%	\$241,908
Westchester County	\$396,570	10.4%	\$41,243
Town of Greenburgh	\$396,570	0.5%	\$1,983
Saw Mill Valley (Refuse Disposal)	\$396,570	1.8%	\$7,138
Refuse Disposal District 1	\$396,570	1.0%	\$3,966
Sheldon Brook Drainage District	\$396,570	0.1%	\$397
TOTAL TO ALL DISTRICTS	\$396,570	100%	\$396,570

Table 3-2 Anticipated Annual Property Tax Revenues – High Estimate

Tax District	Total Tax Generation	% of Property Taxes	Annual Property Taxes to the Taxing District
Village of Tarrytown	\$594,380	25.2%	\$149,784
Irvington School District	\$594,380	61.0%	\$362,572
Westchester County	\$594,380	10.4%	\$61,815
Town of Greenburgh	\$594,380	0.5%	\$2,972
Saw Mill Valley (Refuse Disposal)	\$594,380	1.8%	\$10,699
Refuse Disposal District 1	\$594,380	1.0%	\$5,944
Sheldon Brook Drainage District	\$594,380	0.1%	\$594
TOTAL TO ALL DISTRICTS	\$594,380	100%	\$594,380

3.8.5 Comment

We recently reviewed a draft EIS for the Greystone on Hudson subdivision and offered our support for a proposed pedestrian pathway to Taxter Ridge described as part of that project. As described on page 100 of the Greystone on Hudson draft EIS, the Greystone subdivision would include the development of a trail connecting "the Open Space Parcel in the proposed Jardim Estates East Subdivision" to a new parcel of open space that the Greystone subdivision would donate to Taxter Ridge. The draft EIS states that this would facilitate a connection between Sheldon Avenue and Taxter Ridge, through the Jardim Estates East subdivision.

We note that the draft EIS for Jardim Estates does not reference this proposal, or show an open space parcel near where the Greystone on Hudson pathway would be provided (approximately abutting proposed Lot 5). The final EIS should clarify this issue and resolve the matter to the satisfaction of the Village consistent with any action to be taken with respect to the Greystone on Hudson proposal.

(Correspondence #2, Westchester County Planning Board, 4/24/12, p. 2-3)

Response

The applicant's proposed cluster subdivision plan provides open space totaling approximately 27.167 acres (56.5% of the Jardim Estates East site). See DEIS Exhibit 9-1. The applicant's cluster subdivision plan has been designed to allow pedestrian access through the project site linking the Greystone subdivision to the south with Taxter Ridge Park to the north. According to the applicant, under the proposed cluster subdivision plan, the open space would be offered for dedication without a fee to the Village of Tarrytown and trails or other improvements to the land offered to the Village will be further negotiated once the Lead Agency and the applicant agree on an acceptable layout plan for the site.



3.8.6 Comment

Trail access from Pennybridge and Gracemere to Taxter Ridge Park is not shown in the DEIS. The long-standing primary route runs from Browning Lane, along Gracemere, and through the existing old bridleway (now unmaintained and somewhat overgrown) which is the eastern continuation of Gracemere, beyond the locked gates presently across the trail. New construction – such as the proposed lots #3 and #4 - should not block this route.

(Correspondence #4, David Aukland, 4/30/12, p. 1)

Response

See response to comments 3.8.7, 3.9.3 and 3.9.5.

3.8.7 Comment

If there was any way possible for the Jardim Estates to provide a parking lot on Sheldon Avenue to provide access to the park [Taxter Ridge Park] from that other side, that would be terrific.

(Public Hearing Speaker #1, Audience Speaker, 4/24/12, p. 23)

Response

Comment noted. The applicant's cluster subdivision plan has been designed to provide significant open space adjacent to Taxter Ridge Park, which would be offered for dedication to the Village of Tarrytown. Details relative to trails, parking areas or other improvements will be further negotiated once the Lead Agency and the applicant agree on an acceptable layout plan for the site.

3.8.8 Comment

No easements for public access or dedication of open space adjacent to Taxter Ridge Park are provided for under the Proposed Action (conventional subdivision).

(Correspondence #5, BFJ Planning, 5/9/12, p. 7)

Response

The conventional layout plan would result in the development of the entire 46.6-acre site for 12 residential lots and the associated roadways. The residential lots will cover virtually the entire 46.6-acre site, including Upper Gracemere Lake and Turtle Pond as well as those sections of the property with steep slopes and wetlands. The conventional layout plan provides no public open space.



The applicant's proposed cluster subdivision plan, however, would provide open space totaling approximately 27.167 acres (56.5% of the Jardim Estates East site). The applicant's cluster subdivision plan has been designed to provide significant open space adjacent to Taxter Ridge Park, which would be offered for dedication to the Village of Tarrytown. Details relative to trails for public access or other improvements will be further negotiated once the Lead Agency and the applicant agree on an acceptable layout plan for the site.

3.8.9 Comment

The Proposed Action (conventional subdivision) does not include a pedestrian link/trail to Taxter Ridge Park through the project site.

(Correspondence #5, BFJ Planning, 5/9/12, p. 7)

Response

Comment noted. See response to comment 3.8.8.

3.8.10 Comment

As previously noted, the number of new residents expected to be generated by the development should be revised [in DEIS Section 8.4 Police Protection] to reflect the anticipated increase in population rather than the increase in unit count on the site.

(Correspondence #5, BFJ Planning, 5/9/12, p. 7)

Response

The two existing multifamily structures (Gracemere Hall and Gracemere Lodge) will continue to function as multifamily structures. The 12 lots in the proposed subdivision will include two lots for these existing multi-family structures and ten lots for new single-family houses.

The Development Impact Assessment Handbook by Burchell, Listokin and Dolphin (1994) indicates that typical five-bedroom single-family homes in the northeast region have a total household size of 4.3710 persons. This indicates that the ten new homes to be constructed would have a total population of approximately 44 residents.

Based on the estimated 2010 Census population for the Village of Tarrytown (i.e., 11,277 persons) 44 new residents would represent a population increase of less than one-half of one percent of the total village population.

It should be noted that three existing single-family homes will be demolished, thereby reducing the existing site population prior to redevelopment.



3.8.11 Comment

The subdivision plan should be reviewed by the Fire Department to determine accessibility for fire trucks and apparatus.

(Correspondence #5, BFJ Planning, 5/9/12, p. 7)

Response

The subdivision plans were reviewed at an interdepartmental meeting with the Village Engineer, Village Administrator, BFJ Planning, the Police Chief and the Fire Chief. Based on input from the Fire Department, the site plans have been revised to insure accessibility for fire trucks and apparatus. The Applicant and its engineers will continue to work and comply with the Village Engineer and Fire Department on all plans related to fire and emergency vehicle access.

3.8.12 Comment

School children projections should be revised to reflect the increase in occupied units on the site. Vacant units that currently have no residents should not be included in the baseline for existing development on the project site.

(Correspondence #5, BFJ Planning, 5/9/12, p. 7)

Response

Only one unit is temporarily vacant pending repairs to the roof. The vacancy is considered temporary since the unit was occupied until recently and will be reoccupied once the roof is repaired.

3.8.13 Comment

The community facilities and services who reference five students in possibly 12 homes, know that there are several bedrooms in these homes, and most people move into this area because they want to send their children to the Irvington or Tarrytown school system. So, we take 12 times two or 11 times two, and we don't come up with five. I have three homes near me, and each of the homes has two children in them. So let's be realistic about what we're considering for the school system.

(Public Hearing Speaker #3, Linda Viertel, 4/24/12, p. 34)

Response

The DEIS examines the number of *new* schoolchildren that the proposed project would be likely to generate. Although the proposed project is for a 12 lot subdivision, there are two existing



multi-family structures that will remain and three existing single-family homes that will be demolished, resulting in a net increase of seven additional units on the site. It is the impact of these additional housing units that is required to be analyzed under SEQRA.

The projected number of schoolchildren was computed by the applicant using two separate methods. First, the DEIS uses a nationally accepted methodology developed by Urban Land Institute (ULI). The ULI multiplier used is for a five bedroom home. ULI multipliers are considered an acceptable planning standard for assessing potential development impacts. In order to further examine the potential impact to the School District, actual data for Emerald Woods was provided. Since the ULI multiplier is higher and results in more schoolchildren than the actual data from Emerald Woods, the higher estimate is used to determine the likely impact to the school district.

3.8.14 Comment

No school buses are currently allowed in Gracemere, which policy should continue. Better access for school children through Woodlawn could be created in addition to safety measures adopted in Gracemere proper.

(Correspondence #3, Linda Viertel, 5/3/12, p. 1)

Response

School bus/school route information was obtained from Mr. Douglas Carter, Coordinator of Transportation (see DEIS page 6-5). Currently, children from the Gracemere area and the project site walk to the school bus stop located at Browning Lane and Walnut Street.

3.8.15 Comment

The applicant notes that it is anticipated that students living on the project site would be assigned to a bus stop on or near the current bus stop location at Browning Lane and Walnut Street. Provisions should be made to ensure safe pedestrian access through the site to this bus stop.

(Correspondence #5, BFJ Planning, 5/9/12, p. 8)

Response

See responses to comments 3.6.4, 3.6.5 and 3.6.9.



3.8.16 Comment

Mail delivery must be arranged with the post office. If delivery is to be central rather than to each home, a suitable site must be selected with safe, lighted access for vehicles.

(Correspondence #4, David Aukland, 4/30/12, p. 2)

Response

Mailbox placement and construction will conform to U.S. Postal Service standards. The Applicant will obtain approval for the location of mailboxes from the USPS prior to submission of the final plat and the placement of mailboxes per Postal Service requirements will be shown on the plat.

3.8.17 Comment

The applicant indicates that a centralized mailbox station is likely on the project site. The applicant should indicate the proposed location for the mailbox station.

(Correspondence #5, BFJ Planning, 5/9/12, p. 8)

Response

As stated on page 8-13 of the DEIS, a centralized mailbox station will be located on property owned and maintained by a homeowner's association. For the purposes of safety and accessibility, the centralized mailbox station will be located along the northerly side of Gracemere in the vicinity of the new road (near proposed lot 11 or lot 12).

3.9 Alternatives

3.9.1 Comment

Remove 3 homes from the cluster (preferred) plan (Exhibit 9-1) in the Alternatives chapter. Nine new homes in this environmentally fragile area, the interior of Gracemere, is too dense for the traffic, roadway and ecological issues that will ensue were they to be built. Lots 3 and 4 block trail access into Taxter Ridge, and a new roadway in front of Lot 12 creates more impervious surface needlessly, damaging the natural character of this private area.

(Correspondence #3, Linda Viertel, 5/3/12, p. 1)



Response

The 46.6 acre property is proposed to be subdivided into 12 lots including two for existing multi-family buildings to remain on the site and ten for new homes. In addition, three existing single-family homes will be demolished resulting in a net increase of seven new homes. The density is lower than that of development to the west and northwest.

The proposed subdivision design utilizes the site's existing private roadways with a new extension of the private road branching through the central portion of the site to allow access to several new residential lots. The proposed new homes have been located to avoid sensitive environmental features to the greatest extent practicable. The removal of two existing single-family homes located in a wetland area will allow for an aggressive wetland mitigation plan resulting in improvements in wetland condition and function. Drainage and infrastructure improvements required for the project will improve the quality of the site while limiting the new development will preserve the existing character of the area.

The majority of the site has been previously disturbed with construction of the estate buildings, the man-made lake and other modern landscape features. Under the applicant's proposed cluster subdivision plan, 27.167 acres (56.5% of the site) would be preserved as permanent open space.

3.9.2 Comment

Consider, as an alternative, further reducing clustering in Gracemere proper, placing 2 homes off Sheldon: one across from Les Oiseaux (formerly Lot 6) and in the interior (formerly Lot 5) where a house once stood. Locating 2 homes, especially where one once stood in this area, would further relieve traffic congestion, road and safety concerns in Gracemere by reducing the lot count in Gracemere proper to 4 above the Cohens and Rachlins and 2 at the entrance off Browning Lane. I realize that moving 2 homes off a Sheldon entrance may create a slight disruption of biotic corridors (which has been an ongoing problem evidenced in every development application in the south end), but there is ample room for animal crossings surrounding both house placements in the adjacent dedicated open space.

(Correspondence #3, Linda Viertel, 5/3/12, p. 1. Similar comments from: Public Hearing Speaker #3, Linda Viertel, 4/24/12, p. 31-32)

Response

See response to comment 3.5.5 and comment 3.9.1.



3.9.3 Comment

Efforts to acquire property adjoining Jardim East (now Greystone) as permanent open space were not successful, so it is particularly welcome that the Applicant is offering an alternative that allows open space to be preserved along the watercourse to the east of the site.

(Correspondence #4, David Aukland, 4/30/12, p. 1)

Response

Comment noted. The cluster layout plan provides four open space areas that total approximately 27.167 acres (56.5% of the site). The largest of these open space parcels (open space parcel A) is a ± 18.33 acre parcel that includes the northern portion of the site (along Sheldon Avenue) and much of the eastern portion of the site extending from Sheldon Avenue south to the southerly property-line. According to the applicant, under the proposed cluster subdivision plan, open space parcel A would be offered for dedication without a fee to the Village of Tarrytown and trails or other improvements to the land offered to the Village are negotiable. The Planning Board should note that these terms are offered in concert with the applicant's proposed cluster plan and may not be feasible with a substantially altered cluster layout.

Open space parcel B is a ± 4.65 acre parcel, which includes Upper Gracemere Lake and a portion of the land adjacent to the lake. Open Space parcel C is a 1.5 acre parcel located along the southern portion of the site, south of the existing roadway. Open space parcel D is located south of the existing roadway along the southerly property boundary.

Open space parcels B, C and D, including Upper Gracemere Lake, would be owned and maintained by a homeowners association and would be preserved in permanent open space through a conservation easement.

