

Planning Board  
Village of Tarrytown  
Regular Meeting  
January 27, 2020 7 p.m.

PRESENT: Chairman Friedlander, Members Aukland, Birgy, Raiselis, Tedesco,  
Alternate Member Lawrence; Counsel Zalantis, Village Engineer Pennella,  
Village Planner Galvin; Secretary Meszaros

ABSENT: All members present

Chairman Friedlander called the meeting to order at 7:00 p.m.

APPROVAL OF MINUTES – November 25, 2019

Mr. Tedesco moved, seconded by Mr. Aukland, to approve the minutes of the November 25, 2019 meeting as submitted. All in favor. Motion carried.

Dr. Friedlander announced the following adjournments:

- Michael Degen- 86 Crest Drive  
Additions and Alterations to a single family home
- Peter Bartolacci – 67 Miller Avenue – Removal of railroad tie-wall,  
construction of retaining walls and landscaping of rear yard.

CONTINUATION OF PUBLIC HEARING – Srs. of Sacred Heart of Mary - 32 Warren Ave

John Folchetti, P.E., the project engineer, appeared on behalf of the applicant and presented a revised plan to the Board. They are proposing a two-tiered wall to replace an existing wall with landscaping, and demolishing the structure at 90 Wilson Park Drive to create a green space with ornamental trees for use as a recreation and exercise area for the convent members.

The demolition and changes will result in a reduction of 20,000 s.f. of existing impervious surface. With regard to drainage, a deep sump catch basin will be installed in the expanded driveway, which has been reviewed by the Village Engineer. A rendering of the view of the wall from the trail will be submitted at the next meeting.

Dr. Friedlander asked if anyone in the public had any questions.

Ms. Raiselis asked if the landscape consultant has responded yet.

Mr. Pennella advised that comments from the landscape consultant and renderings will be provided before the next work session.

Mr. Tedesco said that he was concerned about the views from the trail. Mr. Folchetti said as he understands it, he will be presenting a rendering of the view of the two walls and the landscaping from the Trail.

Mr. Galvin advised that the wall calculations are under review from the village consultant, Hahn Engineering, and will be forwarded to the applicant once received.

Mr. Tedesco moved, seconded by Mr. Aukland, to continue the Public Hearing. All in favor. Motion carried.

CONTINUATION OF PUBLIC HEARING – Lexington 202 Group, LLC – 29 S. Depot Plaza

Linda Whitehead, partner with the law firm of McCullough, Goldberger and Staudt, LLC, appeared on behalf of the applicant, also present. She advised the Board that they are working to address the issues and comments raised at the September 23, 2019 meeting. She advised that her client has brought in a partner, Collins Enterprises, LLC, who has experience in multi-family and TOD projects. The project will remain the same with some design changes and some other revisions that she feels that the Board will like. They will be making a formal submission at the next meeting together with responses to the open issues, and they will also be tweaking the zoning text to add in the FAR provision which was also requested by this Board.

She introduced Arthur Collins, of Collins Enterprises, LLC, who submitted and passed out information about his firm and their experience with multi-family projects in Bronxville, Connecticut, New Jersey and Hudson Park in Yonkers, where he spent his earlier years.

He passed out a rendering of the proposed project. The applicant will occupy the first level and Collins will build 3 or 4 stories of housing above it. Since this site is close to the train station, they try to get as much density as possible, and as much as the parking can withstand. Their proposal is to build somewhere between 66 and 70 apartments. Parking would be on the adjacent property and they are in discussion with the MTA. They will assist the Ferraro's (the applicant) with the smaller building on Lot 37 to create a food pub or restaurant in order to draw activity to the area. Mr. Collins is excited as he has never worked in Tarrytown. He has been part of the Hudson River Valley Association and has worked with Scenic Hudson and the MTA.

Mr. Tedesco would like to know how this proposal compares to the height they have submitted before. Mr. Pennella said they are proposing 48 feet in these plans.

