Minutes of December 16, 2014 Date Approved <u>March 17, 2015</u> Date Filed/Village Clerk____

December 16, 2014 TUCKAHOE PLANNING BOARD TUCKAHOE VILLAGE HALL Regular Meeting – 7:30pm

Present:	Chairperson Commissioner Commissioner Commissioner Commissioner	Antonio Leo Ann Marie Ciaramella Raymond Nerenberg Melba Caliano Clare Gorman
Absent:	Commissioner	Eric Fang
Also in Atten	dance:	
	Gary Gjertsen	Village Attorney
	Bill Williams	Building Inspector

Item #3 109 Marbledale Rd. Site Plan for Hotel and Restaurant

Chairman Leo announced that this was not a formal presentation, as the applicant has not yet submitted a complete application. This was an information gathering session for both the Board members and the public. The applicant is open to hearing any concerns the Board members and public have regarding the plans for a Marriott Spring Hill Hotel and Restaurant.

Mr. Gary Warshauer, architect for the applicant, stated that this was an application for a 5 story, 163 room, Marriott Spring Hill Hotel to be built on the former quarry site.

The main access to the site would be on Marbledale Rd. and an egress on Marbledale Rd. for the restaurant. There will be a pedestrian sidewalk from the hotel lobby to the restaurant. There were a few revisions to the original design:

Redesign of the restaurant – in the process of redesigning the plans to move the restaurant closer to the street and eliminate the parking in front.

Eliminate the south driveway – the south driveway was needed for truck deliveries, but the applicant has agreed to limit the delivery trucks to 30ft. size to eliminate the need for the driveway. This elimination of the south driveway will also minimize excavation and allow the applicant to put in a pedestrian sidewalk in the right of way to Main St.

Construct a new sidewalk at property frontage and improve the existing sidewalk.

The landscaping in the parking area will be linear nature, which will break up the parking lot. Shared parking analysis will be performed.

The five-story hotel will have a one-story at the entrance lobby and one-story in the rear for the pool.

The lobby level will consist of an area for a front desk, lounge, buffet area for continental breakfast, office area, small business center, small meeting room and laundry area as all laundry will be done on site.

There will be no mechanical equipment on the roof. It will be a green roof with solar panels. The second to fifth floors will be typical guest floors.

This will be a Marriott Spring Hill Prototype design. The front elevation will be stucco material with a porte cochere.

There will be low walls for sitting areas, stonework, metal railings, trellis and outdoor patio. The signage would be backlit and located on the front and side elevation. The sign on the end of the building may or may not be backlit.

The restaurant plans are in the process of being redesigned.

Mr. Tony Castillo, Consulting Engineer for Landscaping and Lighting Elements, noted that the grading of the property would match existing elevations. There will be minimum excavation. The applicant will propose a drainage system to allow storm water to flow, be captured and channeled to runoff into 4 separate areas. The captured water will slowly be released into the manholes.

He will be in contact with United Water. There should be no issues concerning capacity.

Landscaping-

The applicant will buffer the western side where the slope is located, with pine trees, dogwoods and arborvitae.

Front of hotel - evergreen hedge and dogwood trees.

Front of the restaurant - existing maple trees, additional dogwoods trees and evergreen hedges. Along Marbledale Rd.- deciduous and flowering trees.

Lighting-

LED area floodlights 20 ft. high. The applicant's goal is to reach zero light spillage. Along the front, some light spillage. Guest will come from parking lot area and light will spill onto the parking lot. Well mounted lights and under canopy.

Mr. Matthew Carmody, Traffic Study Consultant, noted that he conducted traffic counts, 3 on Marbledale Rd. and 4 on Winterhill Rd. He computed the existing condition as Level C or better. With future conditions, without the project, there would be a 3% growth rate, still a Level C.

Future projections with two land uses, a hotel and restaurant, an increase off site at 4 intersections would increase no more than 3 seconds per vehicle delay. There should be no significant impact. There will be, however, a 10% increase of traffic internally within the site.

The parking analysis shows that the previous number of parking spaces will be able to handle the demand. The Village Code allows up to 15% shared parking and the applicant will respond to this. The area will be landscaped and paved if the parking spaces are needed.

Mr. Carmody stated that the traffic peak for a hotel would be between 7 and 8pm and 8 - 9am with local morning traffic. He will review the traffic study done by the Village Consultant.

Mr. Bill Canavan, Hydro Environmental Solutions, Inc., stated that this site qualifies for a Brownfield program. The Brownfield program is set up to remediate and restore contaminated fields such as this quarry.

Phase I – identifies the site as a Brownfield - an auto repair on site and the old quarry is filled with unknown debris.

Phase II identifies the impacts and releases of gases and urban chemicals. This process consists of 30 borings on the property site. Three converted to monitor the well, which allows to continue to monitor the site.

He submitted the application to Albany to be considered a Brownfield property.

DEC approved.

An action plan must be developed to deal with soil, vapor and ground water, which the DEC must approve.

This is a three-step process - Remedial investigation, brainstorm and remedial action plan.

After every major component, which the DEC approves, the public can check out all the details at the local Crestwood Library.