3.9.4 Comment

I'd like to know how much land is preserved for each of the projected alternatives, the conventional, the cluster, both from the applicant and the alternatives.

(Public Hearing Speaker #1, Audience Speaker, 4/24/12, p. 22)

Response

The conventional layout plan would result in the development of the entire 46.6-acre site for 12 residential lots and the associated roadways. The residential lots will cover virtually the entire 46.6-acre site, including Upper Gracemere Lake and Turtle Pond as well as those sections of the property with steep slopes and wetlands. The conventional layout plan provides no public open space.



The applicant's proposed cluster subdivision plan, however, would provide open space totaling approximately 27.167 acres (56.5% of the Jardim Estates East site).

3.9.5 Comment

I like the Cluster Plan Number 1 because the road that today really goes into the heart of the parkland is too narrow. By having it as open space, it might be possible to widen the road to provide a parking lot further up into the parkland, which would be good.

(Public Hearing Speaker #1, Audience Speaker, 4/24/12, p. 22)

Response

Comment noted. The applicant's cluster subdivision plan has been designed to allow access through the project site linking the Greystone subdivision to the south with Taxter Ridge Park to the north. According to the applicant, under the proposed cluster subdivision plan, the open space would be offered for dedication without a fee to the Village of Tarrytown and trails or other improvements to the land offered to the Village are negotiable. The Planning Board should note that these terms are offered in concert with the applicant's proposed cluster plan and may not be feasible with a substantially altered cluster layout.

3.9.6 Comment

While the proposed cluster subdivision is a preferable alternative to the conventional subdivision analyzed in the DEIS, we feel that the cluster layout could be modified to achieve a more environmentally sensitive design and reduce environmental impacts on the project site. For example, the applicant should consider eliminating the shared driveway that extends beyond the Maselli property and impacts environmentally sensitive land on the eastern portion of the site. We propose that the applicant analyze two additional cluster subdivision alternatives in the FEIS, as discussed below.



Figures 1 and 2 illustrate two alternative cluster designs. Both cluster alternatives eliminate the two lots with the shared driveway east of the Maselli property and include a new lot on the northern portion of the site with access from the cul-de-sac. Both these alternatives result in an 11 lot subdivision (9 new lots and 2 existing lots) that preserves the sensitive environmental area on the eastern portion of the site. A potential trail system is shown along the eastern portion of the site linking the site to the proposed Greystone development to the south and Taxter Ridge Park to the north. An east-west trail is also shown along the southern portion of the property. The difference between the two layouts is that Figure 1 provides for a new cul-de-sac roadway, while Figure 2 utilizes the existing Gracemere Avenue to access the new cul-de-sac. The impacts of these two different roadway layouts should be evaluated in the FEIS.

(Correspondence #5, BFJ Planning, 5/9/12, p. 8-9)

Response

The two additional cluster subdivision alternatives suggested by BFJ Planning are analyzed in chapter 1 of this FEIS.

3.10 Other SEQRA Chapters

3.10.1 Comment

Is energy part of the DEIS? We are trying to revise the energy codes for the Village of Tarrytown and update them to be consistent with the new energy codes the State will be adopting in a couple of years. That's a really important part of any DEIS, is the energy usage, and I would like to urge all developers to start thinking about really conserving energy. We want to reduce energy usage in this Village by 15 percent in 2012.

(Public Hearing Speaker #4, Carole Griffiths, Chair of the Environmental Council for the Village of Tarrytown, 4/24/12, p. 47-48)

Response

Comment noted. Energy use and conservation is discussed in Section 11.3 of the DEIS.

3.11 Procedural

3.11.1 Comment

I appreciate that the HSA has allowed Gracemere to retain its woodland nature for as long as it has, but I also will be counting on the Planning Board and the HSA to respect the nature of this



property as well as the residents who live here and who will be dealing with years of construction traffic, noise, and habitat destruction.

Please consider what is best for the existing community by cutting down density in Gracemere proper. Any waivers or variances granted should not set damaging precedents and should be granted only for public benefit.

(Correspondence #3, Linda Viertel, 5/3/12, p. 2)

Response

Comment noted. Please see response to comments 3.1.3, 3.4.1 and 3.5.2.

3.11.2 Comment

I assume that open space that would be donated would be part of the Village of Tarrytown who would own it and maintain it. Is that a correct assumption, or is that something that will be addressed?

(Public Hearing Speaker #1, Audience Speaker, 4/24/12, p. 22)

Response

The cluster layout plan provides four open space areas that total approximately 27.167 acres (56.5% of the site). Open space parcel A is a ±18.33 acre parcel that includes the northern portion of the site (along Sheldon Avenue) and much of the eastern portion of the site extending from Sheldon Avenue south to the southerly property-line. Open space parcel B is a ±4.65 acre parcel, which includes Upper Gracemere Lake and a portion of the land adjacent to the lake. Open Space parcel C is a 1.5 acre parcel located along the southern portion of the site, south of the existing roadway. Open space parcel D is located south of the existing roadway along the southerly property boundary.

Open space parcel A would be offered for dedication to the Village of Tarrytown. As currently proposed, open space parcels B, C and D, including Upper Gracemere Lake, would be owned and maintained by a homeowners association and would be preserved in permanent open space through a conservation easement.

3.11.3 Comment

And my other point is that when Taxter Ridge Park was provided, there was an abandoned house in Greenburgh territory that at one time the Greenburgh supervisor was thinking of trying to renovate, but it would have cost almost as much as one of the Greystone mansions to renovate it. So right now I believe Greenburgh would like that demolished, and since HSA would be



building in that area, it would be a great benefit to the Town of Greenburgh if they would agree to demolish the house.

(Public Hearing Speaker #1, Audience Speaker, 4/24/12, p. 23-24)

Response

Details relative to the proposed dedication of open space and potential open space improvements by the applicant will be further negotiated once the Lead Agency and the applicant agree on an acceptable layout plan for the site. At this time there is no plan or proposal by the applicant to make any off-site open space improvements.

3.11.4 Comment

Please add me to the list [DEIS Exhibit 2-2 Adjoining Property Owners].

(Public Hearing Speaker #2, Les Jacobs, 4/24/12, p. 25)

Response

Mr. Jacobs, at 47 Stephen Drive, has been added to DEIS Exhibit 2-2 Adjoining Property Owners.

3.11.5 Comment

There's also a reference to three to six years of construction at one point, and then you have two to four years of construction. Now, we're living with many years of construction possibly in Greystone, and with the Tappan Zee Bridge in the south end of town. And, now, those of us in Gracemere are having three to six years of construction in our backyards on one side of us and on top of us in Greystone. So are you selling the houses piecemeal? Is there one developer? Are we going to be living with somebody buying one lot and somebody buying another lot? Are you talking about nine years? I think the board has to address this, and there needs to be limit on how much we can live with.

(Public Hearing Speaker #3, Linda Viertel, 4/24/12, p. 33)

Response

The Applicant is seeking subdivision approval of the site but anticipates selling the approved subdivision prior to development. A potential buyer/developer has not been identified at this time as it is too early in the subdivision process to seek a buyer for the site. As such, the site development and construction sequence discussed in the DEIS is a proposed schedule of construction activities including pre-construction activities, site preparation and general site improvements required prior to development of individual building lots.



It is anticipated that the construction of the roadway and utility infrastructures can be completed within a twelve-month time frame. This estimate applies once all other permits are in place and the developer receives approval from the Village to start construction. Typically, three to five homes/lots would be developed per year, resulting in a two to four year build-out of the site.

3.11.6 Comment

And I do think this developer, if there is a developer, we need to have an oversight manager paid for by the developer. We don't have one. I think this has to be in the DEIS. This is too sensitive environmental area in the Village for whatever comes down the pike not to have an overseer on whatever development there is, so that it's not done piecemeal in the future, and we have to live with it the way it's done.

(Public Hearing Speaker #3, Linda Viertel, 4/24/12, p. 35-36)

Response

Comment noted.

3.11.7 Comment

I would like to put a public plea in to the Village and the HSA to do something about the entrance to Jardim, to Jardim Park, to Gracemere Park, to Jardim. This plat was done years ago, and it is a disgrace on South Broadway. There's a beautiful public park that many of us say is in the community, it's on historic South Broadway, and it is weedy mess all the time. Every other entrance is into the quay, Carrollwood, is beautiful in this Village and kept well.

(Public Hearing Speaker #3, Linda Viertel, 4/24/12, p. 36)



Response

The area in question is mostly owned by the Village and its maintenance is a Village responsibility, with the exception of smaller adjoining areas including the entry gate itself, the grassy strip between the gate and Broadway, and the southerly border of the entry drive. However, John Kirkpatrick, attorney for the applicant, met with Michael Blau, Village Administrator, on May 17 to discuss exactly this subject. The tentative agreement reached at that time was for HSA and the Village to work cooperatively on this issue, using the Village landscape architecture consultant. Subsequently, Michael Wyatt for HSA and Lucille Munz for the Village have initiated discussions which should lead to a viable solution incorporating shared maintenance responsibilities.

3.11.8 Comment

Specific requirements for the condition and future management of all open space must be established. All rights and obligations must be clear at the time it is to be handed on, be it to the Village, to individual residents, or to the HOA. This applies to donated land and to the pond (Upper Gracemere Lake). It should include actions such as clearing away debris (old cars, for example), dredging the pond, returning the site to its natural state where houses are to be demolished, and cleaning up woodland south of the meadow area.

(Correspondence #4, David Aukland, 4/30/12, p. 2)

Response

With regard to the rights and obligations of the HOA, please see response to comment 3.7.2.

According to the applicant, improvements to the land offered to the Village are negotiable. Details relative to the proposed dedication of open space and potential open space improvements by the applicant will be further negotiated once the Lead Agency and the applicant agree on an acceptable layout plan for the site.

3.11.9 Comment

While a Homeowners' Association is referenced in several places throughout the DEIS, there is no one place in the document where the details of the responsibilities of the HOA are clearly outlined. The FEIS should clearly explain the responsibilities of the Homeowners' Association.

(Correspondence #5, BFJ Planning, 5/9/12, p. 9. Similar comments from: Public Hearing Speaker #3, Linda Viertel, 4/24/12, p. 28-29)



Response

See response to comments 3.7.2 and 3.7.3.

3.12 Waivers, Permits and Variances

3.12.1 Comment

The applicant states that “No waivers or variances are needed for wetlands for this design. Wetland permits are of course required.” The Proposed Action includes encroachments into wetlands and wetland setbacks. Such intrusions into wetland and wetland buffer areas are not permitted as-of-right and require approval by the Planning Board, in accordance with Chapter 302 of the Village code. As outlined in the code, the applicant must clearly outline the public benefits that will be gained by the Village to support the granting of such permits.

(Correspondence #5, BFJ Planning, 5/9/12, p. 2)

Response

The applicant has developed an aggressive wetland mitigation plan and proposes a number of activities that will result in improvements to existing wetlands and watercourses on the Jardim Estates site. The proposed plan includes the removal of three existing single-family structures located within the wetland buffer. Further details are provided in chapter 5 of the DEIS and summarized in response to comment 3.1.3.

3.12.2 Comment

The explanation of the permit requested for Lot 11 states that it is for replacement of the driveway with a new road in the wetland buffer. It should be noted that this is actually Gracemere Avenue, which is an existing roadway, not a driveway.

(Correspondence #5, BFJ Planning, 5/9/12, p. 2)

Response

Lot 11, Gracemere Hall, which is an existing multi-family structure to remain, has two existing driveways. The wetland permit for lot 11 is for the replacement of the existing driveway leading to the garage located on the easterly side of the Cohen residence. This wetland permit is not for the circular driveway on the westerly side of the building, which is accessed from Gracemere Avenue. So the explanation of the permit requested for lot 11 is correct as stated in the DEIS.



3.12.3 Comment

The applicant references “Gracemere Road” several times; the name of the road is actually just “Gracemere.”

(Correspondence #5, BFJ Planning, 5/9/12, p. 2)

Response

Comment noted.

3.12.4 Comment

The Gracemere right-of-way is narrow and does not meet Village code requirements. On page vii the applicant states that no improvements are necessary along Gracemere, but that if improvements are required they would be within the wetland and the buffer. Later in this section (pg. ix) the applicant notes that the law requires that the road be suitably improved to the satisfaction of the Planning Board. These statements seem contradictory. The applicant should work with the Planning Board to determine appropriate roadway improvements that will be required as part of the proposed subdivision. For example, drainage improvements should be provided as well as safety improvements to address dangerous roadway conditions (e.g. in front of the Viertel property there is currently no curb along the road and vehicles approaching the road curvature from the east could potentially go off the road and drive into the lake).

(Correspondence #5, BFJ Planning, 5/9/12, p. 2)

Response

The applicant will revise the subdivision plans to include the proposed improvements along Gracemere as to be discussed with the Planning Board and Village Engineer.

3.12.5 Comment

As noted by the applicant, the Proposed Action is subject to §305-130 of the Village code, which requires that 10% of units be provided as affordable in developments with 10 or more units. In residential developments of eight or nine units, at least one affordable housing unit must be created. The applicant should indicate how the required affordable unit will be created. Affordable units may be provided off site upon approval by the Village Board of Trustees. It should be noted that the Greystone applicant is currently working with the Village to determine a location for their required affordable housing.

(Correspondence #5, BFJ Planning, 5/9/12, p. 2)



Response

See response to comments 3.3.1 and 3.3.2.

3.12.6 Comment

The proposed development will require approval as a realty subdivision from this Department in accordance with Article X of the Westchester County Sanitary Code.

(Correspondence #1, Westchester County Department of Health, 4/16/12, p. 1)

Response

Comment noted.

3.12.7 Comment

Any proposed public water main extension(s) to serve this development will require approval from this Department in accordance with Article VII, Section 873.707 of the Westchester County Sanitary Code.

(Correspondence #1, Westchester County Department of Health, 4/16/12, p. 1)

Response

Comment noted.