Mr. Collins said the existing building is 32 feet to the top of the ridge. The building height is governed by the building code and they can build 4 stories above the self-storage and still be within the 5A classification. Instead of stories, they talk about the number of feet. Ms. Whitehead noted that this plan submitted is the same height that was submitted before. Mr. Tedesco just wanted to clarify this information for the public.

Ms. Raiselis asked about how they are going to activate the first level.

Mr. Collins said they want to activate the areas on the first level. They are less concerned as they go south. Being double loaded is critical and, if there is not retail, it will not survive.

Ms. Raiselis said there is a pretty bleak wall there and another building next to it that has the ability to do something in the future. She noted that the Board is concerned and if the sidewalk could be activated by pushing the wall in and allowing a place for people to sit that would work. The activation at the street is also worrisome. She suggested possibly looking into taking out the gym facilities. Ms. Whitehead noted that the same retail is shown as before, but she understands the point of going all the way down.

Mr. Birgy asked if they considered “micro-retail” similar to micro apartments, something like a boutique that does not require a lot of square footage. He does not want to leave it to chance. He is looking for something extraordinary for Tarrytown. He would like to hear something like, if you build something, people will come and, if you don’t, then no one will come. He suggested a shallow kind of store that is small; a presence on the street is needed to create the community. He would not support a project unless this component is included.

Mr. Collins asked if they would like the potential for small pop-up retail stores. Mr. Birgy said pop-up means transient to him. He is suggesting small retail. There are people who would love to do business in the village and if it could be more affordable for the retail that would be a plus. There should be a very good market for that. Ms. Whitehead asked if they are suggesting smaller stores that are not that deep and have the storage behind them. Mr. Galvin suggested a depth of 25 feet.

Ms. Raiselis said they could be creative with this. She has no problem with pop-ups. Perhaps meeting rooms for people who live on site or studios that could be rented with some sort of bonus. She just feels that getting activity on that level is very important.

Mr. Collins said we do have live-work flex space arrangements at other sites for retail or craftsman and areas that are cordoned off for these purposes. He is concerned about the abandoned retail at the end since it is not visible. Ms. Raiselis said maybe someone who has a small business could perhaps rent it out for meetings; they need to think creatively to see the potential partnerships. She said at the entrance is a definite.

Mr. Aukland said he does not want to force people to get into car for a gallon of milk and if there is a way of providing for local convenience that would be good too.

Mr. Birgy said there are a million different things that could happen especially being near the train which is a huge draw in itself. He referenced Burnham in Irvington, which has been successful.

Dr. Friedlander asked if there is parking under the buildings in Yonkers. Mr. Collins said there is retail, restaurants, a wine shop, grocery and some apartments. There is no underground parking; it is in another structure abutting the building. The parking ratio is

1 space per unit since they are close to the train. Dr. Friedlander asked what the ratio would be if they were not near the train.

Mr. Collins said a parking use study determines that there are 20% vacancies pretty much all the time, so you could get away with .8 space/unit. He is happy to share those facts with the Board with regard to the parking requirements. Ms. Whitehead said part of the parking analysis was included in the last submission and some of the information included was from Yonkers.

Ms. Whitehead said they would like them to move forward with the consultant review for the parking. Ms. Zalantis some more information is required for this review.

Dr. Friedlander asked if anyone in the public would like to speak. No one appeared.

Mr. Tedesco moved, seconded by Mr. Aukland, to continue the Public Hearing. All in favor. Motion carried.

NEW PUBLIC HEARING - Tarrytown Self Storage II, LLC - 29 South Depot Plaza

Chairman Friedlander read the public hearing notice into the record:

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Tarrytown will hold a public hearing on **Monday, January 27, 2020 at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Tarrytown Self Storage II, LLC  
34 Norm Avenue  
Bedford Hills, NY 10507

To request a two (2) year extension to the March 26, 2018 Site Plan Approval for the conversion of an existing indoor sports facility into a two story self-storage facility with a retail component.