Commissioner Caliano asked what steps are taken if the DEC finds that the Remedial Action Plan is not enough.

Mr. Canavan noted that there are several levels of compliance, Track 1 to Track 4. We would have to confirm to DEC, which track. Nothing will be approved until the DEC is convinced there are no health issues.

Commissioner Caliano asked if the applicant would clean the soil.

Mr. Canavan stated that the DEC has final say. If at the endpoint there were a possibility of seepage, we would continue the cleanup process. All will depend on the applicant and the financial feasibility. Some areas may just be capped and not developed. The results of the tests will dictate the cleanup

There will be trucks on site, a drill rig, and drillers and will stay on the site from 8am to 5pm for approximately one month.

Chairman Leo asked if the borings were enough, and if they were in the correct places for a proper reading.

Mr. Canavan noted that he would submit boring locations with the building superimposed to see the boring locations.

Commissioner Caliano asked whose decision is it to cap the sections of the property. Mr. Canavan stated that the he would propose and DEC will review. Capping is permitted for certain compounds.

Chairman Leo noted that the Board needs to learn a lot more.

Chairman Leo announced that this meeting tonight was for educational and informational purposes. The applicant has not submitted a complete application. This is not a formal public hearing.

The applicant is open to hear concerns from the public.

Members of the public spoke regarding several concerns:

- Disturbing the soil and contaminates
- increase in traffic
- decrease in property value of the nearby homes
- if a traffic count could be done between Marble Place and Marbledale Rd.
- parking
- too many trucks
- could this site possibly be the cause of a cancer cluster
- excavation cause cracks in foundations of nearby homes
- provide jobs in the community
- increase in crime rate
- safety issues
- sidewalk necessary throughout Marbledale Rd.
- take into consideration the existing small businesses
- location of hotel employee parking
- storm water runoff to road, black ice will be an issue.
- signage down lit or up lit, not backlit
- contractors should park on site, not on street
- shared parking is not shared with public, misleading
- trucks carrying contaminated soil, covered?
- wash trucks before leaving site
- depth of property excavated for sewer line etc.
- more boring samples need to be done closer to the hotel site and restaurant site
- Village website should have portal to the DEC info.

Chairman Leo asked if Mr. Canavan could check with the DEC to extend the time to review the plans on line and in the library.

Mr. Canavan continued stating that the community air monitoring process was approved by the DEC, which set up weather stations to test gas in the air. There is a built-in alarm to go off and operations will cease when gas is detected.

Residents asked if the local businesses are informed when the alarm goes off to close their windows etc.

He added that the residents all have valid questions. All concerns are addressed in the report.

While drilling is done on site, the dust will be continuously monitored and logged. Will monitor for a spectrum of contaminates.

Chairman Leo thanked the applicant and residents. The applicant will make a formal application in the next month or so. He will open the public hearing for public comments at that time. Hopefully all the concerns will be addressed. Please submit letters of concern to the Building Dept. if unable to attend the meetings.

Gary Gjertsen, Village Attorney, noted that once the Planning Board deems the application complete, then the public comments would be part of the record. This was as informal give and take.

Frank Fish, Village Consultant, noted that the applicant would submit an EAF, Environmental Review Form. The Planning Board will be lead agency for the Environmental Review Process. Then the Village will notify the DEC and Dept. of Health that this application is before the Planning Board. The second part of the EAF, the Board gets feedback from the DEC as the DEC monitors the process.

Chairman Leo offered the following Resolution:

RESOLUTION DESIGNATING THE TUCKAHOE VILLAGE PLANNING BOARD AS LEAD AGENCY UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR THE SITE PLAN APPROVAL OF THE MARRIOT SPRINHILL SUITES. WHEREAS, the Tuckahoe Village Planning Board received an application for a site plan approval from Bilwin Development Affiliates, LLC on November 21, 2014. WHEREAS, the "Proposed Action" is the approval of a site plan for a 5-story, 163 room hotel, and a 1-story 6,400 square foot restaurant located at 107-125 Marbledale Road in the Village of Tuckahoe, NY. 208 on-site parking spaces will serve both buildings. A location map is attached.

WHEREAS, the approval of the Proposed Action is classified as an Unlisted Action under Part 617 of the State Environmental Quality Review Act ("SEQR"); and WHEREAS, under Tuckahoe Village law, the Planning Board is the only entity that can grant site plan approval.

NOW, THEREFORE, BE IT RESOLVED, THAT:

1. The Tuckahoe Village Planning Board hereby declares itself as Lead Agency to coordinate the environmental review of the proposed action.

2. The Tuckahoe Village Planning Board directs that the proposed action be forwarded to the following involved and interested parties for review and comment pursuant to NYS Municipal Law. **Involved Agencies:**

New York State Department of Environmental Conservation 625 Broadway Albany, New York 12233-7011 Robert W. Schick, P.E.

