

Planning Board
Village of Tarrytown
Regular Meeting
March 22, 2021 6:00 pm

PRESENT: Members Tedesco, Aukland, Birgy, Raiselis, Alternate Member Gaito, Alternate Member Mendez-Boyer, Counsel Zalantis, Village Engineer Pennella, Village Planner Galvin; Secretary Meszaros,

ABSENT: Chairman Friedlander (arrived at 6:30 p.m.)

This meeting is being held via Zoom video conference in accordance with the Governor's Executive Order issued in response to the COVID-19 Pandemic that authorizes public meetings to be held in this manner. The public will be able to view the meeting through the Zoom application and be given the opportunity to speak during the public comment period for each application by pressing the "raise your hand" icon to speak or *9 on their phone.

Mr. Tedesco chaired the meeting in Dr. Friedlander's absence and called the meeting to order at 6:05 p.m.

Mr. Tedesco moved, seconded by Mr. Aukland, to approve the minutes of the February 22, 2021 meeting as submitted.

Mr. Tedesco asked for a roll call vote:

Member Raiselis: Yes
Member Aukland: Yes
Member Birgy: Yes
Member Gaito: Yes
Member Tedesco: Yes

The minutes were unanimously approved 5-0.

Mr. Tedesco moved, seconded by Mr. Aukland, to approve the minutes of the March 4, 2021 special work session as submitted.

Mr. Tedesco asked for a roll call vote:

Member Raiselis: Yes
Member Aukland: Yes
Member Birgy: Yes
Member Gaito: Yes
Member Tedesco: Yes

The minutes were unanimously approved 5-0.

Mr. Tedesco announced the three adjournments:

CONTINUATION OF PUBLIC HEARING

Sunrise Development, Inc. (contract vendee)
99 White Plains Road

Site plan approval for 85 units of Service Enriched Assisted Living/Memory Care
Housing pending adoption of Zoning Amendment by the Board of Trustees.

CONTINUATION OF PUBLIC HEARING

39-51 North Broadway Associates
39-51 North Broadway

Referral by Board of Trustees for review and recommendation of a Zoning
Petition to allow for the development of a mixed-use project in the RR zone
and for site plan approval for 80 residential units with retail and off-street
parking pending adoption of the zoning by the Board of Trustees.

CONTINUATION OF PUBLIC HEARING

Raining Threes LLC
3 - 5 Carriage Trail

Construction of a single-family home with pool and tennis court.

CONTINUATION OF PUBLIC HEARING– Ferry Landings, Inc. – 41 Hudson View Way

Mr. Pennella circulated a memo to the Board as a follow up to March 11, 2021 work session and a subsequent meeting he had with the applicant on March 18, 2021. He included preliminary comments from the Village Landscape Architect in his memo relating to the trees and the park area. He is hoping that the applicant will submit revised plans addressing his comments before the next work session. He asked the applicant to update the Board on their progress.

Lynne Ward, the applicant, appeared with Chris Bielkiewicz, the project engineer. Ms. Ward has concerns that these plans relate to the entire road system but they are before the Board for approval of the Cooney Building, which is an as of right application. These delays are putting them in danger of losing the tenant for the building. She will make every effort to move the application forward and hopes that everyone can stick to the dates that have been discussed.

Mr. Bielkiewicz noted that they have been revising the Cooney Plans and they are almost complete with the exception of the landscaping. He showed the road plan (attached as Exhibit A) and briefly reviewed their proposal in order to bring the roads up to the standards required for dedication to the village. They have looked at the existing conditions with regard to ownership and have come up with a proposed plan to dedicate these roads as follows: Orchard Drive will be a 50 ft. right-of-way with 30 feet of pavement. Hudson View Way can also become a 50 foot wide right-of-way with 30 feet of pavement. Road E will have a 50 ft. right-of-way with 30 ft. of pavement. Sidewalk access on Division Street to West Main Street will be included in those right-of-ways. On River's Edge Drive, they are only able to do a 30 foot wide right-of-way with 24 feet of pavement. Therefore, in order to be made public, it will have to be a one-way road and the direction has yet to be determined.