The property is located at 29 South Depot Plaza and is shown on the Tax Map of the Village of Tarrytown as Sheet 1.70, Block 29, Lot 38 and is located in the ID zoning district.

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

By Order of the Planning Board.

Lizabeth Meszaros  
Secretary to the Planning Board

DATED: January 17, 2020

The mailing receipts were received and the signs were posted.

Linda Whitehead, partner with the law firm of McCullough, Goldberger and Staudt, LLC, appeared on behalf of the applicant, also present. Ms. Whitehead advised that her client received site plan approval for the conversion of the existing building to a two story self-storage facility back in March of 2018. They have not pulled a permit for this project since they are working with the village on a new plan but they would like to keep these approvals in effect. They have gotten an extension from the Zoning Board for variances for the same project. They are asking that this Board extend this site plan approval so that it can be kept in place while they process the other application before this Board.

Dr. Friedlander asked if anyone in the public would like to speak. No one appeared.

Mr. Birgy moved, seconded by Mr. Tedesco, to close the public hearing. All in Favor. Motion carried.

Mr. Birgy read through portions of the Resolution Adopting the Findings Statement and said that a copy of the Resolution will be provided to the applicant and be included in the minutes of this meeting.

**RESOLUTION**

**VILLAGE OF TARRYTOWN PLANNING BOARD  
(Adopted January 27, 2020)**

**Application of Tarrytown Self Storage II, LLC  
Property: 29 South Plaza Depot (Sheet 1.70, Block 29, Lot 38 and Zone ID)**

**Resolution of Two-Year Extension of Site Plan Approval**

**Background**

1.The Applicant requests a two-year extension of the Site Plan approval originally granted by the Planning Board on March 26, 2018. The site plan approval is scheduled to terminate on March 26, 2020. The requested two-year extension would extend the site plan approval to March 26, 2022. The applicant is currently before the Planning Board exploring alternate uses of the property including a transit oriented development.

2.As Lead Agency, the Village of Tarrytown Planning Board previously determined that the proposed action was an unlisted action and would not have a significant adverse effect on the environment and that a Draft Environmental Impact Statement would not be required and recorded a Negative Declaration for the proposed action on November 27, 2017.

3.The Planning Board has conducted a duly noticed public hearing on January 27, 2020 on the Applicant’s extension request at which time all those wishing to be heard were given the opportunity to be heard.

4. The Applicant has indicated in a letter from McCullough, Goldberger & Staudt, LLP, Applicant’s Attorney, dated January 2, 2020 that he is in the process of determining the best possible use for the Property. As a result, the applicant has not yet applied for a building permit to construct the approved self-storage facility. In order to maintain the applicant’s approval while the current proposal for an alternate use is under review, he has requested the two-year site plan extension. There have been no changes proposed for the current approved site plan for the self-storage facility.

5. The Zoning Board of Appeals reviewed the Applicant’s request for an extension of the parking variance for 19 spaces and a variance for 2 loading spaces for a period of two years at a public hearing held on December 11, 2019. The Zoning Board closed the public hearing on December 11, 2020 and approved the requested extension of the variance approvals for two years.

6. The Planning Board closed the public hearing on January 27, 2020. After closing the public hearing, the Planning Board deliberated in public on the Applicant’s request for approval.

**Determination**

The Planning Board determines that the Application for a two-year extension to expire on March 26, 2022 is granted subject to the identical conditions contained in the original site plan approval issued on March 26, 2018 (a copy of which is attached herein) and the following general conditions.

I. **General Conditions**

(a) **Prerequisites to Signing Site Plan:** The following conditions must be met before the Planning Board Chair may sign the approved Site Plan (“Final Site Plan”):

- i. The Planning Board’s approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans.
- ii. If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Village Engineer, they shall also be considered “Approved Plans.”
- iii. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.