New York State Department of Health Corning Tower, Empire State Plaza, Albany, NY 12237 Nathan Graber, Director of Environmental Health T. 518.402.7500

Westchester County Industrial Development Agency Room 903, Michaelian Office Building 148 Martine Avenue White Plains, NY 10601 T. 914-995-2963 Jim Coleman, Executive Director

Interested Agencies:

Town of Eastchester Planning and Building Department Town Hall 40 Mill Road Eastchester, NY 10709 Margaret H. Uhle T. 914.771.3317

Westchester County Department of Planning 148 Martine Avenue, Room 432 White Plains, NY 10601-4704 Edward Buroughs T. 914.995.4400

This resolution shall take effect immediately.

Commissioner Caliano seconded the motion and upon roll call, was carried with a vote of 5-0.

January 20, 2015 - Planning Board Meeting Cancelled

February 24, 2015 – Planning Board Meeting Cancelled

Minutes of March 17, 2015 Date Approved <u>Apr. 21, 2015</u> Date Filed/Village Clerk____

March 17, 2015 TUCKAHOE PLANNING BOARD TUCKAHOE VILLAGE HALL Regular Meeting – 7:30pm

Present:	Chairperson	Antonio Leo
	Commissioner	Ann Marie Ciaramella
	Commissioner	Raymond Nerenberg
	Commissioner	Melba Caliano
	Commissioner	Clare Gorman
	Commissioner	Eric Fang – Ad Hoc

Also in Attendance:

Gary Gjertsen	
Bill Williams	
Noah Levine	
Jim Pinto	

Village Attorney Building Inspector Village Consultant Village Consultant

Item #4 109 Marbledale Rd. Site Plan for Hotel and Restaurant

Chairman Leo announced that this was not a formal presentation, as the applicant has not yet submitted a complete application. This was an information gathering session for both the Board members and the public. The applicant is open to hearing any concerns the Board members and public have regarding the plans for a Marriott Spring Hill Hotel and Restaurant.

Mr. Vincent Melluse, architect for the applicant, stated that this was an application for a 5 story, 163 room, Marriott Spring Hill Hotel to be built on the former quarry site.

The few revisions made are the following: Eliminated the driveway on the south end of property Delivery trucks will be 30ft. and smaller Increased landscaping along site Restoring sidewalk and street trees Redesign restaurant The restaurant plans will be submitted when complete. The following is a preliminary plan: Basic floor plan - Dining area and outdoor patio Fabric awnings over patio with accent awnings on side Removal of driveway and sidewalks on site Landscapes and sidewalks will be new Set restaurant back from the street

Mr. Melluse noted that there is no tenant for the restaurant as of yet. The plans are generic. If the prospective tenant would like changes, that would have to be discussed. At the time construction begins, there may be a tenant and therefore the plans may be tweaked to fit their specifications.

Mr. Tony Castillo, Consulting Engineer for Landscaping and Lighting Elements, stated that the revised plans made modifications to the grading and eliminated the southernmost driveway. This grading change will raise the building by 3ft.

Mr. Pinto asked the applicant to submit calculations of the height of the building in relation to the center of the road. The maximum height in the Zoning Code is 56ft. He asked the applicant to include a section of the hotel and compare to the slope as well as the center of the road.

Mr. Castillo reviewed the drainage system, which will allow storm water to flow, be captured and channeled to runoff into 4 separate areas. The captured water will slowly be released into the manholes.

Mr. Pinto added that his consulting firm would review the runoff system proposed. There should be 0% increase in runoff. Westchester County and Dolph Rotfeld Engineering PC should receive both sets of plans and calculations to be reviewed.

Mr. Pinto continued and summarized his recent memo to the Board.

-He noted that the demolition plans must be approved by Bill Williams.

-During the removal of the trees on the rear slope the applicant should keep the tree stumps on the slope until the drainage proves to be sound. The tree stumps will prevent mudslides.

-The dumpster site should have access to water so that the area could be washed down periodically.

-The sidewalks must be 5ft. wide not 4ft. with a curb made of stone, not concrete. --Repair sidewalks to Village standards.

-Chain-link fence eliminated

-Sidewalk interrupted, must be looked at.

-The proposed pool must be submitted to the Westchester County Dept. of Health for approval.

Commissioner Fang asked about the parking.

Mr. Castillo noted 208 spaces – 163 for Hotel and 45 for Restaurant.

Mr. Matthew Carmody, Traffic Study Consultant, noted that he conducted traffic counts and determined that the peak hours of operation for hotel and restaurant were 8:00am – 9:00am in the mornings and 5:00pm -6:00pm for hotel and 7:00pm - 8:00pm for the restaurant in the evenings. Saturday hours differ with hotel and restaurant at 8:00pm – 9:00pm and local traffic was at its peak during 12:00pm and 1:00pm.

The shared parking analysis used projections of 90% occupancy at hotel with the restaurant doing very well indicates that shared parking overlaps at 85%, which would require 210 spaces. Mr. Carmody stated that the Planning Board and Village Consultant revised the shared parking to be 50%, which would reduce the spaces needed to 180 – 190, which is less than Zoning Code requires.

Mr. Williams stated that the Zoning Board left the parking plans to be approved by the Planning Board.

Commissioner Fang asked if the proximity to the railroad station was used in the calculations. Patrons could take the railroad to the hotel and would not need a parking spot.