Mr. Pennella will need to reach out to Public Works and the Police Department to determine the best direction for River's Edge Drive. From a maintenance perspective, they would like to be able to plow from north to south, but that may be problematic for traffic. The village might have to request that the applicant provide a snow storage area on the north/end of Rivers Edge Drive. He does not think that the direction of the road needs to be resolved for this application, but he does need the right-of-way areas clearly defined on the plans to allow the village to take over the roads. Ms. Ward said they are willing to adjust the roads and thanked Mr. Pennella for the tremendous amount of time he has spent on this.

Mr. Pennella said the access easements also have to be shown on the plan. The village will need maps with bearings to confirm that the road widths are available with the bearings shown. With regard to the no-named road between Orchard Drive and River's Edge Drive, there is not enough room to get a one-way to work and it is filed under a separate HOA so it does not look like it can be turned over anyway. The southern portion of Rivers Edge Drive was contemplated for a two-way, but a car can't turn around at the dead end, which is why the one-way is proposed. The direction will remain open for further discussion.

Mr. Aukland asked Mr. Pennella if the roads will be brought up to village standards, prior to dedication, and he referred to the potholes and resurfacing. Mr. Pennella said after they pave and the village is satisfied, then the roads can be dedicated. The village is not accepting the dedication now. Ms. Ward agreed. Mr. Aukland asked if Mr. Pennella has concern about the overall parking requirements at the site. Mr. Pennella has not seen the parking count yet but he thinks that the spaces can be re-allocated somewhere else and this must be shown on the plan.

Ms. Ward said some of the residents may comment this evening that the roads are in bad shape because of the garbage trucks that have been cutting through the property,

which should not be the case. She also called for the salt-shed to be relocated and referred to an agreement with the village, which would alleviate the activity on the roads.

Ms. Mendez-Boyer confirmed with Mr. Bielkiewicz that there will be sidewalks on both sides of each street, except for the one-way road, where there will be an easement for the property.

Mr. Pennella said for the purposes of this approval, they will be connecting Division Street to Hudson View Way, but there will be no sidewalk installed until the property is developed. He would like the resolution to condition which sidewalks have to be installed. Mr. Bielkiewicz will delineate the sidewalks that will go in before the certificate of occupancy is issued and after.

Paul Birgy would like the plans clearly labeled to indicate private vs. public to avoid any confusion. He referred to the roadway between the townhouses on West Main Street. Mr. Pennella said all they need to do is place private road signs at the entrances and noted that there are already existing private parking signs at Lookout North and South.

Ms. Raiselis would like to have some sort of timeline of when the roads will be dedicated. Ms. Ward said they will need an approval on the Cooney Building first. Mr. Pennella said it is not practical to condition that the roads be turned over to the village prior to the issuance of a certificate of occupancy for the Cooney Building. There are changes that need to be made to the roads, such as relocating a hydrant, and curb work, etc., which will take time. From the village's perspective, we don't own the roads and the applicant is responsible to maintain them until they are turned over, so it is in the applicant's best interest to get the work done as soon as possible. Ms. Raiselis is not pushing, but she doesn't want it to be nebulous and would like some sort of time frame, not 10 years. Mr. Pennella said if it doesn't happen within the next 10 years, then the village would have saved on plowing and maintaining the roads for these years. Furthermore, after 10 years, that binder course will no longer be good and would have to be taken back up. He feels it is in the applicant's best interest to turn the roads over to the village.

Counsel Zalantis thought that there was agreement at the last meeting that the work to enable the roads to be dedicated to the village would be done and completed prior to the issuance of a certificate of occupancy for the Cooney Building. Mr. Birgy agreed and that was his understanding.

Ms. Ward said that was not correct. Mr. Pennella said the work to get it on paper to show that it is possible can be done before the certificate of occupancy, but not the actual work, which will take longer. There is also the other site that needs to be developed. If the roads are turned over to the village before that phase is completed, they would get beat up, and it would be the village's responsibility to repair them.

Mr. Birgy does not think it is necessary to dedicate the roads to the village right away, but any work that is not done concurrently with the Cooney building has a chance of not being done. He said there is absolutely no reason that the work cannot be done concurrently. He would like to stick to that timeline, so there's no misunderstanding. Ms. Ward does not share that understanding.