3.12.8 Comment

Any proposed public sewer main extension(s) to serve this development will require approval from this Department in accordance with Article XXII, Section 873.2202 of the Westchester County Sanitary Code.

(Correspondence #1, Westchester County Department of Health, 4/16/12, p. 2)

Response

Comment noted.



3.12.9 Comment

Any individual water well supply to serve a lot in this development will require approval from this Department in accordance with Article VII of the Westchester County Sanitary Code.

(Correspondence #1, Westchester County Department of Health, 4/16/12, p. 2)

Response

Comment noted.

3.12.10 Comment

Any on-site wastewater treatment system to serve a lot in this development will require approval from this Department in accordance with Article VIII of the Westchester County Sanitary Code.

(Correspondence #1, Westchester County Department of Health, 4/16/12, p. 2)

Response

Comment noted.

3.12.11 Comment

Please note attached Cronin Engineering map* delineating wetlands and wetland buffers and explain where the road can be widened, given our wetland protection policies in Tarrytown. What will be the benefit if a variance is needed? A waiver? Page xi asks for permits, but, I believe something more than a permit is required for roadwork construction in wetland buffers throughout the plan.

(Correspondence #3, Linda Viertel, 5/3/12, p. 1. Similar comments from: Public Hearing Speaker #3, Linda Viertel, 4/24/12, p. 28-29)

Response

See comment and response 3.12.1.



4.0

DEIS Public Hearing Transcript

VILLAGE OF TARRYTOWN

PLANNING BOARD

- - - - -X

HOLY SPIRIT ASSOCIATION FOR THE UNIFICATION
OF WORLD CHRISTIANITY (HSA-UWC)

JARDIM ESTATES EAST - SUBDIVISION

BROWNING LANE

DEIS PUBLIC HEARING

- - - - -X

April 23, 2012

7:25 p.m.

Village of Tarrytown

Tarrytown, New York

B E F O R E :

STANLEY FRIEDLANDER, Chairman

PAUL BIRGY, Planning Board Member

RONALD TEDESCO, Planning Board Member

DAVID AUKLAND, Planning Board Member

JOAN RAISELIS, Planning Board Member

ALSO PRESENT:

MICHAEL S. BLAU, Village Administrator

MICHAEL J. MCGARVEY, Village Engineer

JEFFREY SHUMEJDA, Village Attorney

1 A P P E A R A N C E S :

2

3 FOR THE APPLICANT:

4 OXMAN TULIS KIRKPATRICK WHYATT & GEIGER

5 120 Bloomingdale Road

6 White Plains, New York 10605

7 BY: JOHN B. KIRKPATRICK, ESQ.

8

9 ALSO PRESENT:

10 FRANK FISH

11 GINA MARTINI

12 KAYE ALLEN

13 ERIC HOLT

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1 PROCEEDINGS

2 CHAIRMAN FRIEDLANDER: The next item on
3 the agenda is the continuation of the public
4 hearing of the Holy Spirit Association for
5 the Unification of World Christianity, Jardim
6 Estates East Subdivision on Browning Lane.
7 This is a DEIS public hearing.

8 MR. AUKLAND: I'm going to read a brief
9 statement to do with this application. I
10 recused myself earlier from this application
11 on the advice of the village ethics board
12 because my property adjoins the land to be
13 subdivided. I subsequently suspended the
14 recusal and helping complete the state of the
15 application. I am now resuming my recusal
16 and do not intend to vote on the DEIS to be
17 presented this evening.

18 CHAIRMAN FRIEDLANDER: Thank you, Dave.
19 John?

20 MR. KIRKPATRICK: Okay. Thank you, Mr.
21 Chairman. I'm John Kirkpatrick with Oxman
22 Tulis Kirkpatrick Whyatt & Geiger in White
23 Plains, representing the Holy Spirit
24 Association, HSA. Many of you may remember
25 Norman Sheer who represented HSA for many

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years. Norman decided to retire and was nice enough to recommend me. Our application on this particular piece of property is now for a 12-lot subdivision. It has quite a history, as you know, but this is a 12-lot subdivision proposal for which we have also submitted an environmental impact statement which we hope to get your comments tonight.

Kaye Allen and Eric Holt are here from HSA, and Gina Martini is from VHB Saccardi & Schiff, who has prepared the environmental impact statement helping me out with the boards so we move through this a little quicker, so we can get your comments and I can shut up sooner. Our engineer, Keith Staudohar, from Cronin Engineering, would have been here tonight, but, unfortunately, he fell ill.

We're talking, of course, about a property in which we've got two streets named Gracemere, one of which comes off of Broadway, and one of which comes off Browning. They form into one called Gracemere. Then there's Gracemere Avenue,

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which goes up between the Cohen and Rockland houses, and Gracemere Lake Drive. All of this, of course, off of Sheldon, which is up here, and Walnut and Woodland, and there's a long driveway coming off of Sheldon that's on the property and which leads into a house at the end of that driveway, which is actually in the middle of Taxter Ridge Park.

As with many properties in the Tarrytown area, once upon a time, this was a big estate, just like Lyndhurst, Axe Castle, Greystone. Times change. But beginning in 1870, Robert Graves came along and built two of the properties. He built Greystone Hall, which is the biggest one, and he built the gate house. He then was followed by a man named Graef, who built a great deal of outbuildings, and then Mr. Schneider, who had a residence in this area near Sheldon, long gone, and then Henry Browning, who added four homes for his four daughters. One of these is now the Maselli house, the Viertel house, the one known as Gracemere -- also Gracemere. And we think that the property here called

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Pennyworth Cottage, as well as two little cottages right in here, were all built about that time by either Graef or Browning. By the mid-20th century, we had added the Rockland and Cohen houses. A house was up in this area off the driveway, now gone, and there was another house that had been built for a daughter, that has since been demolished. I'm going through all of that to give you an idea that the property's been fairly extensively developed over the years. You can point out 17 house locations on this property. They weren't all there at one time because we've lost some, we've gained some, but at one time there were 15 houses all at once. We now have 14 houses on the property now starting here, including the houses on Gracemere Lake Drive and going all the way back. Two of those houses were changed to multifamily in the '50s, so the lodge has three houses in it, and the original hall has eight dwellings.

I'm going through all of that to give you an idea that at one time the existing road

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system, which was built late 19th, early 20th Century, supported as many as 25 separate dwelling units. We're proposing to increase that number by five, to 30. And the reason I wanted to make that particular point is that it's my opinion that we're not so much talking about density here in related issues like traffic and runoff because we're not talking about a big density change. What we are concerned about here is the fact that what's left on this property is admittedly a sensitive piece of property with steep slopes and wetlands. So the issue is how do we preserve steep slopes, wetlands, and the unique character of this area and still add the right number of houses.

HSA's intent is to do exactly that and, at the same time, to donate as much open space as possible. We began in 2006, as you can see on this application timeline. 2006, beginning with a proposal for 19 lots. It then became in 2006, a little later in 2006, a 17-lot cluster plan. By 2009, it was a 15-lot plan. We then met with the neighbors

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twice last fall, redesigned again, and now have a 12-lot plan. We've presented it tonight in both the conventional plan, which is what we had up before, which includes an open space donation. All of the lots meet all the requirements, there are no variances, and they're 60,000-square-foot lots.

We also have, however, cluster plan, same number of lots, half size, 30,000 square feet in accordance with the village's cluster regulations, and a much larger donation to be added to Taxter Park. And I think many of you know at one time, HSA actually owned most of what is now Taxter Park, and would like to add to it.

At this point, we don't have a lot of detail on a couple of things that we'd like to add, trails, buffers, appropriate guide rails along the roads and the like, but we would like to move the process forward a little bit, get a little closer to what we think might be the design before we go into that, and, of course, we're really here tonight to listen. We would like to leave up

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2 the cluster plan and would be happy to put up
3 any other plans that anyone would like to
4 refer to, but we'd like to get your comments.
5 We have a court reporter here taking down
6 every word. And we look forward to it.
7 Thank you very much.

8 CHAIRMAN FRIEDLANDER: Frank, do you want
9 to go now?

10 MR. FISH: Yeah, I might as well. I'm
11 Frank Fish. For those of you who don't know,
12 we're not with the applicant. We're the
13 planners for the planning board, so what I
14 want to do is just recap very briefly for the
15 public who is here before the Chair opens
16 this to your comments, just some various
17 alternatives that the planning board has
18 discussed at their work session so you see
19 them. The planning board's discussion --
20 actually, there is some similarity between
21 the applicant's presentation and their
22 discussion. They were trying to seek not so
23 much a particular density outcome right now,
24 but the best possible plan in terms of the
25 site plan, so this first one, I'm just going

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to repeat so that you see it. This is what the applicant just explained. What's in the DEIS is what they call the standard subdivision, so this is not the cluster plan; this is standard subdivision which has the 12 lots identified here with the homes. So two of the homes are not off the main Gracemere entrance, and it does preserve, this is the wetlands here, this in blue, the wetlands setback are in these dotted lines here, and that goes through parts of the property. So this is their conventional plan, 12 lots. It has ten new homes; two of the homes are existing, so that's the conventional subdivision that they submitted. The yellow -- I may point out, the yellow here are existing outparcels, two on both sides of Gracemere as it comes up here and then the Maselli home in the back.

This next one is what they submitted as their cluster application, and I think it's fair to say our reading of the draft environmental impact statement is this is the plan that they tend to favor, this cluster

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subdivision, which does preserve all of pretty much the eastern part of the site. And as you know, many of you were here, I presume, for the Greystone public hearing, that we have asked, and both DEIS's now show the relationship between the two properties, so there's -- DEIS is having on the maps that show Greystone in conjunction with Jardim and then vice versa. There's also a trail system that's been mentioned that would connect these two developments and then to Taxter Ridge Park. So this cluster scheme essentially does not have a house here, does not have a house here, and they clustered more of the units right here on a new subdivision road coming off of Gracemere. So that's the -- that's the cluster subdivision, both of those are in the DEIS. So if you've had a chance to look at that, these two options should be fairly familiar, you should be fairly familiar with those. What the planning board started to look at is that -- and the thought was that these are, as was mentioned earlier, Gracemere exist,

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but only to the Maselli home And, also, at this point, there seem to be idea that there could be a good access point to the wetland area and eventually Taxter Ridge Park and also to the Greystone [piece]. So what this does, it has only one house here. There were two houses that the applicant here -- showed here, fairly close, but they're outside. They're all zoning compliant. They're outside the wetland buffer, but the scheme that the planning board looked at, which is the next one, which has only one house, does give you more open space here, and it provides for a trail system.

Now, if it stays to the exact cluster, that would mean they would lose a house, so instead of the ten new homes, they would have nine new homes in this particular scheme. By the way, I'm just showing this to give you an idea of what the planning board is looking at because the planning board hopes, I think, we all hope, to have in the final environmental impact statement, the FEIS, which would be the next step after the public

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hearing, to eventually the planning board to zero it in on what is the preferred site plan here, so this is one alternative. We've called it an alternative cluster subdivision. And all of these, by the way -- all of these rely on the fact of using existing road, and all of our drawings we've indicated here that there is a, what we call, for lack of a better term, a pinch point, and that is this road does not have a full 50-foot right of way throughout the road. So we're -- you'll see as we go on here, we're trying to be careful to utilize existing roads, not extend the roads, or not extend non-conformities. The road, as you all -- well, I can't say that. For those of you who live here or probably have been up here know that the road varies in width from about 16 to 18 feet wide. And, usually, on a local road under a new subdivision, you'd have a right of way that extends out 50 feet. That right of way is not paved. The pavement -- no one's suggesting that this pavement be much wider than it is, just that the road be improved.

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So that's the alternative cluster plan with nine new homes.

This next slide just shows you another idea, and that is it takes away both homes that were here and just puts them back where the applicant had them on their standard subdivision. So everything is clustered in here, but the two homes which were here were replaced here and here, and the thinking there as another alternative to show by the planning board was simply that this is the sensitive -- by the way, there are several sensitive areas on this site, in through here as a wetland area, but this wetland area going through the site and up to the north toward the throughway and then south to Greystone also provides access to Taxter Ridge Park. So the idea was to end Gracemere where it ends pretty much now with the Maselli property and not extend the road at all.

And then, finally, there's what we call the final alternative which is very similar, but it moves that subdivision road from where

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2 the applicant had it in here to the existing
3 Gracemere roadway which ends right here at
4 the old hall. It does go between the two
5 existing homes here, so there's the
6 applicant's proposal for where the roadway
7 would be. And on this final alternative, the
8 planning board was looking at the idea of a
9 roadway here so that there is not an
10 additional roadway that goes through this
11 wetland buffer, so another roadway through a
12 buffer is not created. They thought using
13 the existing roadway is a possibility for the
14 subdivision. So these are slight nuances,
15 but the board felt it was good if you saw
16 those nuances before the public hearing
17 itself.

18 CHAIRMAN FRIEDLANDER: Frank, on this
19 plan, how do they get to this house, on this
20 driveway?

21 MR. FISH: Yes.

22 CHAIRMAN FRIEDLANDER: So one house will
23 use that --

24 MR. FISH: Yes, that will be a -- I think
25 the distinction in our minds was it was a

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2 driveway and not a full road that was going
3 through the wetland buffer.

4 CHAIRMAN FRIEDLANDER: And coming off the
5 top part of it and in; is that possible.

6 MR. FISH: Pardon?

7 CHAIRMAN FRIEDLANDER: Going that way
8 into that property, that lot.

9 MR. FISH: Yes. By the way, it is
10 possible to have a driveway down here and put
11 the house further to the north. You're
12 right. These are different -- there's a lot
13 of nuances that can go in here.