- (b) Force and Effect: No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) the Final Site Plan is signed by the chair of the Planning Board and (3) the Final Site Plan signed by the Planning Board Chair has been filed with the Village Clerk
- (c) Field Changes: In the event the Village Engineer/Building Inspector agrees that, as a result of conditions in the field, field changes are necessary to complete the work authorized by the Approved Plans and deems such changes to be minor, the Village Engineer/Building Inspector may, allow such changes, subject to any applicable amendment to the approved building permit(s). If not deemed minor, any deviation from or change in the Approved Plans shall require application to the Planning Board for amendment of this approval. In all cases, amended plans shall be submitted to reflect approved field changes.
- (d) ARB Review: No construction may take place and a building permit may not be issued until Applicant has obtained approval from the Board of Architectural Review as required in accordance with applicable provisions of the Village of Tarrytown Code.
- (e) Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule. **Failure to comply with this provision shall result in the immediate revocation of all permits** issued by the Village along with the requirement to reapply (including the payment of application fees) for all such permits, the removal of all work performed and restoration to its original condition of any portion of the site disturbed and such other and additional civil and criminal penalties as the courts may impose.

Mr. Tedesco moved, seconded by Mr. Aukland, to approve this application. All in favor. Motion carried.

NEW PUBLIC HEARING – Artis Senior Living, LLC – 153 White Plains Road

Chairman Friedlander read the public hearing notice into the record:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on **Monday, January 27, 2020, at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear an application by:

Artis Senior Living  
 1651 Old Meadow Road- Ste 100  
 McClean, VA 22102

for site plan approval for the construction of a 64-bed Alzheimer/Dementia Care Facility.

The property is located at 153 White Plains Road in the Village of Tarrytown and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.201, Block 121, Lot 5.12 and is located in the OB Zone.

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

Additional approvals will be required by the Zoning Board of Appeals, the Architectural Review Board and the Board of Trustees.

By Order of the Planning Board

Lizabeth Meszaros  
Secretary to the Planning Board

DATED: January 17, 2020

The mailing receipts were received and the signs were posted.

Don Walsh, of Development Strategies, White Plains, NY, a planning and consulting firm for Crescent Associates, owner of 153-155 White Plains Road, appeared before the Board on behalf of the applicant, Artis Senior Living. He introduced the project engineer, Rich Williams. Mr. Walsh presented a brief history of the site which is behind the Transfiguration Church, south of the Hitachi Building. Crescent Associates approached the village with the construction of an Alzheimer/Dementia care facility which would have a low impact use with regard to parking and traffic, but a significant positive impact on the tax base and at the same time provide the much needed senior care in the area. He pointed to the site plan and described a 64-bed memory care facility which is e-shaped in order to provide for garden areas which is important for the residents. Mr. Walsh said that they have been working with this Board for 18 months to effectuate a plan that would contribute to the village and be of value to the senior community. This required an amendment to the zoning code which has been approved by the Board of Trustees. They have returned for site plan review and will be working with this Board to address the comments on the site plan that was looked at from the environmental perspective so that they can move forward to an acceptable site plan and building permit stage.

He introduced Rich Williams, P.E., the project engineer, who will go over the plans and he expects that comments will be made from the public with regard to landscaping reports, sustainability over the next couple of months. There is an exhaustive record available in the village should the public wish to view, along with the current filings.

Rich Williams, PE, of Insite Engineering, appeared to describe the site plan. He noted that this is the first time they are before this Board since the findings statement was adopted. He referred to Mr. Galvin's memo of November 11, 2019 summarizing items which needed to be detailed on the site plan. He noted that there are additional items that have not been addressed but will be as they go through the site plan process.