Counsel Zalantis stated to Ms. Ward that they talked about the work being completed as a condition of the certificate of occupancy for the Cooney Building. Ms. Ward agreed. Counsel Zalantis clarified that the applicant will perform the work to enable it to be turned over to the village but the actual dedication can be done at any time and she advised that the village cannot accept the roads if they are not up to village standards. There has to be some timeframe on when this work is going to be done and it was her understanding that the work would be done in connection with and prior to a certificate of occupancy for the Cooney Building which would give the applicant time to complete the work.

Ms. Ward agrees but she thinks she is hearing different things from the Board. Mr. Birgy agrees with Counsel Zalantis. There is no disagreement among the Board on this.

Mr. Pennella asked Ms. Ward if she thinks she will be able to comply with this. He feels there is a significant amount of work that needs to be done, such as hydrant relocation and curb relocation work. He does not want to be in a situation where the applicant is looking for a certificate of occupancy for the Cooney Building when there are still open items with the roads. The Cooney Building is a 4-month project and he thinks, from a practical standpoint, that this work cannot be done within that period.

Ms. Ward agrees with Mr. Pennella that it is just not feasible. She referenced the last site that needs to be developed and they can't proceed there until they understand exactly where the roads are going to be. As soon as they get to the point where they have the Cooney approval, and an understanding of the roads, then they can start on that plan too, which is something she understands the Board would like to move forward.

Counsel Zalantis asked Ms. Ward if it was her intention to not start the road work until after the approval of the next site. Ms. Ward said there is a tremendous amount of work that is involved here and it is more than a four month project. Counsel Zalantis said the other site could be accessed from Division Street so she did not understand why they would not be able to do the work required on the other streets. Ms. Ward believes that the work will be started but she is not concluding that it will be complete by the completion of the Cooney Building.

A brief discussion took place between issuing a temporary certificate of occupancy. Counsel Zalantis is concerned about the work not being done and being in the same position five years from now. Mr. Pennella did not think that would be a good route and suggested that the village request a bond. Counsel Zalantis said if the original concept

requiring the work to be done prior to the issuance of the certificate of occupancy has changed, then a bond should be discussed. Ms. Ward said the problem is that the scope of the work has changed.

Mr. Tedesco believes that a performance and completion bond may solve the issue.

Mr. Birgy agrees with Counsel since there is no guarantee, especially if there is a disagreement with the final parcel. He feels that a structure is needed to move this along so the village does not get stuck with an unfinished infrastructure. The roads do not have to be dedicated but this work should be completed as soon as it can without delay.

Counsel Zalantis and Ms. Ward both agreed that it is a useful discussion to have with regard to a bond. Ms. Ward said we can parallel with that a discussion to consider the relocation of the garbage trucks because that is the wear and tear on the roads. There was also an agreement that the salt-shed would be relocated and that the village would seek an alternative. She noted the gravel pit on the south side of the marina could be a suitable position for the salt-shed. She would urge the village to look at that.

Counsel Zalantis was not aware of any agreement and asked if there was a written agreement regarding the relocation of the salt shed, which she would be happy to review. Ms. Ward said there is a written agreement for the relocation of the salt shed and also the garbage trucks, which is not being honored at this point in time.

Mr. Birgy would like to know if the village garbage trucks are supposed to park in the lot by the Stone House and if they are cutting through campus. It is important for everyone to understand what the village's role is. If these roads could be completed, there's no reason for construction traffic to be going on any roads except through Division Street to that final parcel to the Cooney building. There is also no reason these roads can't be totally topped and finished. Ms. Ward said the trucks are being stored in the area. Mr. Birgy would like an understanding because allegations are being made about the village ripping up the roads. Ms. Ward would like Mr. Pennella to investigate the DPW trucks in the area.

Mr. Pennella advised that if the roads become public roads, all vehicles, including village vehicles can travel through. This is the purpose of making the roads public. Mr. Pennella does not know why trucks are at the Stone House, but they do pick up the garbage in the development. If the applicant wants that changed, the village would be happy with that. Mr. Birgy is concerned that the applicant is making it sound like the village is doing something wrong and damaging property. He wants to find out what is happening and feels that the applicant should stop slinging mud at the village.