14 CHAIRMAN FRIEDLANDER: Okay.

15 MR. FISH: I think that's a good
16 suggestion, actually.

17 MR. TEDESCO: I think we all agreed when
18 we looked at the environmental sensitivity
19 that getting rid of the two houses that
20 you've gotten rid of there in the diagram was
21 very beneficial. We also knew that the
22 furthest house there by Taxter Ridge, that
23 was very problematic, Mike McGarvey had
24 problems with it, not being on the public
25 water and sewer lines. It's very visible

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from the Nagorati [ph.] property, and Joan Raiselis brought up the point the house up there breaks up the biotic cover that we would like to preserve. And I believe that Joan has come up with a variation on this that she might discuss, which would take away those two homes, but that would reduce it to eight, but there's a way to bring one home in the central region to make it nine. Joan, would you like to --

MS. RAISELIS: The plan I was working with is there's a house here.

MR. FISH: Right.

MS. RAISELIS: Moving that one up here, keeping this clear, making a similar-sized property here that is accessed --

MR. FISH: That's getting access off the cul-de-sac.

MS. RAISELIS: Access off the cul-de-sac.

MR. FISH: That would enable you to do a nine-unit or maybe ten-unit scheme.

MS. RAISELIS: Right. So it keeps this whole piece clear up to the wetlands and across the street. People say, oh, you know,

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there's a street barrier, but animals --

MR. FISH: I think it's a very good option, so I think the purpose of this presentation, you'll see that we could have easily done another probably three more alternatives, but what we're looking at is trying to get the best type of layout.

Here again is the overall subdivision alternative, the conventional subdivision they submitted. You've heard-- just heard some problems with that house, we're not so sure, the board's not so sure they like that house. The applicant's response, cluster subdivision; however, these two houses are very close to that, and so what we've tried now is some different alternatives to get a wider open space. And I think that's the attempt in the FEIS, would be to zero down to a preferred alternative, if that's possible. It's possible to carry through two or three alternatives in the FEIS, but it's usually preferable in the final environmental impact statement after everyone speaks, and the board has a chance to have several work

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2 sessions with the applicant to come up with
3 one subdivision scheme that works best here.
4 So I think that's the overall objective.

5 MR. BIRGY: Frank, was there any progress
6 made? We had discussed in a work session
7 possible alternative access roads to the
8 subdivision. Was there any progress made
9 there in discovering if that was a viable
10 alternative?

11 MR. FISH: Yes. By the way, just so the
12 public knows, there's a possibility. As you
13 all know, there's access here, and there's
14 access off of 9. The board was looking at is
15 there any possibility of access from the
16 subdivision roads adjacent to the property,
17 and I don't know if the applicant -- I sort
18 of put that burden on the applicant to find
19 out the ownership. I don't want to put you
20 on the spot. I don't know if you did do
21 that.

22 MR. KIRKPATRICK: We did.

23 MR. FISH: You did. What's the answer.

24 MR. KIRKPATRICK: The problem with
25 extending Woodland into the property would be

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that it immediately crosses a steep slope area. It could be done. And as the village engineer has pointed out, utilities come that way now, but we immediately go across the steep slope area once we're on the property, so that was the issue with coming off Woodland. As you know, we had included in the DEIS an engineering drawing access off Sheldon and discovered that that meant tremendous cuts and fills in order to do so, because the difference between the elevation of Sheldon and the elevation at the top of the hill is so much that to get up there just requires a tremendous disruption to the environment.

CHAIRMAN FRIEDLANDER: But the ownership, who owns it.

MR. KIRKPATRICK: It's our understanding that the village owns it.

CHAIRMAN FRIEDLANDER: That the village owns it.

MR. BIRGY: Mike, have you been able to make any determination if that seems like a reasonable -- it's not the preference here.

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We're just trying to look at alternatives so we covered the basis.

MR. MCGARVEY: The only thing about going up Walnut, it's very, very narrow. It's a tough street. You have to go up to that dead end and make a hard right-hand turn and come down through that dead end there. I personally think Walnut is too narrow. There's not enough parking up there for the homes that are there now. I think increasing the traffic up there would only make it worse. That's my personal take on it.

MR. BIRGY: Thanks.

MR. FISH: One thing we did look at too is -- I think you agree, don't want to speak for you, the applicant mentioned they tried to look at a road through here.

MR. MCGARVEY: Right.

MR. FISH: There's too many cuts and fills. It doesn't really -- I think it does more damage to the environment than any of these schemes, which I think are more sensitive to the environment. Standing with that, we'd turn it back to you for the

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2 hearing itself.

3 CHAIRMAN FRIEDLANDER: Thank you very
4 much. Okay. Now, we're going to open it up
5 for audience participation. Is there anyone
6 who would like to go first?

7 AUDIENCE SPEAKER: I haven't had a chance
8 to review the DEIS, which I assume is on the
9 village site. I'd have to download that, but
10 I'd like to know how much land is preserved
11 for each of the projected alternatives, the
12 conventional, the cluster, both from the
13 applicant and the alternatives. And I assume
14 that open space that would be donated would
15 be part of the Village of Tarrytown who would
16 own it and maintain it. Is that a correct
17 assumption, or is that something that will be
18 addressed?

19 CHAIRMAN FRIEDLANDER: No, we'd like
20 Greenburgh to own it.

21 MR. MCGARVEY: It's an easement to the
22 Village of Tarrytown.

23 AUDIENCE SPEAKER: A couple of other
24 things. There had been some discussion, and
25 if it was at all possible, as we know the

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Greystone developer is providing a parking lot on Taxter Road for entrance to Taxter Ridge Park from Taxter Road. If there was any way possible for the Jardim Estates to provide a parking lot on Sheldon Avenue to provide access to the park from that other side, that would be terrific. Also, I like the Cluster Plan Number 1 because the road that today really goes into the heart of the parkland is too narrow. By having it as open space, it might be possible to widen the road to provide a parking lot further up into the parkland, which would be good.

And my other point is that when Taxter Ridge Park was provided, there was an abandoned house in Greenburgh territory that at one time the Greenburgh supervisor was thinking of trying to renovate, but it would have cost almost as much as one of the Greystone mansions to renovate it. So right now I believe Greenburgh would like that demolished, and since HSA would be building in that area, it would be a great benefit to the Town of Greenburgh if they would agree to

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2 demolish the house. I'm speaking as a
3 private citizen, obviously, not as a
4 Greenburgh official, but I am sure that they
5 would be very appreciative if HSA would agree
6 to take down that house. Thank you.

7 CHAIRMAN FRIEDLANDER: Next.

8 MR. JACOBS: Les Jacobs; 47 Stephens
9 Drive, Tarrytown. I looked at the DEIS
10 online, got a little vertigo, so I wanted to
11 ask a couple of questions. One is that there
12 was a whole list of adjoining properties, you
13 know, people would be interested, and there
14 was 60 Stephen, 77 Stephen, which I think are
15 the Kelly and Rula residences. And since I
16 live next door to Rula, I was wondering where
17 they adjoined the property, because I really
18 couldn't see it on the map. Could someone
19 show me on this thing?

20 CHAIRMAN FRIEDLANDER: But you didn't get
21 the same notice?

22 MR. JACOBS: No, I got no notice.

23 CHAIRMAN FRIEDLANDER: That's the way it
24 was planned.

25 MR. JACOBS: No, I know. I wanted to say

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2 something nice about HSA, but I'm going to
3 hold it in abeyance.

4 MR. BLAU: The notice is actually based
5 upon distance from the property. It doesn't
6 have to be the abutting property. It's based
7 upon distance from the property subject to
8 our zoning code.

9 MR. JACOBS: Okay. So what's the
10 distance?

11 MR. BLAU: I don't have it off my head.

12 MR. MCGARVEY: Well, we could find out
13 tomorrow if you were supposed to be part of
14 that. Do you have a list of the
15 notifications?

16 MS. MARTINI: I think he's talking about
17 the actual list that was in the DEIS which
18 lists the adjacent properties, so that's not
19 necessarily the same list of the --

20 MR. JACOBS: That's listed as adjacent.

21 MS. MARTINI: Right. We want adjacent or
22 abutting property owners. The idea was to
23 outline our property and then identify every
24 property owner that lived adjacent to it;
25 that was something that the board had

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2 requested. And there may have been one or
3 two property owners that were not immediately
4 adjacent, but for whatever reason, perhaps
5 access through Browning, may have been why
6 Rula had been --

7 CHAIRMAN FRIEDLANDER: He's one of those
8 people. There's three houses; right?

9 MS. MARTINI: He was not listed on that.

10 MR. JACOBS: I am not listed on it. Just
11 the Kelly --

12 CHAIRMAN FRIEDLANDER: No, there are
13 other houses on that road --

14 MR. JACOBS: Yes.

15 CHAIRMAN FRIEDLANDER: -- but if they
16 were listed, he should be listed is what he's
17 saying. He's next door to one of these
18 houses.

19 MR. JACOBS: I don't have a driveway on
20 the road, but I abut the road.

21 MS. MARTINI: Right. We had people that
22 were abutting this property.

23 CHAIRMAN FRIEDLANDER: The people that
24 abutted the driveway leading to this
25 property. He's on the other side on

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2 Stephens.

3 MS. MARTINI: We can extend the list.

4 MR. JACOBS: I still would like to see
5 since I wasn't able to figure it out on this
6 map where the Rula and Kelly properties are.
7 Is that possible for you to show me.8 MR. MCGARVEY: I don't think it's on that
9 map.10 MR. JACOBS: Well, the streets aren't on
11 the map.12 CHAIRMAN FRIEDLANDER: The houses further
13 west -- your house is further west.

14 MR. JACOBS: West. Okay.

15 CHAIRMAN FRIEDLANDER: Okay.

16 MR. JACOBS: All right. Fine. That was
17 it.18 CHAIRMAN FRIEDLANDER: Okay. Thank you,
19 Les.

20 MR. JACOBS: Please add me to the list.

21 CHAIRMAN FRIEDLANDER: Linda.

22 MS. VIERTEL: Linda Viertel, 8 Gracemere.
23 I appreciate a lot of these various
24 alternative analysis that have been done, but
25 having lived there for 22 years and know the

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shape of the road and the last wetland map that I saw, my front yard was in a wetland. The wetland actually crosses the road from the lake and goes into my yard, so the wetland map that I see in the DEIS frankly is not trustworthy to me, and I have a lot of questions -- I have a lot questions about the DEIS, but I won't go into detail tonight.

But most of the them concern the difference between what the wetlands -- what are the waivers, the variances, permits. This is -- and the people who live here and administrators know and Stan and everybody who's been there, this is an incredibly wet and environmentally sensitive part of the village. There are steep slopes, there are busters, so in the DEIS when it says you only need permits to construct a driveway in a wetland buffer, I'm not sure that that's just a permit or replace a driveway with a new road in a wetland buffer, is that a permit, is that a waiver. I would charge the board in general when looking at this application really to not go against the codes that our

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village and lot of us have worked hard to create and have you all support, unless there's a real amenity -- unless there's a real improvement to this development.

It's one thing to live in this area and be flooded all the time, have car crashes all the time on the roads. And, frankly, John, I found your comment about 25 separate dwellings a little specious. There are 12 separate homes in the area. The church has an additional 11 dwellings in their homes, but there have never been 25 separate dwellings in the area, so let's be clear about that. So I would take a good hard look at the wetlands that are being crossed by the road to get to this place, the pinch point to add all these homes. I'm thrilled that one of the analysis that you created, Frank, takes the homes off the access to Taxter Ridge when we met in my home several times. Just for the rest of you in the community, the neighborhood was very eager to continue that access to Taxter Ridge because many people walk over from Penny Bridge, and a lot

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of people in the community walk their dogs. So that's a great opportunity, but at one point there was a plan, and I may be differing with Joan on this. I think for the people who live there, it's important to relieve some of the traffic, to relieve that road has collapsed many times. It is only 15 feet wide really, and you won't be able to widen it on my property I know, so it's going to have to be widened toward the lake. So I would love to relieve traffic even more, and I didn't hear very well, but is it two -- is there too much cutting and filling that has to go from the two houses on Sheldon, that come off of Sheldon? Does that create more of a problem aside from cutting off the biotic corridor, which is already going to be cut off by Greystone and everything else. So I mean, I'm a big fan of cutting -- not cutting off the biotic corridor, but let's face it, it's getting ridiculous.

MS. RAISELIS: Can I comment here? I think in terms of what you're saying, I think dealing with these two projects, Greystone

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2 and Jardim, I think we have to look at them
3 at some point at each site together. I think
4 we need to see for the public to see how
5 these two properties adjoined, how the
6 corridors are attached, where the trail maps
7 are, so that we're not -- we don't know where
8 these are skewing together, and I think it's
9 really important for us to be able to explain
10 and for us to understand how the whole thing
11 is working in that huge area with Taxter
12 Ridge Park.

13 MS. VIERTEL: I agree.

14 MS. RAISELIS: So for the next time I
15 think it's really important for us to have a
16 map.

17 MS. MARTINI: We do. We have one here.

18 MS. RAISELIS: Can you put it up so we
19 could look at it.

20 MS. VIERTEL: But what I guess I'm
21 suggesting is weighing the amenity of
22 possibly having the two or maybe even the
23 three houses come off of Sheldon to relieve
24 some of the traffic in these areas where it's
25 environmentally sensitive in a very small

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neighborhood with a very small road and a pinch point that legally we're going to have give a waiver for anyway, so it may be not worth it. The tradeoff may not be something the board wishes to do, but taking three homes off of the -- out of the Gracemere cluster that, you know, turnaround would be, I think, something I'd like the board at least to consider. And keeping the other homes off of Sheldon because it may not work out in the end, but it's another possibility. I have lots more to say, but I'll leave it to another public hearing.

CHAIRMAN FRIEDLANDER: No, you should say it because they have to respond to these things, so the more questions you have, the more complete this will be.

MS. VIERTEL: Okay.

CHAIRMAN FRIEDLANDER: If you need more time, we'll let someone else speak, and you can come back again.