He walked the Board through the site plan which has remained relatively unchanged since they were last before this Board. The site borders Martling Avenue is to the North, White Plains Road to the south and the Old Croton Aqueduct is the West. The access to the site is through 155 White Plains Road parcel which is owned by Crescent Associates. There is an existing access and utility easement. There will be a gated access from Martling Avenue for emergency use only. He showed the two parking lots to the east and south of the building. With regard to stormwater treatment and green infrastructure practices, he showed the parking lots which are made of permeable asphalt and a bio-retention filter which is behind the building. All runoff will pass through green infrastructure practices and flow into the micro pool detention pond before being discharged to the southwest corner where there is existing drainage that goes into and under the Old Croton Aqueduct. He showed the wetland in the southwest corner of the lot that was flagged and said that there is no activity proposed within the 150 foot buffer.

In addition, they added more details to the terraced walls in the landscaping plan. The stone pillars and walls will be preserved and notes have been added on the plan. The invasive species will be removed so they are visible. They have added details for dumpster and generator locations specific to green infrastructure practices. They have added a sidewalk connection from 155 White Plains Road that runs from the southwest corner of the building to the bus stop on 119. They are currently working with Crescent Associates and Artis to figure out how to continue the path so that a direct pedestrian connection can be made to their site. They will spend some more time working on the width and slopes required by ADA. He has no answer yet. A steep slope narrative was also submitted for the Board's review.

Dr. Friedlander asked Mr. Williams to go over the building details such as the height, size of the building, percentage of coverage and parking availability for the benefit of the public. Mr. Williams said they are proposing a 64-Bed facility within two stories. The building site coverage is just under 30% and the building footprint is just under 36,000 s.f. They will be providing 40 parking spaces. Mr. Walsh came up and added that there are 36 spaces provided for staff for a facility of this size, a parking analysis was submitted and was based on the other facilities currently in operation. Dr. Friedlander asked about the size of the rooms. Mr. Walsh advised that they are required to be licensed by New York State and the room sizes, emergency plan for evacuation will all need NYS approval.

Mr. Williams said the units are split between the floors. Further information will be provided with regard to the staffing which is split in shifts. Mr. Williams will provide the Board with a summary which was documented in the FSEIS. They are also required to meet Westchester County requirements for the required medical staffing. Mr. Galvin asked that they provide this information in detail.

Dr. Friedlander asked about any affordable units. Mr. Walsh said that in order to make the units affordable there has to be a statewide process which does not exist in New York State. New Jersey does have a program in place and the Artis facility does participate in it. Mr. Williams commented that it is a very involved process and this

information is documented in detail in the FSEIS. Dr. Friedlander asked for a copy of the law. Mr. Walsh said if legislation was passed, Artis would look into participating.

Ms. Raiselis asked about the pedestrian access from 119 to the building, which was brought up by the county and also discussed at the work session. Ms. Raiselis would like a solution to this issue. It is not pleasant walking up there. She would like them to do their due diligence and make it happen and make sure the crosswalk is safe. Mr. Williams said they are evaluating it and looking for a solution. Mr. Walsh said that Crescent Associates is also working with Artis to come up with a resolution. On average 14 to 16 walkers go into 155 each day; they are not sure about this site yet. They recognize the importance of the sidewalk and that it needs to be pedestrian safe.

Ms. Raiselis asked about the area west of the building and the retaining walls most of which appears to be wooded and there are not many trees that are coming down. She would like the applicant to think about populating the area with the same naturalized trees so that the nature of what is there now is not completely gone. Mr. Williams said they will look into this. Mr. Walsh noted that from the historical perspective, they will be doing vine work on the stone walls. Mr. Aukland would also like the building to be screened with trees from the surrounding areas as much as practical.

Ms. Raiselis asked about renewables. Mr. Williams will be providing this information in soon.

Ms. Lawrence asked about the emergency access from Martling Avenue. Mr. Williams pointed to the location on the site plan which is just east of the Hitachi driveway. Ms. Lawrence asked if the Fire Department felt that this is the best access. Mr. Walsh said that because of the grade they thought it was the easiest area to get a truck into. All emergency people will use a FOB key for access. All three fire chief cars would also use this access. The blue fire truck (Quint) will always come in through 155 since it is too big and even a ladder would still have to go through the 155 entrance. Empress would probably come through 155 also, but TVAC will use the emergency access. They are working will everyone involved to come to the best solution.