Ms. Ward again asked if Counsel Zalantis could simultaneously look at the agreements regarding the parking at DPW and the garbage trucks. With regard to the salt-shed

relocation, Mr. Birgy said if the applicant would like to pay for the relocation of the salt-shed, he is sure the village would entertain that.

Counsel asked Ms. Ward to forward these agreements for her to review. There are many documents that go back to the original SEQRA findings that included other requirements as well.

Dr. Friedlander joined the meeting at 6:30 p.m.

Ms. Ward commented that Mr. Pennella has made most of the relevant points and she understands the need for some certainty about the roads. She thinks they have reached a point where they can continue the discussion offline regarding assurances like a performance bond which she thinks is a reasonable position. She hopes to move this along in order to relieve the anxiety of the Lighthouse residents and not punish them any longer.

Mr. Pennella would like to discuss the access points to the RiverWalk.

Mr. Bielkiewicz presented the plan (see attached Exhibit B) and showed the three public access points. He noted the first access point on the north side of Road E, at Division Street. The second access is between Lookout south and the Lighthouse. Hudson Harbor will grant an easement across this portion of land by way of the sidewalk. He showed the area by Lookout South but has no record of an access easement there, so the village would have to work with Lookout South to get that access granted. He showed the third public access point off West Main Street.

Dr. Friedlander asked about another access between Lookout North and Lookout South that Mr. Bielkiewicz did not mention. Mr. Bielkiewicz said there was no easement filed for this area during the subdivision process but they do have surveyors still looking into this. Dr. Friedlander said there is a sidewalk leading to the park and an entrance point indicating the intention that this be an access point. He would like this explored more carefully. He thinks it is very important to get easements on those three access points numbered on the map (see attached exhibit B), because that is what the original intention was. Whether or not it was carried out in the past, it should be carried out now.

Mr. Tedesco also remembers that it was the original intention to have the 3 access points.

Ms. Ward said there are 3 access points, number 2 exists but it is not an easement. Counsel Zalantis said they need to be put on paper, otherwise, they really remain in private control and could be cut off.

Ms. Ward noted the three public easements, the one on the RiverWalk at the northernmost point, the one that is marked item number one, and the third access off of

W. Main Street. Dr. Friedlander said access points 2 and 3 numbered on the plan were intended access to the park from those sidewalks, and those are the ones they don't want to be closed off by the homeowner's association or anyone else that has ownership of those easements.

Ms. Ward said she believes the village will have to talk with the homeowner's association then because when the subdivisions were approved, those easements were not placed on those parcels. It is obviously a new topic to her, and it would be new to them as well. Dr. Friedlander said this topic should not be new to anyone. Visually, it is clear as day that these access points were placed to provide public access into the park, otherwise, the development could have been a closed gate community, which is not what the village wanted. The village expects that these easements be granted by either the applicant or the homeowner's association. The burden should not be placed on the village to get those easements, it should be on the developer and the homeowner's associations to grant them.

Ms. Ward said it is not within her realm to comment on it since she no longer has control of that land. Dr. Friedlander asked if she granted those easements to the homeowner's association. Ms. Ward said there were no recorded easements. Dr. Friedlander asked Ms. Ward to please cooperate. He is bending over backwards to resolve this issue. No matter what was done in the past, everyone has to agree that they should be public easements, and for whatever reason it didn't work out before, we have to correct it, and everyone has to cooperate to get the easements.

Ms. Ward is not objecting, she just cannot say yes at this point. Dr. Friedlander would like Ms. Ward to explain to the homeowners that this was the original intention of the master plan and ask for their cooperation. He understands that she cannot force them to do this. Ms. Ward agreed and said, as the Dr. Friedlander pointed out, that the sidewalk is there which is a good indication of the intention for public access. Dr. Friedlander said the sidewalk is there, but if the homeowners wanted, they could close that sidewalk off and put no trespassing signs. Ms. Ward said she is simply speaking on her behalf, they built them in order to provide the access, and they will try to get this done.

Alternate Member Boyer-Mendez would like the easements to be indicated in blue on the plan. She does not want to hold up the approval of the Cooney Building.