MS. VIERTEL: There was a reference -- I'll be quick. There's a reference to moderate income housing.

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2 CHAIRMAN FRIEDLANDER: You don't have to
3 rush.

4 MS. VIERTEL: Okay. A reference to
5 moderate income housing in the DEIS. And I'd
6 like to know what that is. There's also a
7 reference to three to six years of
8 construction at one point, and then you have
9 two to four years of construction. Now,
10 we're living with many years of construction
11 possibly in Greystone, and with the Tappan
12 Zee Bridge in the south end of town. And,
13 now, those of us in Gracemere are having
14 three to six years of construction in our
15 backyards on one side of us and on top of us
16 in Greystone. So are you selling the houses
17 piecemeal; is there one developer; are we
18 going to be living with somebody buying one
19 lot and somebody buying another lot; are you
20 talking about nine years. I think the board
21 has to address this, and there needs to be a
22 limit on how much we can live with.

23 There's a reference to giving the roads
24 and the drainage to a home association. The
25 church, I hate to say it, fobbing off the

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responsibility of the roads and the drainage to a home association. Those of us who live there who have easements never signed up for a home association, so I don't expect to be part of a home association. And there will be 11 dwellings listed in the DEIS that are still church dwellings, so I don't think that should be acceptable in this DEIS.

Also, what I requested for Greystone, I'd like to have happen here, the community facilities and services who reference five students in possibly 12 homes, once again, know that there are several bedrooms in these homes, and most people move into this area because they want to send their children to the Irvington or Tarrytown school system, so we take 12 times two or 11 times two, and we don't come up with five. I have three homes near me, and each of the homes has two children in them. So let's be realistic about what we're considering for the school system.

Also, there's no tax range. There's been assertion of what the taxes would be on the

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homes and what the benefit would be to the community, but there's no accounting for it. I just got the DEIS and just got back into town, so it may be there somewhere, but what we need is a range of what these houses would cost, the size of these houses, what the tax range would be; therefore, what the range of the facilities funding would be to the villages and to the schools. So far we only have one number.

Basically, what I would hope the board would do would be to really consider the natural area that you have here, the environmentally sensitive area that we have here, the water problems that we have, the runoff, what it's going to be like if there's blasting and which there seems to be in this. And I do think this developer, if there is a developer, we need to have an oversight manager paid for by the developer. We don't have one. This is just -- I know an application for whatever reason, but I think that has to be in the DEIS. This is too sensitive environmental area in the village

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for whatever comes down the pike not to have an overseer on whatever development there is, so that it's not done piecemeal in the future, and we have to live with it the way it's done.

And, lastly, I'm up here in the bully pulpit, so I would like to put a public plea in to the village and the HSA to do something about the entrance to Jardim, to Jardim Park, to Gracemere Park, to Jardim. This plat was done years ago, and it is a disgrace on South Broadway. There's a beautiful public park that many of us say is in the community, it's on historic South Broadway, and it is weedy mess all the time. Every other entrance into the quay, Carrollwood, every other entrance is beautiful in this village and kept well. And it has not happened for year after year after year. And if we're going to have any faith and trust in what the church has presented to us when we ask that something be done properly and well and right and that we be neighborly, and we all take care of our properties, that we get the respect that's

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2 due us in Gracemere. Thank you.

3 CHAIRMAN FRIEDLANDER: Any other
4 questions or comments on the DEIS?

5 MR. BIRGY: As a follow-up to what Linda
6 had said, is there a way, John, we have a
7 history on how the wetlands there were mapped
8 because I had in the past hiked up there
9 quite a bit, and there always seemed to be a
10 disconnect to me between what was designated
11 as wetlands and what weren't. And I always
12 wondered if something was done in July versus
13 a February type of thing, you might get a
14 different reading on that. Is there a way
15 that we can just get an update on that on how
16 and who did that and how recently. Is there
17 some history on that.

18 MR. KIRKPATRICK: Sure. I think, also,
19 you probably would want to have your wetlands
20 consultant take a look and discuss with our
21 wetlands consultant and make sure that
22 there's an agreement.

23 MS. MARTINI: Your wetlands consultant,
24 B. Laing Associates, did go out there with
25 the applicant's wetlands consultant. The

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village's wetlands consult was B. Laing Associates, who, at one point, had gone out there with the applicant's wetlands consultant, which was Wetland Mitigation, Inc., and walked the site and discussed the wetlands, and final wetland mapping was agreed by your consultant. But that was some years ago, so you may want to reach out to your consultant or another consultant and confirm those wetlands again. And I believe it was done at several different times a year. There are different criteria that identify a wetland, which I don't think have as much to do with the time of the year. There's certain wetland growth and other things, not just actually being wet, but they do have wetland growth and other patterns.

MR. MCGARVEY: Shouldn't it be your consultant that goes out there and marks the wetland versus us paying our consultant to do your job?

MS. MARTINI: No. No. No. Let me clarify. I may have said it wrong. Our wetland consultant went out and flagged the

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wetlands, and then the wetland consultant that was hired by the board, but this was billed back to the applicant, went out to confirm those wetlands. And there was some discussion, there was some remapping of the wetlands because initially I believe there was some disagreement, but the village did employ a separate consultant, but it was paid for through the applicant similar to your planning consultant.

MR. BLAU: And that was a number of years ago.

MS. MARTINI: That was a number of years ago, yes.

MR. BIRGY: It just seems to me it might be a good idea if we could maybe try to update that, because I know what you're saying about designating wetlands, but if you go to an area and it's muddy and wet and there's skunk cabbage, I think that should be considered wetlands.

MR. BLAU: Mr. Chairman, if I might, there was a question posed about moderate income housing. That is a village law.

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Since this application has more than ten -- essentially ten lots, they're required to create one unit of affordable -- it's not even moderate income housing, it's affordable housing, and they are required to do that. We have the village board is working on an amendment to the law in regards to creating affordable unit off site or possibility of purchasing affordable unit off site. That particular law has not been finalized as of yet, but there is a requirement in our zoning code that they are required to create a unit of affordable housing.

CHAIRMAN FRIEDLANDER: Okay. Thank you, Michael.

Any other comments or questions on the DEIS? Okay. Is there a motion to continue, or are we going to close the public hearing on DEIS? What's your favor, Jeff?

MR. SHUMEJDA: I mean, you have the option to continue it, but there are no other speakers, so why don't you ask Frank.

MR. FISH: I think -- if there are no other speakers, I'd just make sure that you

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2 extend for maybe 10 or 20 days for written
3 comments, is what we normally recommend.

4 MR. BIRGY: Stan.

5 CHAIRMAN FRIEDLANDER: Yes.

6 MR. BIRGY: I'm just wondering if we
7 could consider extending it beyond that
8 because I don't see how we can make some of
9 these decisions on some of these lots or -- I
10 know we're not really getting into extreme
11 detail right now, but I think unless we have
12 a really clear picture of what is and what
13 isn't and we're sure, you know, of things
14 like wetland designation and buffers, I don't
15 see how we can forward on this.

16 CHAIRMAN FRIEDLANDER: We're not going
17 forward.

18 MR. BIRGY: To close the --

19 CHAIRMAN FRIEDLANDER: We'll make a
20 condition for them to provide us the mapping
21 and provide us the opportunity to hire a
22 consultant to review that map that would be
23 incorporated in the next stage.

24 MR. TEDESCO: The FEIS would have to have
25 one of these issues --

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MR. BIRGY: So it wouldn't affect our ability --

MS. RAISELIS: It's not final yet.

MR. TEDESCO: Then I'm going to move that we close the public hearing on the DEIS.

Following the public hearing tonight, there will be a 20-day public comment period. The applicant is required to respond to any substantive comments or questions received during this time in the FEIS or the final environmental impact statement.

Now, we're going to request as part of that to have the wetlands map revisited by your consultant with the option that if we're not satisfied with that, we will then pursue an independent consultant working for the village before any answer is taken on the plans.

MS. RAISELIS: Can we just define "revisited."

CHAIRMAN FRIEDLANDER: Go ahead.

MS. RAISELIS: I just want to define what we mean by "revisited." Does that mean someone goes out there and says, okay, it's

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2 the same or that it's actually redone.

3 CHAIRMAN FRIEDLANDER: No, a new map will
4 be redone.

5 MS. MARTINI: We flag the entire wetland
6 area.

7 MS. RAISELIS: I think it's important.

8 CHAIRMAN FRIEDLANDER: Okay. It's my
9 understanding from Linda's point and from
10 Paul's concern, and from all our concern
11 actually that since it's been five or six
12 years that a new map will be presented. In
13 our work session if we deem, we will have a
14 consultant hired at their expense to review
15 that map and come to a consensus of what the
16 wetlands will be for this project, and we
17 will incorporate that into our next stage of
18 the final environmental impact statement.
19 That will also be visited by our consultant,
20 so we'll have another set of eyes and ears in
21 addition to our consultant, if necessary to
22 review that mapping.

23 We will also have a work session to
24 review all the alternatives that have been
25 presented and any additional alternatives, so

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if someone wants to write an additional alternative from anyone that wasn't here tonight and say I prefer another alternative, X units and this is the way to get in, this is the way to get out, then they should either come to the work session where we will be moving forward or present it in writing so we will be able to examine it in the work session. So by all means, there will be many options and many discussions about the number of units and where they're located and how they're accessed. Okay.

Carole? You have to come to the microphone, Carole. You have to identify yourself and your address.

MS. GRIFFITHS: Carole Griffiths; 251 Martling Avenue, Tarrytown, New York. I'm also chair of the environmental counsel for the Village of Tarrytown. I haven't seen the DEIS, so I think it would be nice if sometimes the planning board would at least inform me that a DEIS is available so the environmental council could look at it. I'm really concerned about the wetlands, and I

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would like to see this public clearing stay open until the wetland map is done and so people can look at that. And, also, if you're accepting alternatives to these plans, I don't think -- and I'm probably wrong about this, but I didn't think that the DEIS could be closed and then a new plan could be submitted.

CHAIRMAN FRIEDLANDER: Yes. It's a draft, and before any action is taken we have the option of, one, reviewing the filing of the environmental impact statement, and the second stage is to do the filings in which we can make a determination as to the number of units, the layout of those units, the access, the environmentally sensitive areas, how to preserve those areas, how much open space will be generated. That's all in steps of a process, so we're not foreclosing any of those options. In fact, we welcome -- the purpose of the draft is to get as many options and as many ideas as possible so that we can now discuss them in a more informative fashion.

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MS. GRIFFITHS: Right. Again, I thought that the draft had to, as much as possible, include the different kinds of possible plans so that people could look at that and that could be addressed before the FEIS. I could be wrong about that.

CHAIRMAN FRIEDLANDER: Well, we're going to certainly look at all the other plans that have come forward. We have no intention of not looking at them. We don't have them in front of us now.

MR. TEDESCO: It doesn't have to be exhaustive, the plans, as long as there's a reasonable number of alternatives and that further alternatives are not excluded as we go through the process of getting to the FEIS.

MS. GRIFFITHS: Okay. But for right now we only have about 20 days to be able to comment on the DEIS; right.

CHAIRMAN FRIEDLANDER: And then we're going to have a work session before our next meeting so people can come to that and make any comments they want as well. So it's

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really -- we're not going to be doing anything or rushing to do anything until we have another public meeting -- another public meeting and maybe more than one on the FEIS could be held.

MS. GRIFFITHS: Okay.

CHAIRMAN FRIEDLANDER: So we're not foreclosing any options, I don't think.

MS. GRIFFITHS: Okay. Because I have some concerns also about the natural resource inventories that were done, and I have questions about that. I was able to look at it very, very quickly right now, as, again, I haven't seen the DEIS, so I need to have some time to spend to look at that.

And just one comment about energy. I don't know whether that's used in there or not. Is energy part of the DEIS? I mean, as you might know, we are trying to revise the energy codes for the Village of Tarrytown and update them to be consistent with the new energy codes under the state will be adopting in a couple of years. So that's a really important part of any DEIS, is the energy

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2 usage, and I would like to urge all
3 developers to start thinking about really
4 conserving energy, and we want to reduce
5 energy usage in this village by 15 percent in
6 2012. So that's an important consideration.
7 Thank you.

8 CHAIRMAN FRIEDLANDER: Thank you. Any
9 other comments? So we actually need a second
10 on that motion that Ron made.

11 MS. RAISELIS: Second.

12 CHAIRMAN FRIEDLANDER: All those in
13 favor?

14 MR. BIRGY: Aye.

15 MR. TEDESCO: Aye.

16 MS. RAISELIS: Aye.

17 CHAIRMAN FRIEDLANDER: Aye. It carries
18 unanimously.

19
20
21 (Time noted: 8:19 p.m.)
22
23
24
25

1 C E R T I F I C A T E
2
3

4 I, Leeann Bertorelli, a Court
5 Reporter and Notary Public of the State of New
6 York, do hereby certify that the transcript of the
7 foregoing proceedings, taken at the time and place
8 aforesaid, is a true and correct transcription of
9 my shorthand notes.

10
11
12

13 *Leeann Bertorelli*

14 LEEANN BERTORELLI

15 Court Reporter
16

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**HOLY SPIRIT ASSOCIATION FOR THE UNIFICATION
OF WORLD CHRISTIANITY (HSA-UWC)**

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OF WORLD CHRISTIANITY (HSA-UWC)**

April 23, 2012

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5.0

Correspondence Received

Robert P. Astorino
County Executive

Sherlita Amler MD
Commissioner of Health

RECEIVED

APR 18 2012

BUILDING DEPT

April 16, 2012

Town Planning Board
Village of Tarrytown
One Depot Plaza
Tarrytown, NY 10591

Attention: Dr. Stanley Friedlander, Chairman

RE: Jardim Estates East

Dear Dr. Friedlander:

The Westchester County Department of Health (WCDH) has reviewed Draft Environmental Impact Statement for the above referenced development and has the following comments.