Mr. Carmody said that is a possibility, but he did not use that in his calculations as he did not want to underestimate the parking.

Commissioner Fang noted that the look of a big parking lot, with a dominance of asphalt is an issue. He asked the applicant to review plans and find parking that is less than 208 spaces and more than 150.

Mr. Carmody noted that he studied the traffic signals at Depot Square. He determined that the approaches there are congested. He advised the Board to consider phasing the traffic signal differently, which would make the signal more efficient. The signal could eliminate the pedestrian phase, which would lower the timing as the pedestrians do not want to wait 3 minutes to cross.

He suggested curb extensions so the walk across the street would be shortened.

Mr. Bill Canavan, Hydro Environmental Solutions, Inc. stated that he was responsible for taking this application through the Brownfield program. The Brownfield program is set up to remediate and restore contaminated fields such as this quarry.

He noted that the process has started as of February 25, 2015. There were 9 field days with 10 borings and 4 wells. There will be another month of fieldwork. Once the snow melts, his team will collect soil samples, vapor point analysis and measure ground water levels. Every three to four weeks a summary of the findings is reported. Once a site plan and plan of action is designed, a report the size of a phonebook will be put together which will summarize all the findings. Once the DEC and Dept. of Health approves the plan, there will be time for public comments. He noted that this application is approximately 30% through the Brownfield process. Expect drilling during the next two weeks.

Mr. Canavan noted that the borings range from 8ft. to 43 ft. There are three borings at 40ft. and most at the 25 - 30 ft. range. All borings are logged in the report. The DEC and the Dept. of Health manager has been to the site twice.

Mr. Pinto, Village Consultant, requested that the weekly updates sent to the various agencies be forwarded to Bill Williams.

Mr. Canavan agreed.

Chairman Leo announced that this meeting tonight was for educational and informational purposes. The applicant has not submitted a complete application. This is not a formal public hearing.

The applicant is open to hear concerns from the public.

Members of the public spoke regarding several concerns:

Mr. Jerome Griffins 10 Marble Place voiced his concerns regarding the traffic study excluding the Marble Place intersection. The traffic will cut through Marble Place once the hotel is built. The fumes and steady traffic is a safety issue for the residents. He asked if the hotel would lower his property value.

Vladimir Zolotter, owner of Ki Marshal Arts, located next door to the proposed hotel site, noted that he is representing the local business owners as well as the

patrons of his school. He is concerned about the safety. He added that he has petitioned for a sidewalk along that stretch of Marbledale for quite some time. He displayed pictures of young families with young children walking in the street on Marbledale Rd. since there are no sidewalks. That road has heavy truck traffic throughout the day. He noted that his classes have 10 to 15 children and as that group leaves the building, another 10 to 15 children arrive. It is necessary to have a safe sidewalk for the families. He asked if the applicant could provide a temporary sidewalk, made of blacktop, until the construction is completed and the new sidewalk is constructed. Mr. Zolotter noted that he spoke with DPW Commissioner Frank DiMarco and the applicant could provide the temporary sidewalk.

Rachel Zolotter, co-owner of Ki Marshal Arts, asked if the Board considered the adverse impact that the hotel would have on the emergency services of the Village and the impact on all the nearby establishments during construction. She asked if the Village needs this hotel with many hotels within 5 miles. Mrs. Zolotter cited the Master Plan for Tuckahoe where it called for the need to keep this Village with a neighborhood small-scale quality. She asked the Board to review the SEQR resolution as she considers it to have violated the requirements. She pointed out that Marbledale Rd. would lose two to four street parking spaces, which are needed. She requested a stop sign at the crosswalk near her establishment.

Rich Gerszberg voiced his concern regarding the potential loss of two to four street parking spaces. The parking is very tight on Marbledale Rd. and the loss of parking spaces will affect his business.

Noelia Ramirez noted that the safety issue and tight parking situation were concerns for her.

Mr. Canavan stated that meters will be moved around the site and placed near the building in which Ki Marshal Arts is located. There are four-meter stations and one is always between the rig and the building. If the meter goes off, the crew makes sure the dust is remediated, wet down and the job will shut down if the numbers are up. All of these precautions are in the plan. He stated that the application is in the investigation phase, once a remedial action plan is created with suggestions of excavation, capping etc. the DEC will make multiple revisions, and then it will open to public comments.

April 21, 2015 - Marriott Spring Hill Hotel - Adjourned

May 19, 2015 - Marriott Spring Hill Hotel - Adjourned

June 16, 2015 - Planning Board Meeting Cancelled

Minutes of July 21, 2015 Date Approved: Sept. 15, 2015 Date Filed/Village Clerk____

July 21, 2015 TUCKAHOE PLANNING BOARD TUCKAHOE VILLAGE HAL Regular Meeting – 7:30pm

Present:	Chairperson	Ann Marie Ciaramella
	Commissioner	Raymond Nerenberg
	Commissioner	Melba Caliano
	Commissioner	Clare Gorman
	Commissioner	David Barra

Absent: Commissioner Eric Fang – Ad Hoc

Also in Attendance:

Gary Gjertsen	Village Attorney
Bill Williams	Building Inspector
Frank Fish	Village Consultant
Jim Pinto	Village Consultant

Item #3 109 Marbledale Road

Return

Gary Warshauer, architect for the applicant, noted that there were not any major changes to the proposals since January. The Marriott Springhill Suites and Restaurant application is still going through the Brownfield process. It will have 163 rooms and a 6400 sq. ft. restaurant. Access to the hotel will be via Marbledale Rd. with a single curb cut. The restaurant will have a full service curb cut.