Mr. Birgy agrees with Dr. Friedlander that everybody has to cooperate to make this happen, because this is a critical part of the project. It is in everyone's best interest to move forward together. Also, there is no reason that these roads cannot be completed, aside from road E, because all access to the Cooney building and the parcel to the east of that can be accessed from Division Street. He thinks they should really try to get the roads done, rather than having it drag on.

Mr. Tedesco asked Mr. Ringel to open up the public comment period.

PUBLIC COMMENT PERIOD

Ed Lannert, who lives on West Main Street, has concerns about the one-way proposal on River's Edge Drive. It has been a two-way for the past 10 years, with no accidents or plowing issues. He wants to know why it can't be left a two-way and have the village issue a waiver for it.

Gary Friedland, who lives at Hudson Harbor, speaking only on his behalf, appreciates the flexibility and sensitivity of the Board Members over the past few sessions. He believes that the Board's requests are reasonable. He thinks Ms. Ward is the master of opaqueness. It is frustrating to him, that when progress is being made with the Board and recommendations are made by village counsel, Ms. Ward denies ever hearing them. She forgets, at the last public hearing, her partner filibustered and insisted that these roads would never be public. Now, we are supposed to believe that she wants these roads to be public. Developers normally want roads to be public, but she obviously has a hidden agenda. He is tired of the hearing excuses. He apologizes for his reaction, but the Board is being flexible and it is obvious to him that Ms. Ward wants to delay this from occurring. It is very common for roads to be dedicated in phases. The only reason that these roads were not dedicated in phases is because there were no performance bonds required from the outset. He would like the certificate of occupancy for the Cooney Building be conditioned upon the completion of the roads, except for Road E, which could be bonded. As a practical matter, the Cooney Building is going to be substantially completed in order to get a certificate of occupancy for that building and there is no reason for future construction trucks to come on to the other parts of the development. This project has been going on for 15 years. The Board has indulged Mr. Cotter and Ms. Ward for a long period and it is about time they put down their foot and make them behave like responsible developers. If they were able to work on the inside of the Cooney building, then they can also clean up and maintain the outside of the property the way they are required by law.

Maria Marzan, resident of the Lighthouse, said when she bought she was not aware of the politics, and all this other nonsense. They are innocent bystanders. She is glad to hear about the sidewalk that will be installed so that she won't have to compete with the garbage trucks. Right now they are living within a chain link fence and a gravel pit. She is glad that progress is being made so the 40 families that live in this building can get some relief. The roads are important but they are dealing with real quality of life issues on a daily basis. It is time to finish this project.

Mark Fry, lives in Ossining, but was actively involved with this project from 2004 through 2007. He asked Chris Bielkiewicz to show the site plan (Exhibit B) so he could comment on the access points and the park. He too clearly remembers the three access points shown in red on the plan as 1, 2, and 3 at the bottom of the map. That is exactly his recollection from 2005. There is no question that when the Scenic Hudson RiverWalk Park at Tarrytown was dedicated, it was designed specifically as Dr. Friedlander has

pointed out, to connect with those public easement points. Any failure to record those in the transfer of the property from Ferry Landings to the HOA would fall upon Ferry Landings and they should have to complete this. With regard to the formal garden (park), originally it was a rectangular design but a portion has been carved away to allow for additional parking spaces. He would prefer to see the original rectangular formal garden in that area. It is also important to note that we have to be careful to delineate private parking from public parking. He also agrees with Gary Friedland's comments earlier.

David Brittenham, Hudson Harbor I resident, asked the Board to confirm whether the parking on Orchard and River's Edge adjacent to Hudson Harbor between West Main and the connector road will be public or private. If it is to be private, it would be good for the Board to confirm whether or not that parking is going to be allocated to Hudson Harbor I, consistent with the treatment of parking allocated to the Lookout Buildings. He lives on West Main Street and does not have a direct interest, but is asking on behalf of his neighbors.

Gary Connelly, President of the HH Lighthouse Condominium, is speaking on behalf of the residents, who are in favor of the finishing of the Cooney Building. He is encouraged and grateful to see the Planning Board and developer working hand in hand. He will publicly state that he does not understand this outright disgust that some people have for the developer, which he feels is irresponsible and should not be in this forum. The Cooney Building application is before this Board and he hopes we can come to a resolution that meets with everyone's expectations.