1. *Project Description "the action involves the subdivision of a 46.3-acre site into 12 single-family lots (including 10 new lots and two lots for existing structures). Three of the five existing structures on the project site will be demolished..."*

Page 7-14 "However, one of the residences, lot 5, will be serviced with an individual drilled well since its isolated location makes it impractical, both environmentally and economically, to provide a municipal water service to it."

Page 1-2 "All but one of the existing and proposed structures are to be served with municipal sanitary sewage disposal and public water supply systems. This remaining single proposed residence will be served by an individual sewage treatment system and water supply system due to the site configuration and lot isolation from the subdivision."

The proposed development will require approval as a realty subdivision from this Department in accordance with Article X of the Westchester County Sanitary Code.

Any proposed public water main extension(s) to serve this development will require approval from this Department in accordance with Article VII, Section 873.707 of the Westchester County Sanitary Code.

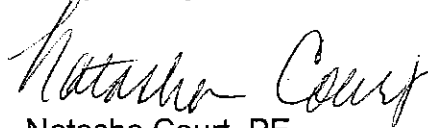
Any proposed public sewer main extension(s) to serve this development will require approval from this Department in accordance with Article XXII, Section 873.2202 of the Westchester County Sanitary Code.

Any individual water well supply to serve a lot in this development will require approval from this Department in accordance with Article VII of the Westchester County Sanitary Code.

Any on-site wastewater treatment system to serve a lot in this development will require approval from this Department in accordance with Article VIII of the Westchester County Sanitary Code.

Should you have any questions please feel free to contact this writer at 914-813-5149.

Respectfully,

A handwritten signature in cursive script that reads "Natasha Court".

Natasha Court, PE
Associate Engineer
Bureau of Environmental Quality

cc: Fred Beck
Delroy Taylor, P.E.
File

Robert P. Astorino
County Executive

County Planning Board

Referral File No. TTN 12-002 – Jardim Estates East, Subdivision and Site Plan Approvals

Date: April 24, 2012

Contacts: Stanley Friedlander, Planning Board Chairman
Tarrytown Village Hall
One Depot Plaza
Tarrytown, New York 10591

Materials received:

- Draft environmental impact statement (EIS), dated complete March 26, 2012

PROJECT DESCRIPTION

Our understanding of the proposal, based on these materials, is as follows:

The application involves the disposition of the final portion of a 400-acre property owned by the Holy Spirit Association for the Unification of World Christianity. This disposition process has occurred over several years and has resulted in several parcels that have either been developed or preserved as open space, including Taxter Ridge in Greenburgh and the County's Waterfront Park in Tarrytown. The remaining 46.6-acre property, comprised of eight tax lots, is proposed to be subdivided into 12 single-family residential lots that conform to the R-60 Zoning District regulations.

Two existing structures, Gracemere Courts and the Gate House, will be demolished. Two other structures, Gracemere Lodge and Gracemere Hall, will remain with each occupying one of the 12 lots. Gracemere Lodge currently contains three apartments. Gracemere Hall currently contains eight apartments. The other 10 lots would be available for future single-family home construction. All but one of the existing and proposed structures are to be served by municipal water and sewer, with the remaining lot serviced by a septic system and well water.

Primary access to 10 of the lots would be provided from an extension of an existing private road, known as Gracemere, which connects to Browning Lane at the western edge of the site. The two easternmost lots would be accessed via an existing shared driveway along the eastern edge of the site that connects to Sheldon Avenue.

The applicant is seeking subdivision approval. Site plan approval will be required for each of the houses in the proposed subdivision.

REVIEW SUMMARY

Consistency with County Planning Board policies

- The proposal does not include affordable affirmatively furthering fair housing (AFFH) units, which is inconsistent with County Planning Board policies.

Impacts to County facilities and services.

- Increased sewage flows from the site into the County sewer system should be offset through inflow and infiltration (I&I) mitigation.

Additional comments

- The draft EIS does not discuss a proposed arrangement to provide public access to Taxter Ridge that was identified in the draft EIS for an adjacent development, Greystone on Hudson.

COMMENTS AND RECOMMENDATIONS

1. Affordable affirmatively furthering fair housing (AFFH) units. The draft EIS does not explain how the project will comply with existing Village of Tarrytown regulations regarding the provision of affordable AFFH units. Our records indicate that on December 5, 2011, the Village adopted regulations based on the County's "Model Zoning Ordinance Provisions for Affordable Affirmatively Furthering Fair Housing Units" as included in the *Westchester County Fair and Affordable Housing Implementation Plan* (dated August 9, 2010). To be fully consistent with the Model Ordinance Provisions, the proposed development should contain two affordable AFFH units within the development. The final EIS should include a discussion of compliance with the local law and the inclusionary requirement.

We also note that while the draft EIS states that Gracemere Lodge and Gracemere Hall will be retained on the site, the draft EIS is not clear as to whether the applicant will seek to renovate these structures into single-family houses or keep them as multi-family buildings. Model ordinance provisions provide for multiple affordable AFFH units within structures that are part of single family subdivisions. The final EIS should explore if these buildings could be used to satisfy the AFFH requirement for the site.

2. County sewer impacts. The proposed development will increase sewage flows from this site into the existing infrastructure. The increased flow will add to the volume of sewage flow requiring treatment at the Yonkers Joint Wastewater Treatment Plant operated by Westchester County. As a matter of County Department of Environmental Facilities' policy, we recommend that the Village implement or require the developer to implement measures that will offset the projected increase in flow. The best means to do so is through reductions in inflow/infiltration (I&I) at a ratio of three for one for the market rate units and one for one for the affordable AFFH unit. The final EIS should include a discussion of proposed mitigation.

3. Public access to Taxter Ridge Park. We recently reviewed a draft EIS for the Greystone on Hudson subdivision and offered our support for a proposed pedestrian pathway to Taxter Ridge described as part of that project. As described on page 100 of the Greystone on Hudson draft EIS, the Greystone

subdivision would include the development of a trail connecting “the Open Space Parcel in the proposed Jardim Estates East Subdivision” to a new parcel of open space that the Greystone subdivision would donate to Taxter Ridge. The draft EIS states that this would facilitate a connection between Sheldon Avenue and Taxter Ridge, through the Jardim Estates East subdivision.

We note that the draft EIS for Jardim Estates does not reference this proposal, or show an open space parcel near where the Greystone on Hudson pathway would be provided (approximately abutting proposed Lot 5). The final EIS should clarify this issue and resolve the matter to the satisfaction of the Village consistent with any action to be taken with respect to the Greystone on Hudson proposal.

Thank you for the opportunity to comment on this matter.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

For:

By:



Edward Buroughs, AICP
Commissioner

EEB/LH

cc: Chuck Pateman, Applicant Representative, Greystone on Hudson Subdivision
Andy Todd, Applicant Representative, Greystone on Hudson Subdivision

May 3, 2012

Jardim East: further comments stemming from the April 23, 2012 Tarrytown planning Board Public hearing and a further DEIS reading.

1. Remove 3 homes from the cluster (preferred) plan (Exhibit 9-1) in the Alternatives chapter. Nine new homes in this environmentally fragile area, the interior of Gracemere, is too dense for the traffic, roadway and ecological issues that will ensue were they to be built. Lots 3 and 4 block trail access into Taxter Ridge, and a new roadway in front of Lot 12 creates more impervious surface needlessly, damaging the natural character of this private area. 3.9.1
2. Consider, as an alternative, further reducing clustering in Gracemere proper, placing 2 homes off Sheldon: one across from Les Oiseaux (formerly Lot 6) and in the interior (formerly Lot 5) where a house once stood. Locating 2 homes, especially where one once stood in this area, would further relieve traffic congestion, road and safety concerns in Gracemere by reducing the lot count in Gracemere proper to 4 above the Cohens and Rachlins and 2 at the entrance off Browning Lane. I realize that moving 2 homes off a Sheldon entrance may create a slight disruption of biotic corridors (which has been an ongoing problem evidenced in every development application in the south end), but there is ample room for animal crossings surrounding both house placements in the adjacent dedicated open space. 3.9.2
3. Please note attached Cronin Engineering map* delineating wetlands and wetland buffers and explain where the road can be widened, given our wetland protection policies in Tarrytown. What will be the benefit if a variance is needed? A waiver? Page xi asks for permits, but, I believe something more than a permit is required for roadwork construction in wetland buffers throughout the plan. 3.12.12
4. Page vii states "No improvements are necessary on Gracemere Road," which is wrong. Massive improvements on Gracemere Road will be needed for construction vehicles and additional traffic stemming from the households. The road now tilts inward toward our property, causing constant flooding and should be mitigated. 3.6.1
5. The HSA properties include 11 dwellings, which will remain. Given the church's ongoing presence, and not knowing when, if ever, the lots will be sold, it is imperative that the HSA continue maintaining and plowing the road that gives access to their properties. All current residents have easements and can not be forced to join an HOA for road and sewer upkeep. 3.7.2
6. No school buses are currently allowed in Gracemere, which policy should continue. Better access for school children through Woodlawn could be created in addition to safety measures adopted in Gracemere proper. 3.8.14

7. A detailed presentation of how an HOA would work in Gracemere, what the responsibilities of said HOA for new home-owners would be, what responsibilities the HSA would continue with, etc. must be delineated in exact detail, contracts created, signed, with the village, so that all of us who live here understand who is responsible for infrastructure work, maintenance, upkeep of all conservation easements, the meadow, etc. NO detail should be left unattended. All ongoing HSA responsibilities as well as a copy of the HOA document listing what new home-owners will be paying for, responsible for should be included in the FEIS.

3.7.3

In general, I concur with all of David Aukland's more detailed comments on the DEIS and am hopeful they will all be addressed. What concerns me most is that all of us tax-paying residents who have lived here in Gracemere, some for 40 years, are suffering more and more from flooding due to recurring storms and the rising water table. More trees will be cut down in Gracemere and above us for the Greystone project; there will be blasting, who knows what further water problems will develop in this already fragile ecological environment, already damaged heavily by deer browsing. Accidents occur regularly on the hill, often ice-bound in winter, and the traffic report does not begin to address the number of cars that actually pass along our roads cutting through from Pennybridge during school and rush hours.

3.5.1

3.6.2

This property is the last remaining estate open space to be developed in Tarrytown; and it is not flat, grassy land- it is filled with rock outcroppings, old heritage trees, the remains of 19th century foundations, and has a storied history. A cookie-cutter cluster plan, packing in as many houses as possible does not fit the rural nature of this environment, as I am sure you have witnessed from site visits

3.4.1

I appreciate that the HSA has allowed Gracemere to retain its woodland nature for as long as it has, but I also will be counting on the Planning Board and the HSA to respect the nature of this property as well as the residents who live here and who will be dealing with years of construction traffic, noise, and habitat destruction.

3.11.1

Please consider what is best for the existing community by cutting down density in Gracemere proper. Any waivers or variances granted should not set damaging precedents and should be granted only for public benefit.

3.11.1

With thanks,

Linda Viertel

Linda Viertel

#8 Gracemere

* Please copy map and return - thank you.

Jardim East

Comments on the DEIS arising from the Tarrytown Planning Board's public hearing on April 23, 2012.

These comments cover direct issues with the DEIS. They are also made in the context of the extensive reviews at the time Taxter Ridge Park was established. Those reviews determined that the whole of the original Browning Estate and Greystone area* was an important amenity for the State, the County and locally, being the largest remaining open space south of I-287, and a critically sensitive environmental area. Efforts to acquire property adjoining Jardim East (now Greystone) as permanent open space were not successful, so it is particularly welcome that the Applicant is offering an alternative that allows open space to be preserved along the watercourse to the east of the site. 3.9.3

That said, the DEIS falls short in that it includes proposals not in line with the preservation to the greatest extent practical of the amenities of the original Browning Estate. This consideration is reflected in the following comments.

1. Trail access from Pennybridge and Gracemere to Taxter Ridge Park is not shown in the DEIS. The long-standing primary route runs from Browning Lane, along Gracemere, and through the existing old bridleway (now unmaintained and somewhat overgrown) which is the eastern continuation of Gracemere, beyond the locked gates presently across the trail. New construction – such as the proposed lots #3 and #4 - should not block this route. 3.8.6
2. Vehicle access to the clustered lots north of lot #11 is shown via a new road across the lawn to the east of lot #11. It is not clear why this new road is required, as access is already available via Gracemere Avenue, which would be retained as a road in active use. Unnecessary new roads should be avoided. (Note that Gracemere Avenue currently services 8 dwelling units in Gracemere Hall, and was also the route to the large Browning Estate house, now demolished, north of Gracemere Hall.) 3.6.3
3. The DEIS identifies a number of instances where the proposed plans do not conform directly with Village codes, notably through new intrusions into wetland buffers. No waivers should be granted for such intrusions or other non-conformities unless there is a clear public benefit to be gained from preferring an intrusion or other non-conformity to strict application of the codes. Specifically, lots #3 and #4 (which also block trail access – item 1 above) and the access road east of lot #11 (item 2) all feature new intrusions into wetland buffers. 3.5.2
4. Safety along Gracemere is not addressed in the DEIS. Incidents arise even with current traffic, particularly with drivers not familiar with the narrow, winding road. New homes will increase all types of traffic. Provision must be made for pedestrian and bicycle safety, including traffic calming and appropriate refuges, particularly on routes to school bus points on Walnut Street and Browning Lane. A designated school bus access easement could be provided from Gracemere Avenue to Walnut Street via Woodlawn Street, to avoid forcing walkers onto Gracemere itself. 3.6.4
5. Street lighting is not addressed in the DEIS. It should be kept to a bare minimum (or none), consistent with safety considerations. Limited lighting may be appropriate for a mail point if needed (see 9), and possibly on the walking route via Woodlawn Street to school buses on Walnut Street. 3.4.2
6. Traffic frequently uses Gracemere for travel between Browning Lane and South Broadway. Provision must be made to limit this cut-through traffic to reduce the risks along the narrow and blind route to South Broadway, particularly given additional traffic from the proposed new development. 3.6.5

(The traffic survey is not credible on circulation within the Gracemere area. It shows only 2 vehicles turning right from Browning Lane onto Gracemere at Gracemere Lake Drive during the morning peak period, while the true number is much higher. A fuller survey of daytime traffic within should be carried out to provide an accurate basis for safety considerations.)