The first floor of the hotel will have a lobby, lounge, breakfast area, indoor pool and great rooms. The floors above will be all guest rooms.

There will be new landscaping, new sidewalk with a pedestrian connection from the hotel to the restaurant. The restaurant will have a new sidewalk to Marbledale Rd.

The colors of the hotel will be consistent with the prototype; stucco material with brown, beige and blue colors.

The restaurant will be stucco to match the hotel, awnings, a metal roof and an outdoor terrace.

Mr. Warshauer noted that there would be a zero increase in the rate of water runoff. Any additional run off from newly paved areas will be retained and released slowly.

Bill Canavan, Certified Professional Geologist, is responsible for taking the site through the Brownfield process. He noted that the Remedial Investigative Phase is completed. The site was tested from February through May with soil samples and vapor samples tested throughout the site. All the results are compiled and placed in the Tuckahoe library for residents to review.

The soil had remnants of auto parts, mattress parts, glass, cinders, ash and construction debris.

The top two inches of soil will need to be managed either by capping or managed when excavated off the site. The plan must follow an air-monitoring plan. An air-monitoring plan protects people working on the site and those off site. This plan must be approved by the DEC. If an alarm goes off indicating there is dust airborne, the process must be stopped and reported to the DEC. Steps must be followed such as spraying water to keep dust from travelling away from the site.

The subsurface soils which are between 1 - 85 ft. below grade level must be dealt with by capping or offsite disposal. The remedial plan must be approved by the DEC. The plan will include provisions for soil vapor which will have pipes like a radon system. The DOH and DEC must approve the remedial plans for all.

Mr. Canavan stated that this is not a clean site, but the data indicates that there are no significant risks.

Mr. Canavan continued and stated that the Remedial Action Plan must be approved by the DEC and DOH. This process takes time as they may have questions that need to be clarified. They may want sections capped rather than moved.

Commissioner Nerenberg asked if the plan to place a hotel on this site is an improvement to the site.

Mr. Canavan noted that capping some of the site with 6 in. of blacktop and developing the site is a huge improvement to the vacant lot with high weeds.

He added that a Brownfield site must be monitored at all times. The DEC and DOH may make unannounced visits to check the process.

Jim Pinto, Village Consultant, added that the DEC reviews the Remedial Action Plan and either approves it, or revises the activity. The site will be under the guidelines of the approved Remedial Action Plan.

Frank Fish, Village Consultant, noted that this application is not a complete application. The DEC and Westchester County Planning Board has agreed that the Tuckahoe Planning Board should be lead agency for this application. The following options must be considered for the determination of significance:

A Negative Declaration which is not applicable

A Conditional Negative Declaration CND, which is a Negative Declaration with conditions. The applicant must meet all the requirements set forth by the DEC A Full Environmental Impact Statement EIS is a positive declaration and the Planning Board reviews all the DEC findings and incorporates its own findings.

Mr. Fish noted that the DEC will have final say over the process. The potential liability would be with the DEC if a CND is chosen. When conditions are met, it automatically is a negative declaration. The applicant does not have a complete application until the SEQR is satisfied. The public has access to all the information from the DEC in the library.

Mr. Pinto advised the Board to hire an outside environmental engineer to walk the Board through the DEC findings to educate the Board.

Commissioner Gorman asked if the DOH would be included and the site must meet all of their conditions as well.

Mr. Fish noted that the DEC and DOH are very involved agencies that are very strict and are experts with this subject. The DEC must approve the plan, so therefore, the liability rests with the DEC experts. If traffic were a concern, the Planning Board would do its own EIS. Since this site has potential hazardous materials as a concern, and not traffic, the Planning Board can leave it to the DEC to oversee.

Mr. Fish agreed with Mr. Pinto and indicated that the Village Board could hire an outside engineering consultant to mitigate and explain the DEC findings, or the applicant could pay into an escrow account.

Gary Gjertsen, Village Attorney, noted that he would review previous resolutions to see if an outside consultant was paid for by the applicant.

Commissioner Caliano voiced her concerns regarding the SEQR process. She noted that she would prefer an EIS and is not comfortable with a CND. She added that this particular site warrants a Full EIS.

Mr. Rocco Salerno, attorney for the applicant, asked if the Board could begin the clock today and the residents can review the material over the summer months. In September, the Board can deny the CND. By starting the clock now, it will give the public the opportunity to speak.

Mr. Gjertsen added that the DEC, DOH, and outside professional environmental engineer will have to all sign off on the Remedial Action Plan.