Craig Singer, lives at corner of Hudson View Way and Orchard Drive, overlooking the Gatehouse site (empty lot) and the Cooney Building. He complimented all the parties and recognized that each have their own self-interests and we are moving forward in a positive direction. The residents at Hudson Harbor ultimately will rely on the village Planning Board and the Board of Trustees to do the right thing here based upon expectations. He would like clarification on the ownership of the no named road between Orchard Drive and River's Edge Drive. He would like to know who is going to be responsible for maintaining it. It seems highly unfair to assume that either the Townhouses, Orchard Road or the Carriage Houses should be responsible. He is also concerned if it will be a one-way or two-way. He thinks it was a mistake to have made this road as narrow as it is. There are many things that have to be corrected and he would like the Board to consider them, because he thinks it is unfair to ignore them.

Penny Bednowitz, a Carriage House resident, understands that the Board is in a rough position because the Lighthouse residents are living in a tough predicament for a long time, but, as a new resident of the Carriage Houses, she is concerned that the roads are also not finished. Having worked for a municipality for most of her career, she does not understand why the roads can't be dealt with at the same time as the Cooney Building.

Michael Cohen, the Treasurer of the Lighthouse, agrees with Gary Connelly and Maria Marzan. He credits them with their poise, because his patience is wearing thin. It seems that it's three steps forward and four steps back for the Planning Board and at this point, feels that the Edge will be done before the Cooney Building. He forwarded a letter to the Planning Board regarding a December 10th meeting in the Oasis lounge where all of the heads of the HOA's met and were all in favor of the Cooney Building project. It is now two years later. He would like the Board and Developer to figure out the roads, but there has to be a leap of faith here because, while everyone is looking for perfection, the people are suffering at the Lighthouse. Gary Friedland doesn't have the Cooney Building in his backyard. He doesn't drive by it, walk by it, see it, or smell it. He doesn't deal with it, yet, he is the most morally outraged. It appears that Mr. Friedland is throwing roadblock after roadblock into this application and his outrage and comments against the Lighthouse residents and the developer are unnecessary and unproductive. He hopes there can be more back channel meetings between this Board and the Developer, rather than the month to month dripping out, to finish the project before the Edge gets completed.

Kevin Duignan, Hudson Harbor resident, said the developer has made substantial commitments and concessions that are not really related to the Cooney building. He appreciates the Board's commitment but he is listening to the Board fight their own advice from Mr. Pennella. Mr. Pennella clearly said that it was not practical to require the roads to be completed at the same time as the granting the certificate of occupancy for the Cooney building because there are just too many things that might not even be within the developer's control in order to achieve during that period. So, in addition to the Board fighting the developer, it also sounds like they're not even willing to listen to their own professional advice. With regard to the access points, there are clearly three that are already available. The other two exist and sidewalks are there. He does not think anybody's going to throw up a gate. He thinks it would be nice to accommodate that, but it should not be a requirement for the HOA of those buildings to sign off on and easement for something completely unrelated to the Cooney Building application approval. Mr. Connolly pointed out that there is a level of anger, anxiety and animosity that is clouding practical thought. There is a practical way to move forward and he thinks they are incredibly close. He begged the Board to expedite the Cooney approval.

David Rosenstein, lives at Hudson Harbor I, said the temperature tonight is a lot higher than at prior meetings. He understands the frustration of the Lighthouse residents. The reason why these barriers are being thrown up and unrelated things being connected to the certificate of occupancy for the Cooney Building is because of the lack of trust on the developer to complete things. If barriers are not put up now, this is the last chance they have to force him to do things, otherwise, it will not get done. He thinks the certificate of occupancy for the Cooney building should be issued but suggested that some real iron clad guarantees be put down to make sure that all the roads will be done correctly, handed over to village, and that there is zero wiggle room given.

END OF PUBLIC COMMENT

Mr. Tedesco suggested to the Board that they direct Planner Bob Galvin to prepare a draft site plan approval resolution for the April Planning Board meaning to include all the desired conditions discussed for the issuance of a certificate of occupancy for the Cooney building. Mr. Aukland and Ms. Raiselis were in agreement. They would like to review the draft at the work session.