Mr. Tedesco moved, seconded by Mr. Aukland, that \$10,000 be added to the current escrow account and be replenished as necessary during the site plan review process. All in favor. Motion carried.

Chairman Friedlander asked if anyone in the Public would like to speak.

Ms. Ginny Hayes, Property Sr. Manager, of the Hitachi building, expressed her concern about the proposed egress which is directly across from the Hitachi 2<sup>nd</sup> parking lot. Cars cut through the parking lot all the time. She is concerned about traffic congestion in this area. She is also concerned about the safety of children with the stormwater detention basin nearby and suggested fencing.

Mr. Tedesco moved, seconded by Mr. Aukland, to continue the Public Hearing. All in favor. Motion carried.

NEW PUBLIC HEARING – Lee Balter, 112 Wilson Park Drive

Chairman Friedlander read the public hearing notice into the record:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, January 27, 2020, at **7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Lee Balter (Contract Vendee)  
700 South Ocean Blvd  
Boca Raton, FL 33432

for the construction of a single family home. The property is located at 112 Wilson Park Drive and is shown on the tax maps of the Village of Tarrytown as Sheet 1.50, Block 20 Lot 60.2 and in the R 60 Zone.

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

Additional approval will be required by the Architectural Review Board.

By Order of the Planning Board

Lizabeth Meszaros  
Secretary to the Planning Board

DATED: January 17, 2020

The mailing receipts were received and the signs were posted.

Bill Balter, appeared with his father, Lee Balter, who recently closed on the property at 112 Wilson Park Drive. He advised that this lot received site plan approval for a Toll Brother's home, but they have changed the plan and will not be building a Toll home. He introduced the project architect, Juergen Riehm, FAIA, BDA and Rich Williams, P.E., the project engineer, of Insite Engineering, also present.

Bill Balter advised that they have made additional revisions and have updated the site plan based upon the landscape report and comments that they heard at the work session. Rich Williams, of Insite Engineering, will go through the site plan and the changes after Mr. Riehm, the architect presents.

Mr. Riehm presented his plan which showed the house cited further to the north and west, keeping within the setbacks, so that it is further recessed from the street which will

also provide for a better landscaping. He showed the home which is 2 levels. The main floor footprint is 49 ft. x 49 ft. with one bedroom, an entry way to a great room in the center, a kitchen towards the north, and a sleeping area towards the south. The lower level will be half of the main floor level consisting of guest quarters with 2 bedrooms, support rooms for mechanical equipment, and a living and dining area on this level. The elevations of the house and garage show that the house nestles into the natural landscape. The windows with the most exposure will face the east. He showed a sketch rendition of a view from the road looking north and the neighbor's existing home. As requested by the Board, he also showed a view looking at the home from the trail and indicated that you will not see the structure from the trail since it is further to the north and there are trees. Ms. Raiselis commented that you will not see house from Wilson Park Drive at all.

Rich Williams, PE, of Insite Engineering, presented the site plan. With regard to a stormwater plan, there will be two (2) underground infiltration systems and two (2) rain gardens. It is the same plan as proposed in the last approval. There is 1,300 s.f. less impervious surface than before. Ms. Raiselis asked to just speak about this site plan. Mr. Williams said these were just points of reference. They will be connecting to the public water supply and will be on public sewer. It is a low pressure sewer system and E-1 pump will be used to go out onto the main onto Wilson Park Drive.

Mr. Williams advised the Board that a few changes have been made since the first submission. With regard to the landscape report, there were 11 trees removed from this property prior to their involvement with the project. In the current plan proposed, they will be keeping the 28" Hickory and are proposing to remove three trees: a 12" Apple, a 16" Apple and a 24" Oak.