Commissioner Caliano asked if the Board could transition from a CND to a Full EIS if there are concerns.

Mr. Fish said yes, the Board could change it from a CND to a Full EIS.

Commissioner Nerenberg added that even if the Planning Board has suggestions, the DEC and DOH have the last word and they make the final determination.

Mr. Pinto added that the DEC will spell out the Remedial Action Plan guidelines, but there are ongoing systems that will need to be monitored and maintained by Marriott. The DEC does not follow up on a long-term basis. He stressed the importance of hiring an outside environmental engineer to secure the long-term follow-up routines.

Chairwoman Ciaramella motioned to publish the proposed Conditional Negative Declaration (CND) to allow the public to comment until September 14, 2015 unless otherwise extended. If the CND is approved on Sept. 15, 2015, the Board could possibly open the public hearing.

Commissioner Nerenberg seconded the motion and was carried with a vote of 5 - 0.

Joe Marrinello, resident, was quite upset and asked Chairwoman Ciaramella to be heard. He thanked Mr. Pinto for recommending an outside environmental engineer. He thanked Commissioner Caliano for voicing her concern regarding the need for a Full EIS. He stated that he does not have confidence in the experts. He is very concerned about the contaminants and stated that many people died from respiratory issues due to this quarry. He asked the Board not to hurry this process. The traffic is already heavy. He recommended waiting until the other big projects in the Village have been completed before adding a new one. He added that the developer should pay for the outside consultants if he wants to develop this site; the taxpayers should not pay for the consultant.

Minutes of Sept. 15, 2015 Date Approved <u>Oct. 20, 2015</u> Date Filed/Village Clerk___

September 15, 2015 TUCKAHOE PLANNING BOARD TUCKAHOE VILLAGE HALL Regular Meeting – 7:30pm

Present:	Chairperson	Ann Marie Ciaramella
	Commissioner	Raymond Nerenberg
	Commissioner	Eric Fang
	Commissioner	Clare Gorman
	Commissioner	David Barra

Absent: Commissioner Melba Caliano

Also in Attendance:

Gary Gjertsen	Village Attorney
Bill Williams	Building Inspector
Noah Levine	Village Consultant
Jim Pinto	Village Consultant
Mike Seminara	Code Enforcement Officer

Item #4 109 Marbledale Road

Bill Canavan, Certified Professional Geologist, is responsible for taking the site through the Brownfield process. He noted that all the documents pertaining to this site are located in the library for residents to review. The Remedial Action Plan needs both the NYS Health Dept. and the Department of Environmental Conservation to review and approve the work plan.

Return

Linda Shaw, Environmental Counsel for the applicant, noted that this site is still in the investigative stage.

Bill Canavan began his presentation.

8:10 Chairwoman Ciaramella motioned for a 5 minute recess.

8:14 Chairwoman resumed the meeting. Due to technical difficulties, the next applicant will present their application.

109 Marbledale will return later this evening to resume its presentation.

Item #4 109 Marbledale Rd. - Resume its presentation

Bill Canavan submitted the following summary. Slide 1 Former Marble Quarry Landfill 109-125 Marbledale Road Tuckahoe, New York NYSDEC Brownfield Cleanup Program #C360143 Remedial Investigation Summary September 2015

Slide 2

Remedial Investigation – Work Completed

- Installation of 6 additional permanent monitor wells
- Collection of 9 groundwater samples and groundwater levels
- Installation of 13 soil borings
- Collection of 25 soil samples
- Collection of 10 surface soil samples
- Installation of 18 soil vapor monitoring points
- Collection of 18 soil vapor samples

Slide 4

Site Geology/Hydrogeology

- Landfill thickness ranged from 16 to 85 feet thick within the former quarry
- Outside of the former quarry, fill is approximately 8 feet thick
- Fill is composed of cinders, ash, construction and demolition debris, glass, mattress parts, metal auto parts
- Groundwater levels are highly variable between the fill materials and the regional bedrock
- Site hydrogeology indicates groundwater flow to the south/southeast

Slide 10

 $Remedial\ Investigation\ Results-Groundwater$

- 9 groundwater samples were collected and analyzed for volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), pesticides, and polychlorinated biphenyls (PCBs) and compared to NYSDEC Ambient Water Quality Standards (AWQS)
- 5 VOCs were detected in the groundwater samples that exceeded AWQS
- Several SVOCs were detected in the majority of groundwater samples that exceeded AWQS
- Pesticides in exceedance of AWQS were detected in 5 samples

- PCBs in exceedance of AWQS were detected in 3 groundwater samples
- Groundwater depths varied from 18 to 36 ftbg on-site. Depth to groundwater in the fill material was shallower than bedrock wells.

Slide 11

Remedial Investigation Results - Surface Soil

- 10 surface soil samples were collected from the top 2-inches of soil and analyzed for VOCs, SVOCs, Metals, PCBs, and cyanide
- Only acetone (VOC) exceeded the Unrestricted Use Soil Cleanup Levels (UUSCOs)
- Multiple exceedances of SVOCs (4 locations) and metals (4 locations) were identified
- Surface soils will be managed during site development to limit exposure/contact with the low levels of contaminants.