Dr. Friedlander is happy to move forward but is dismayed at the lack of civility and neighborliness that was displayed throughout the course of this application. He is aware of the concerns of many people and he respects the positions of Joyce Lannert and Gary Friedland. He thinks they are just trying to make it better for everyone and maybe they need to be a little more concerned about the Lighthouse residents than they have been. He thinks everyone has proper motives. He does not think people should be hostile and uncivil toward each other because they all have to live with each other for many years to come. He wants to recognize that the completion of the Cooney Building is to improve the quality of life for the Lighthouse residents. It has been a long wait for them, and it will be seven years before it's totally completed. It is the Board's responsibility to make it happen in a most productive way. He would like the developer to cooperate with Mr. Pennella who will specify exactly what is needed. He thinks the Board should rely on Mr. Pennella's expertise to move the process forward as expeditiously as possible. He implores the people who live in Hudson Harbor to bury the hatchet and cooperate. He strongly supports the recommendation and hopes we can all move forward. He also urges Mr. Cotter to submit the last section in a formal application so that the public hearing process of the last phase can begin.

Mr. Galvin will meet with Counsel Zalantis and Mr. Pennella to go over the conditions and prepare a draft resolution prior to the work session so that the Board review and tweak it, if necessary. Drawings will also be included with the draft resolution.

Mr. Birgy would like to see a performance bond with markers since it may not be possible for the work to be totally completed by the completion of the Cooney building. There has to be good faith demonstrated on the part of the developer. The markers will ensure that they are moving as expeditiously as possible to get the work completed. Mr. Galvin said he will work with Counsel to include language in the resolution.

Mr. Tedesco thought it was a good idea to establish a timeline for things that we know are going to be problematic such as the hydrants that Mr. Pennella mentioned. He thanked the public for participating tonight. It has been a long process, but there is more togetherness now. He noted that if we get the site plan application for the last phase of the project for review with public participation, that will be the icing on the cake.

Dr. Friedlander asked if the Landscaping plan was reviewed for the park. Ms. Ward said that this meeting has been dedicated to an argument over the roads and some very malignant remarks by people who have really no bearing on this. Mr. Galvin said that

the applicant is working on the landscape plans. Mr. Pennella advised that the village's landscape consultant, Suzanne Nolan, has provided information to the applicant and he hopes to have a plan by the work session. Mr. Tedesco suggested that if the revised plans are ready by the work session, it may be helpful for Ms. Nolan to come to the work session. Everyone agreed.

Dr. Friedlander referred to the 2015 meeting minutes and the approved plan for the park. He noted that the park was not completed because the Tappan Zee Constructors came in. Mr. Pennella said the plan that was approved in 2015 was only conceptual in nature. It did not list the trees and only showed generic information. Ms. Nolan has reviewed it against what has been submitted and sketched a plan that was given to the applicant. In addition, the meets and bounds have changed to accommodate the two public parking spaces resulting in a little curve, where originally it was rectangular.

Ms. Ward said that their Landscape Architect is here to make a brief statement. John Imbiano, with IQ Landscape Architects, addressed the Board and advised that he was involved with the concept plan many years ago. Conceptually, it is still very much the same. It has not changed except for the added parking spaces to the east. He will look at Ms. Nolan's comments and certainly address them.

Dr. Friedlander would like to have the landscaping done by the work session. Ms. Raiselis would like to see the revisions of those concept drawings prior to the April 15, 2021 work session.

Mr. Tedesco moved, seconded by Mr. Aukland, to continue the public hearing.

Mr. Tedesco asked for a roll call vote:

Member Raiselis: Yes

Member Birgy: Yes

Member Aukland: Yes

Member Tedesco: Yes

Chair Friedlander: Yes

All in favor. Motion carried: 5 -0

Adjournment:

Ms. Raiselis moved, seconded by Mr. Tedesco, to adjourn the meeting at 7:30 p.m.

Mr. Tedesco asked for a roll call vote:

Member Aukland: Yes

Member Tedesco: Yes

Member Raiselis: Yes

Member Birgy: Yes

Chair Friedlander: Yes

All in favor. Motion carried: 5-0

Liz Meszaros – Secretary