7. Construction activity and traffic must not add to safety hazards, or impede current residents. In particular, all construction vehicles should use Browning Lane, rather than the narrow road (Gracemere) to South Broadway. 3.6.6

8. To retain the rural nature of the area, the road Gracemere should not be widened, but it should be improved to drain efficiently and to include new edging and blacktop. 3.6.7

9. Mail delivery must be arranged with the post office. If delivery is to be central rather than to each home, a suitable site must be selected with safe, lighted access for vehicles. 3.8.16

10. Specific requirements for the condition and future management of all open space must be established. All rights and obligations must be clear at the time it is to be handed on, be it to the Village, to individual residents, or to the HOA. This applies to donated land and to the pond (Upper Gracemere Lake). It should include actions such as clearing away debris (old cars, for example), dredging the pond, returning the site to its natural state where houses are to be demolished, and cleaning up woodland south of the meadow area. 3.11.8

11. Habitats in this sensitive area must be preserved. This cannot reliably be left to individual lot owners, so the clustered alternative plan with dedicated open space is essential. 3.5.3

12. Existing biotic corridors are also crucial to preserving habitats. New construction that would block important corridors – through clearing, building or driveways – must be avoided. 3.5.4

Note also that road names in the January 2012 DEIS are wrong. The Planning Board had asked previously that they be corrected, and some changes were made, but errors remain. All road naming should be in line with the map since provided by the Village Engineer. Notable discrepancies are that Exhibit 1-1, which was intended to be the master naming reference for all identified features in the development, has not been updated (for instance, showing Lake Drive, which no longer exists), and the text refers extensively to Gracemere Road (the name is just plain Gracemere). 3.6.8

David Aukland
12 Gracemere
April 30, 2012

*Browning Estate and Greystone area: roughly the land between South Broadway and I-87 (which cuts off a corner of the original Browning Estate), between Sheldon Avenue and Tarryhill Road, without the built-up portions adjoining Sheldon Avenue. It is now divided into Taxter Ridge Park, Gracemere and the new Greystone development.

Via email

To: Village of Tarrytown Planning Board

From: Frank Fish, FAICP, Principal
Melissa Kaplan-Macey, AICP, Senior Associate

Subject: Review of Jardim Estates East Draft Environmental Impact Statement (DEIS)

Date: May 9, 2012

This memorandum provides our substantive review comments on the Draft Environmental Impact Statement (DEIS) for the proposed Jardim Estates East subdivision, dated March 13, 2012, submitted by VHB Engineering, Surveying and Landscape Architecture, P.C. on behalf of the Holy Spirit Association for the Unification of World Christianity (HSA). As you know, the Board closed the public hearing on the DEIS on April 23rd and provided 20 days for written comments.

The Jardim Estates East application is for the subdivision of a 46.6 acre site into 12 single-family lots, including 10 new lots and 2 lots for existing structures. Three of the five existing structures on the project site will be demolished. It has been our understanding that the remaining two structures on the site (Gracemere Hall and Gracemere Lodge) will be converted from their existing use as multifamily residences to single family residences; the project description explains the project as "12 single family lots." Generally this is the impression that is conveyed in the DEIS, however, there are a few places in the document that indicate that these structures will, in fact, remain multifamily (as discussed below). This should be clarified by the applicant.

In reviewing the comments below, it should be noted that although the Planning Board has indicated its preference for a cluster subdivision plan on the project site, the Proposed Action evaluated in the DEIS is a conventional subdivision layout. A cluster plan is discussed as an alternative in Chapter 9 of the DEIS. We recommend that a cluster plan be discussed with the Planning Board and that such cluster be indicated in the FEIS as the preferred alternative.

Date: May 9, 2012
Jardim Estates East
DEIS Comments

Page 2 of 9

STATEMENT OF NECESSARY WAIVERS, PERMITS AND VARIANCES AND JUSTIFICATIONS THEREFORE

1. **Wetlands-** The applicant states that "No waivers or variances are needed for wetlands for this design. Wetland permits are of course required." The Proposed Action includes encroachments into wetlands and wetland setbacks. Such intrusions into wetland and wetland buffer areas are not permitted as-of-right and require approval by the Planning Board, in accordance with Chapter 302 of the Village code. As outlined in the code, the applicant must clearly outline the public benefits that will be gained by the Village to support the granting of such permits. 3.12.1
2. **List of Wetland Permits-** The explanation of the permit requested for Lot 11 states that it is for replacement of the driveway with a new road in the wetland buffer. It should be noted that this is actually Gracemere Avenue, which is an existing roadway, not a driveway. 3.12.2
3. **General note-** The applicant references "Gracemere Road" several times in this section; the name of the road is actually just "Gracemere." 3.12.3
4. **Gracemere right-of-way-** The Gracemere right-of-way is narrow and does not meet Village code requirements. On page vii the applicant states that no improvements are necessary along Gracemere, but that if improvements are required they would be within the wetland and the buffer. Later in this section (pg. ix) the applicant notes that the law requires that the road be suitably improved to the satisfaction of the Planning Board. These statements seem contradictory. The applicant should work with the Planning Board to determine appropriate roadway improvements that will be required as part of the proposed subdivision. For example, drainage improvements should be provided as well as safety improvements to address dangerous roadway conditions (e.g. in front of the Viertel property there is currently no curb along the road and vehicles approaching the road curvature from the east could potentially go off the road and drive into the lake). 3.12.4
5. **Affordable housing-** As noted by the applicant, the Proposed Action is subject to §305-130 of the Village code, which requires that 10% of units be provided as affordable in developments with 10 or more units. In residential developments of eight or nine units, at least one affordable housing unit must be created. The applicant should indicate how the required affordable unit will be created. Affordable units may be provided off site upon approval by the Village Board of Trustees. It should be noted that the Greystone applicant is currently working with the Village to determine a location for their required affordable housing. 3.12.5

Date: May 9, 2012
Jardim Estates East
DEIS Comments

Page 3 of 9

1.0 EXECUTIVE SUMMARY

1.1 Introduction

The introduction implies that the two existing multifamily structures (Gracemere Lodge and Gracemere Hall) that will remain on the site will become single family homes, but does not clearly state whether or not this is the case. The applicant should explicitly state that the existing multifamily homes on the site will be converted to single family residences. 3.1.1

1.2 Description of the Proposed Action

p. 1-2: The applicant states that "Access will be provided from existing private roads, which will be modified as necessary (widened) to accommodate the anticipated traffic and to meet generally accepted road standards." Any proposed road widening should be clearly explained and indicated on the subdivision plan. 3.1.2

1.5 Summary of Significant Impacts Identified and Mitigation Measures

Table 1.2, which provides a summary of project impacts and proposed mitigation, does not include wetland and wetland buffer impacts. These impacts should be added to the table and proposed mitigation for such impacts should be described. 3.1.3

Exhibit 1-3: Conventional Plan Zoning Compliance Chart

The zoning compliance chart indicates building height and building stories as "to be determined" and that height and stories for existing structures are "as is." The applicant should provide building heights and number of stories for all lots. 3.1.4

2.0 DESCRIPTION OF THE PROPOSED ACTION

An aerial map identifying the project site should be provided 3.2.1

2.2.2 Project Description

See comments regarding the project description above; the applicant should revise accordingly. 3.1.1

2.2.2.1 Site Development and Construction Sequence

- All plans related to construction activity including permitting, SWPP Plans, etc. should be reviewed by the Village Engineer. 3.2.2
- The applicant should explain how construction vehicles will access the site as Gracemere is a narrow roadway and may not be adequate to handle such vehicles.

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3.0 LAND USE, ZONING AND PUBLIC POLICY

3.2 Land Use

3.2.1 Existing Conditions

As has been previously noted, the DEIS indicates that Gracemere Hall, which contains 8 apartments will remain and Gracemere Lodge, which contains 3 apartments will remain. It is not clearly stated that these buildings will be converted to single family residential use. 3.3.5

3.2.3 Potential Impacts as a Result of the Proposed Action

The applicant should indicate at what point in the project phasing Gracemere Hall and Gracemere Lodge will be converted from multifamily to single family use. 3.3.5

3.2.4 Relationship to Taxter Ridge Park

The DEIS states that "under the proposed conventional layout plan, the site and all on-site roadways would remain privately owned with no direct vehicular or pedestrian links to the adjacent Taxter Ridge Park Preserve." The applicant should note that the Planning Board has stated its interest in ensuring pedestrian access through the project site linking the Greystone subdivision to the south with Taxter Ridge Park to the north. At the request of the Planning Board, the Greystone subdivision plan includes provisions for trail access through Greystone linking to Taxter Ridge Park via the Jardim Estates East property. 3.3.6

3.3 Zoning

3.3.2 Potential Impacts as a Result of the Proposed Action

Table 3.2 "Conventional Bulk Zoning Regulation Schedule R-60 Zoning District" indicates that building height and building stories for the proposed residences are "to be determined" and that height and stories for existing structures are "as is." The applicant should provide building heights and number of stories for all lots. 3.3.7

3.3.3 Mitigation

The applicant states that the proposed subdivision is in compliance with bulk zoning regulations for the R-60 zoning district. This cannot be verified as building heights for the existing and proposed homes on the site are not provided. 3.3.8

3.4 Environmental Regulations

Density Calculations

In the discussion of density calculations for each lot, the applicant notes that "based on the proposed finished floor, garage and basement elevations, the 25% reduction in density calculation [provided for in the 3.3.9

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code if the maximum height of any structure or building in an area of high ground is limited to 30 vertical feet...] would not apply." It is unclear how the applicant was able to make this determination, as building heights for the proposed residences are not provided (as noted in 3.3.2 above).

Significant Amounts of Existing Vegetation

The Village's landscape consultant should review the referenced Tree Survey provided in Appendix 16.9 and conclusions with regard to impacts to trees and other vegetation. 3.3.10

3.5 Public Policy

This section of the DEIS should reference the Village's affordable housing policy as outlined in its affordable housing regulations (§305-130 of the Village Code). The Proposed Action is required to address the Village's affordable housing regulations, which require that within all residential developments of ten units or more, 10% of the units created must be provided as affordable. (It should be noted that affordable units may be provided off site upon approval by the Village Board of Trustees). 3.3.2

3.5.1.4 Tarrytown Comprehensive Plan

The Tarrytown Comprehensive Plan calls for the preservation of open space areas on the project site. The applicant notes that under the cluster subdivision alternative described in Chapter 9 of the DEIS open space areas including Turtle Pond and Upper Gracemere Lake would be preserved and trail access to Taxter Ridge Park would be provided. Under the Proposed Action these open space areas are not preserved. 3.3.11

5.0 Natural Resources

5.3.1.1 Future Build Condition

The applicant notes that the Proposed Action will result in the loss of and/or change in forested habitats that connect similar habitat to the north and south and that the loss of the onsite forested uplands may alter the movement of most of the wildlife that may use this property to access the adjacent forested areas. In the discussion of mitigation measures to address these impacts in Section 5.4, the applicant states that the wooded character of the site would be preserved on undeveloped portions of some of the larger residential lots. However, the DEIS is clear that "the applicant is not proposing any legal measures to restrict future clearing or grading on individual parcels outside of the usual village restrictions on tree cutting or earth movement." As will be discussed in greater detail at the conclusion of this memo, a cluster plan should be considered as a preferred alternative to a conventional subdivision layout to preserve wildlife corridors and environmentally sensitive areas, particularly along the eastern portion of the site. 3.5.7

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5.4 Mitigation Measures

Mitigation measures with regard to soil erosion, sediment control and stormwater management should be reviewed by the Village Engineer. 3.5.8

6.0 Traffic

BFJ's traffic engineer has reviewed the traffic study and agrees with the results of the capacity analysis. As discussed with regard to Section 2.2.2.1 above, provisions for ensuring pedestrian and bicycle safety along Gracemere should be included in the site design, particularly along routes to the existing school bus stop. 3.6.9

7.0 Infrastructure

The stormwater assessment should be reviewed by the Village Engineer. 3.7.4

7.3.2 Potential Impacts

In this section the applicant states that the proposed subdivision will consist of three existing residences and nine new residences. This is inaccurate. 3.7.5

8.0 Community Facilities

8.1 Potential Demand for Community Services

8.1.1 Existing Site Population

In this section the applicant states that of the existing five structures on the site, two will remain with a total of 11 units. This implies that the existing multifamily structures (Gracemere Hall and Gracemere Lodge) will continue to function as multifamily residences. This section goes on to state that "the existing population occupying Gracemere Hall and Gracemere Lodge will continue to remain post construction." This should be clarified as the DEIS gives the general impression that all 12 lots in the proposed subdivision (2 with existing structures and 10 with new structures) will be for single family residences. 3.8.1

8.1.2 New Site Population

The applicant states that the proposed 12 lot subdivision will result in a net increase of seven additional homes on the site. This calculation is based on the addition of 10 new single family homes minus three single family units to be demolished on the site. It is our understanding that at least two of the units on the site that are being demolished are currently vacant and in disrepair. We feel that this is important because the discussion of impacts with regard to community facilities and services should reflect an actual anticipated increase in population versus an increase in the number of structures on the site. Impacts with regard to residents, school children, etc. should be revised to reflect a net increase in population, rather 3.8.2

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than a net increase in units as some of the units to be demolished are vacant units and therefore reflect no population.