Slide 12

- 25 subsurface soil samples were collected from 13 borings. Samples were analyzed for VOCs, SVOCs, metals, PCBs, and cyanide.
- Various VOCs exceeded UUSCOs at several boring locations. The most prevalent detection was acetone, though other VOCs were scattered across the sampling locations
- SVOCs were persistently detected at varying depths
- PCBs were detected at 4 sampling locations, the highest detection exceeded Restricted Use Soil Cleanup Objectives (RUSCOs) at TB-7 (10-12 ftbg)
- Metals were frequently detected above UUSCOs across the site, including lead and mercury

Slide 14

- 12 soil vapor samples were collected from vapor sampling points distributed across the site. The samples were analyzed for VOCs.
- Multiple soil vapor detections were observed at all 12 soil vapor points
- The highest concentrations were dichlorodifluoromethane at 107,000 mg/m3 at VP-6 and 1,2-dichlorotetrafluoroethene at 142,000 mg/m3 at VP-6.
- 6 additional soil vapor samples were installed along the eastern property boundary and sampled per NYSDEC and NYSDOH request
- Multiple soil vapor detections were observed at all 6 additional soil vapor points
- The highest concentrations were dichlorodifluoromethane as high as 173,000 mg/m3 in VP-15, 1,2-dichlorotetrafluoroethene as high as 344,000 mg/m3 in VP-15, and trichlorofluoromethane as high as 198,000 mg/m3 in VP-16

• Future development will need to take into consideration soil vapor intrusion for all proposed on-site structures.

Slide 15

Implications for Future Development

- Based on results of the Remedial Investigation, the site is developable and historic landfilling does not pose a significant risk to human health and the environment. Development will serve to cap the contaminated soils, making them less environmentally accessible.
- Remedial Action Work Plan
- Soil excavation and offsite disposal where subsurface structures and utilities are proposed. Some on-site soil/fill reuse where applicable and NYSDEC approved.
- Sub-slab depressurization and vapor mitigation under proposed structures
- Capping of soils across the site with a NYSDEC BCP-approved clean soil, asphalt, or concrete caps during site development

He added that groundwater flows from North to Southeast.

Mr. Canavan continued and stated that the Remedial Action Plan must be approved by the DEC and DOH. This process takes time as they may have questions that need to be clarified. They may want sections capped rather than moved.

This report will be sent to the DEC and DOH for review and comments. The agencies may request more information or approval to proceed.

Linda Shaw, counsel for the applicant, noted that it is very common in NYS for landfills to be in towns. The cleanup of a landfill is not excavation. To move the fill to another site is not an option, as there is no place that would want to accept the fill. Some municipalities cover the site with soil. This applicant will put asphalt over the site. The next step is for the applicant and Bill Canavan to propose a plan. The applicant is a hotel chain, so capping the site will be part of the plan. The applicant must maintain the cap, not let it crack. They must comply with the obligations. Whoever buys the property in the future must keep the regulations going.

Ms. Shaw stated that there are vapors in the fill. The process would be to create holes to allow the vapors to exit. Once the vapor hits the air, there is no issue. PVC pipes are placed in the ground with a fan, and the pipes and fans work together to pull the vapors up and out. The vapors are trapped, so they will travel the path of least resistance. This system is similar to the radon systems found at residential sites.

Soil Vapor Mitigation System

• The proposed project will cap landfill and mitigate vapors by drawing vapors away from adjacent properties

- Obligation will be included in a Site Management Plan and Environmental Easement that will run with the land and become the responsibility of all future owners and operators
- NYSDEC and NYSDOH have a guidance document with the required installation instruction requirements and the systems will be annually monitored

Commissioner Gorman asked if the pollutants were odorless.

Ms. Shaw replied yes. The land must be monitored and sampling each year. The vapor mitigation system must be check each year to see if the fans and system are working correctly. These are trapped vapors. The more oxygen that is introduced to the landfill, the better. The landfill cleans itself with oxygen.

Ms. Shaw noted that the engineer group hired by the village must monitor the system as well as the DEC.

Chairman Ciaramella asked what affect this process would have on the nearby residents.

Ms. Shaw noted that the landfill is not capped now. This development will improve the site for nearby residents. It is a proven system and used throughout the country. Mr. Canavan cited the Kings site in the village, which was a Brownfield site and under the supervision of the DEC and DOH.

Commissioner Nerenberg stated that the Kings site was more severe than this site. It is better to have the site capped.

Ms. Shaw noted that the SEQR process was not designed for testing the site. The Brownfield program is designed for cleanup of the site. The Brownfield program is for the protection of humans. Nothing will be approved that the DEC and DOH must review. Mr. Canavan stated that his firm is not hiding anything. The DEC and DOH oversee everything. There is a 45-day comment period to review the Remedial Action Plan.

Ms. Shaw noted that this program has built-in control. If the developer and owner do not comply with the regulations, they lose benefits and become liable. They must not let the caps crack and they must maintain the vapor system.

Chairwoman Ciaramella noted that an Environmental Engineer will be hired at the applicant's expense, to follow the process and inform the community.