Ms. Raiselis commented that at the previous site plan, the 24" Oak was deemed in pretty good shape. She asked Mr. Williams why it had to come down.

Mr. Williams referred to the diversion swale which was intended to take the runoff from the neighbor's property that flows from west to east and direct it around the site. With the grading from the swale and the grading from the garage and driveway they feel that the tree roots will be damaged and the tree will not be able to be saved.

Ms. Raiselis asked if they can design the diversion swale around this tree. When you go down the driveway, this is the first tree you see and it is one of the best, with not many of them left. She asked Mr. Tedesco to weigh in on this. Mr. Tedesco said that he is a member of the Tree Commission and the arborist will visit the tree and comment on its health. The arborist, Peter Bartlett, also has risk management certification for trees and he will be able to send a report to both the landscape architect and the tree commission. The tree commission would very strongly want to save this tree so please see what can be done to save the tree.

Mr. Pennella wanted to offer some history with regard to the reason for the swale. Mr. Pennella said the swale was there to protect the tree and it certainly can change and it is possible to protect it.

Mr. Birgy asked why most of the runoff is retained on the site. Mr. Pennella said the reason for the swale was to get the grading to work and divert the water from the house. Mr. Birgy asked about the spring water and if it will be piped. Mr. Pennella said when they built the wall, there were openings at the bottom to allow water to seep through naturally to the other side. There are no plans to pipe it as it is not necessary.

Bill Balter said between now and the work session, they will try to protect the Oak tree, the garage is near and they do not want to affect it. Mr. Birgy asked if the house could be moved to accommodate the tree. Mr. Williams hears the Board's concern and they will look at the Oak tree again.

Ms. Raiselis asked about energy efficiency since there is still an existing gas moratorium.

Bill Balter said the house will be energy efficient. They are not sure of the energy source as of yet. It will be a LEED house. It has a green roof. His guess is that they will probably do solar since they have a flat roof. Ms. Raiselis encourages the reduction of fossil fuels. Mr. Balter agreed.

Bill Balter said his dad is really excited about building this house which has been designed for this lot. Ms. Raiselis said it is nice to see a house cited nicely with the topography.

Mr. Tedesco is pleased about the permeable pavers. There will be a 10 foot asphalt separation to protect the pavers. Mr. Williams said this was recommended by the village landscape consultant. Mr. Pennella said with the runoff you want to have something more solid but if you want to do the permeable pavers he has no objection. Ms. Raiselis said as long as the stormwater works, why put the asphalt down. Bill Balter said he will explore this.

Ms. Raiselis asked if the landscape plan reflects the trees they are planting. She sees a line of evergreens but not a huge amount of trees. Mr. Williams said they are planting 20 trees; they will have orchard gardens as well.

Mr. Birgy said it might be good to plug into the Wilson park planting plan. The secretary will look to see if there is information that can be provided.

Dr. Friedlander asked if anyone in the public would like to speak.

Francesca Spinner, of Wilson Park Drive, came up and said that she is pleased that Toll Brothers is not building the house. She would ask that the new homeowner not use chemicals for landscaping. She sees a lot of property signs in the area indicating that pesticide has been sprayed. She is concerned about these chemicals getting into the lakes as well. Mr. Balter said he will certainly take this matter into consideration. Mr. Pennella noted that there is a condition in the approval on the Toll homes that they do

not use non-phosphorus based chemicals. Ms. Spinner will work with the Building Department to look into the possible use of these chemicals on the Toll Properties.

Mr. Tedesco moved, seconded by Mr. Aukland, to declare this a Type II Action with no further environmental review required under SEQRA. All in Favor. Motion carried.

Mr. Tedesco moved, seconded by Ms. Raiselis, to continue the Public Hearing. All in favor. Motion carried.

ADJOURNMENT

Mr. Tedesco moved, seconded by Aukland, to adjourn at 8:40 p.m. All in favor. Motion carried.

Liz Meszaros- Secretary