8.2 Site-Generated Property Taxes

8.2.2 Anticipated Site Generated Property Tax Revenues

The applicant calculates anticipated property tax revenues for 12 single family homes. As discussed in Section 8.1.1 it is unclear if the Proposed Action is for 12 single family homes or 10 single family homes and 2 multi-family structures. As previously stated, this should be clarified and if the proposal is not for 12 single family homes, property tax revenue projections should be revised accordingly. 3.8.3

8.3 Recreation Facilities

8.3.2 Potential Impacts

No easements for public access or dedication of open space adjacent to Taxter Ridge Park are provided for under the Proposed Action (conventional subdivision). 3.8.8

8.3.2.1 Open Space Links

As previously noted in Section 3.2.4 and restated here, the Proposed Action (conventional subdivision) does not include a pedestrian link/trail to Taxter Ridge Park through the project site. 3.8.9

8.4. Police Protection

8.4.2 Potential Impacts

As previously noted, the number of new residents expected to be generated by the development should be revised to reflect the anticipated increase in population rather than the increase in unit count on the site. 3.8.10

8.5 Fire Protection

8.5.2 Potential Impacts

The subdivision plan should be reviewed by the Fire Department to determine accessibility for fire trucks and apparatus. 3.8.11

8.6 Schools

8.6.2 Potential Impacts

School children projections should be revised to reflect the increase in occupied units on the site. Vacant units that currently have no residents should not be included in the baseline for existing development on the project site. 3.8.12

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8.6.2.1 School Buses

The applicant notes that it is anticipated that students living on the project site would be assigned to a bus stop on or near the current bus stop location at Browning Lane and Walnut Street. Provisions should be made to ensure safe pedestrian access through the site to this bus stop. 3.8.15

8.7 Mail Delivery

The applicant indicates that a centralized mailbox station is likely on the project site. The applicant should indicate the proposed location for the mailbox station. 3.8.17

9.0 Alternatives

Alternative 2- Cluster Subdivision in Accordance with Existing Zoning

As has been previously noted, the Planning Board has indicated their interest in a cluster subdivision as a preferred alternative for development on the project site. The cluster subdivision proposed by the applicant includes 2 residences at the entrance to the site (one existing and one new); 8 residences located on a new cul-de-sac off Gracemere (one existing and seven new); and two new residences off a shared driveway east of the existing Maselli property. According to the applicant, the proposed cluster preserves 27.167 acres on the site as open space, including Turtle Pond, Upper Gracemere Lake and trail access to Taxter Ridge Park. The proposed trail access is not shown on the applicant's cluster plan. Under this plan a 18.33 acre open space parcel on the eastern portion of the property from Sheldon Avenue to the southern property line would be offered for dedication to the Village of Tarrytown. The other open space parcels on the site would be maintained by a homeowners' association and preserved as permanent open space through a conservation easement.

While the proposed cluster subdivision is a preferable alternative to the conventional subdivision analyzed in the DEIS, we feel that the cluster layout could be modified to achieve a more environmentally sensitive design and reduce environmental impacts on the project site. For example, the applicant should consider eliminating the shared driveway that extends beyond the Maselli property and impacts environmentally sensitive land on the eastern portion of the site. We propose that the applicant analyze two additional cluster subdivision alternatives in the FEIS, as discussed below. 3.9.6

Other Cluster Alternatives

Figures 1 and 2 illustrate two alternative cluster designs. Both cluster alternatives eliminate the two lots with the shared driveway east of the Maselli property and include a new lot on the northern portion of the site with access from the cul-de-sac. Both these alternatives result in an 11 lot subdivision (9 new lots and 2 existing lots) that preserves the sensitive environmental area on the eastern portion of the site. A potential trail system is shown along the eastern portion of the site linking the site to the proposed Greystone 3.9.6

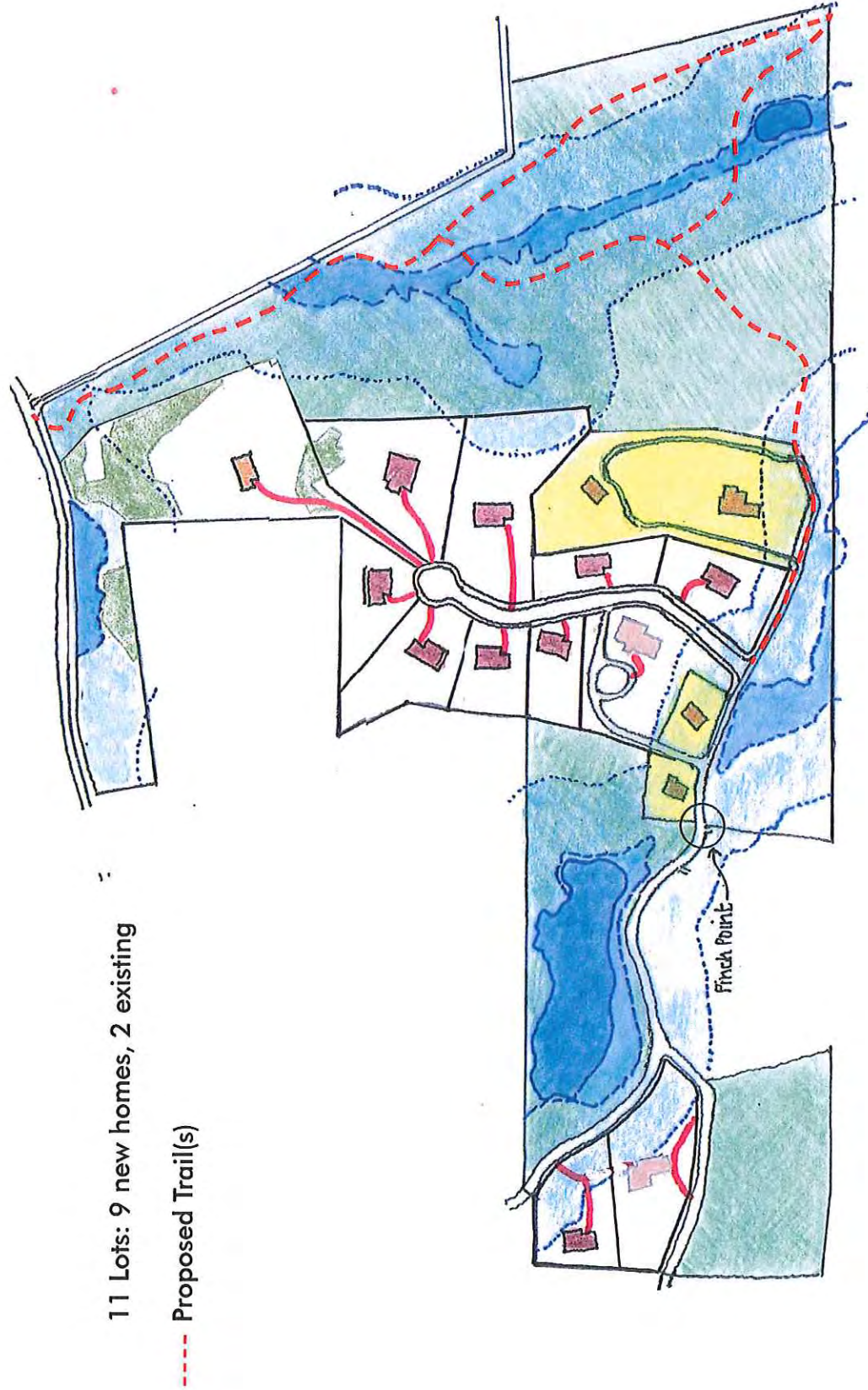
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development to the south and Taxter Ridge Park to the north. An east-west trail is also shown along the southern portion of the property. The difference between the two layouts is that Figure 1 provides for a new cul-de-sac roadway, while Figure 2 utilizes the existing Gracemere Avenue to access the new cul-de-sac. The impacts of these two different roadway layouts should be evaluated in the FEIS. 3.9.6

Miscellaneous

While a Homeowners' Association is referenced in several places throughout the DEIS, there is no one place in the document where the details of the responsibilities of the HOA are clearly outlined. The FEIS should clearly explain the responsibilities of the Homeowners' Association. 3.11.9



11 Lots: 9 new homes, 2 existing

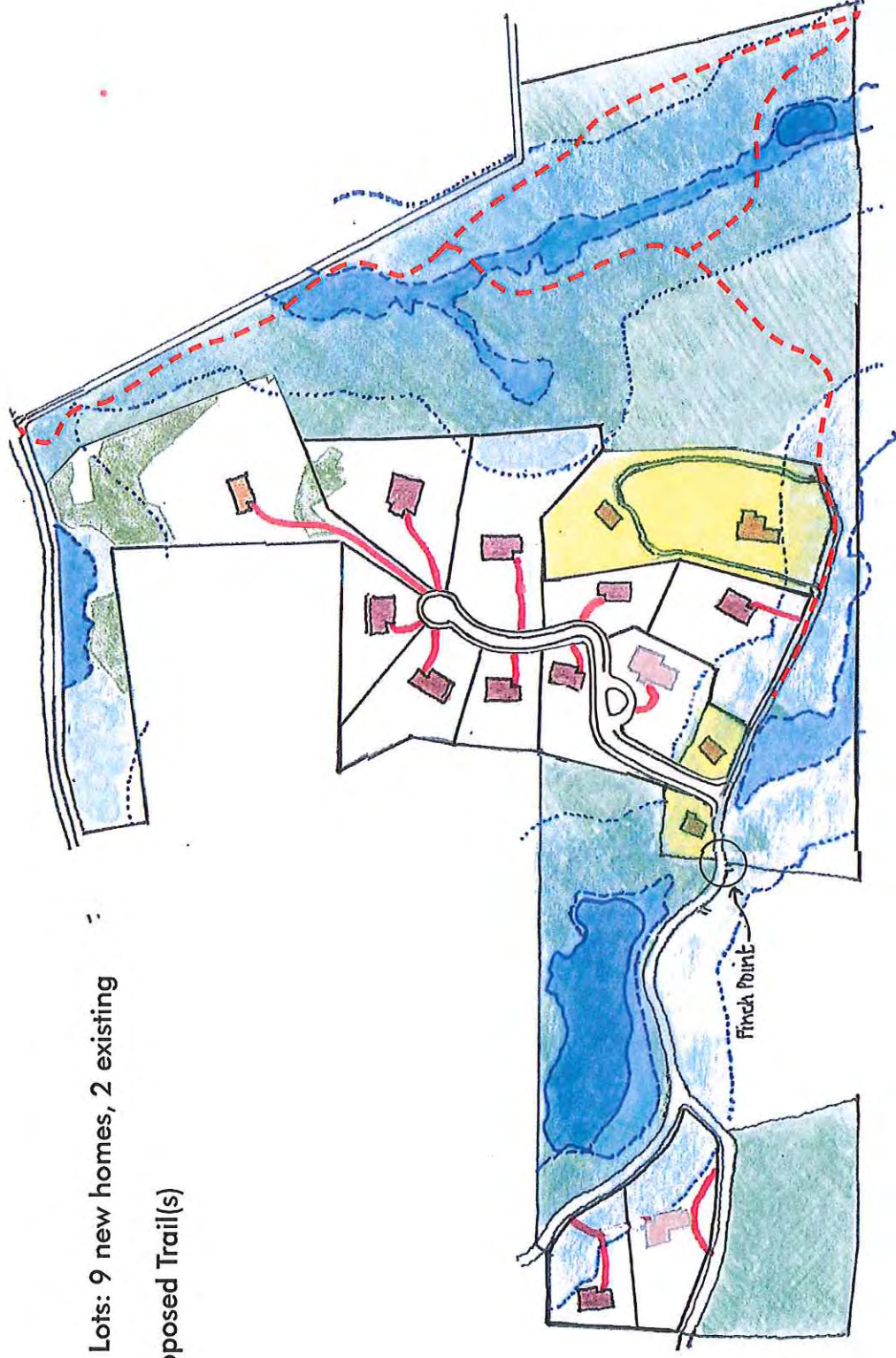
--- Proposed Trail(s)

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Figure 1: Alternative Cluster- New Roadway

11 Lots: 9 new homes, 2 existing

----- Proposed Trail(s)



Jardim Estates East
Village of Tarrytown, NY

Figure 2: Alternative Cluster- Existing Roadway



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
REGION EIGHT
4 BURNETT BOULEVARD
POUGHKEEPSIE, NEW YORK 12603
WWW.DOT.NY.GOV

WILLIAM J. GORTON, P.E.
ACTING REGIONAL DIRECTOR

JOAN McDONALD
COMMISSIONER

April 24, 2012

Village of Tarrytown Planning Board
Attn: Stanley Friedlander, Planning Board Chair
One Depot Plaza
Tarrytown NY, 10591

Re: **NYSDOT SEQRA# 12-0064**
Jardim Estates East
Sheldon Road, Tarrytown
Westchester County

Dear Mr. Friedlander:

The New York State Department of Transportation consents to the Village of Tarrytown Planning Board as Lead Agency for the subject project review.

A detailed engineering review is required as part of the NYSDOT Highway Work Permit process. Any work conducted within the New York State Right-of-Way requires a Highway Work Permit. The applicant should be directed to contact the local NYSDOT Highway Work Permit Engineer to initiate the Highway Work Permit review process. Please contact:

3.6.11

Kamal Ahmed, Permit Field Engineer
Residency 8-9
Sawmill River Road
Valhalla NY, 10595
(914) 592-1589

Certain submissions are required depending upon the magnitude and impact of the proposed project. These may include, but not be limited to, a Traffic Impact Study (TIS), SYNCHRO analysis of affected intersections, Site Plan (SP), Proposed Highway Improvement Plan (HIP), and other submission as directed by the Permit Engineer.

3.6.11

The applicant should also be encouraged to review the permit process and available forms on the NYSDOT website (<https://www.dot.ny.gov/index>).

Thank you for your interest in highway safety.

Very truly yours,


James Patterson
SEQRA / HWP Unit

cc: Kamal Ahmed, Permit Field Engineer Residency 8-9