Gary Gjertsen, Village Attorney, stated that the Village Board will appoint an engineering consultant.

Ms. Shaw asked to see the proposal and review the cost.

Noah Levine, Planning Consultant, reviewed the SEQR process. On August 8, 2015, the Planning Board voted to publish a Conditional Negative Declaration. There was a 30-day comment period. The DEC oversight and process will happen regardless if there is a Negative Declaration or a Conditional Negative Declaration.

Rocco Salerno noted that he has no objection to appoint an environmental engineer to oversee the process. He asked that the Board issue a Conditional Negative Declaration and open the public hearing in October.

Chairwoman Ciaramella announced that she would open the meeting to allow the public to comment only on the Conditional Negative Declaration, not the site plan.

Public Comments

David Gordon, attorney representing Ki Marshal Arts, noted that this is a Type 1 Action, because a CND is not permitted if the commercial floor area development is more than 100,000 sq. ft. In addition, this Board has no idea what the proposal from the DEC will require. This Board has not taken a hard look at this site and it cannot be developed until the DEC reviews the plans. A CND can only be voted on once you have a Remedial Action Plan. It is a premature basis to offload this to the DEC. This was an industrial dump. This is not a municipal dump. This site is full of contaminants and the toxic waste should be removed and carted to a toxic dump.

He noted that ground water flows from the North to the Southeast. The toxins are being washed off the site. The parking lot will just stop rainfall; it does not stop the flow underground.

Mr. Gordon continued saying that this board does not have the qualifications, hopefully the DEC does. He recommends a Positive Declaration, not a Conditional Negative Declaration and to let the DEC do its job first.

Paul Rubin, consultant from Hydro Quest, noted that whatever the remediation choice is, that will not stop the flow of groundwater. Where will the contaminates flow to? Is it safe just to cap? He stated that the Bronx River ecosystem would be affected. He asked the Board to not ignore that this is a toxic waste site.

Karen Stowe Styles, resident 4 Marble Pl., noted that there are multiple cases of autoimmune diseases in the community. These toxins have deadly consequences. She

requested that the applicant bring in larger slides so the residents can fully understand the presentation.

Edward Stowe, 4 Marble Pl., read a letter of opposition of the CND; see file. He requested that the CND be rescinded and a Full EIS be submitted.

Rachel Zolotter, owner of Ki Marshal Arts, asked why there are still rigs on the property. She also asked how many letters the Board received regarding this SEQR process.

Chairwoman Ciaramella noted that the Board received 120 letters and she read every single one.

Linda Shaw stated that there is no history of this site being an industrial landfill. There may have been illegal dumping, but there were no industrial owners. The chemicals are found in household products. This developer did not cause this contamination. If the residents want testing done on the surrounding properties, the DEC could return and do that. The capping process does stop the rainfall, but it will in turn stop pushing the contaminates off the site.

Bill Canavan noted that the drill rigs on the property are not related to the Brownfield process.

Rocco Salerno noted that the applicant wants to clean up the site. If not approved, the lot will sit there. The applicant is seeking a CND subject to the DEC and DOH and this Board's approval.

The applicant and Mr. Williams excused themselves to review plans for square footage measurements.

Item #4 109 Marbledale Rd. Resume its presentation

Mr. Williams stated that after reviewing the proposed plans for the hotel and restaurant, the total square footage measures 97,000sq. ft., which falls below the 100,000 limit.

Chairwoman Ciaramella offered the following:

RESOLUTION ADOPTING A CONDITIONED NEGATIVE DECLARATION (CND) UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR THE SITE PLAN APPROVAL OF THE MARRIOT SPRINHILL SUITES.

At a regular meeting of the Planning Board of the Village of Tuckahoe, New York (the "Planning Board") held at Village Hall, 65 Main Street, Tuckahoe, New York on September 15, 2015.

WHEREAS, the Tuckahoe Village Planning Board received an application for a site plan

approval from Bilwin Development Affiliates, LLC on November 21, 2014; WHEREAS, the "Proposed Action" is the approval of a site plan for a 5-story, 163 room hotel, and a 1-story 6,400 square foot restaurant located at 107-125 Marbledale Road in the Village of Tuckahoe, NY. 208 on-site parking spaces will serve both buildings. A location map is attached;

WHEREAS, the Tuckahoe Village Planning Board is the Lead Agency for the Proposed Action;

WHEREAS, the approval of the Proposed Action is classified as an Unlisted Action under Part 617 of the State Environmental Quality Review Act ("SEQR");

WHEREAS, the site is a brownfield site and has been approved into the Brownfield Cleanup Program (BCP) with the New York State Department of Environmental

Conservation (DEC) on April 18, 2014. In order to achieve the tax credits available through the program, DEC and the N.Y.S. Department of Health (DOH) must sign off on the potential clean-up or capping of the site; and

WHEREAS, the Planning Board published a notice of Conditioned Negative Declaration for the Proposed Action on the Environmental Notice Bulletin (ENB) on August 8, 2015 for a 30-day public comment period.

NOW, THEREFORE, BE IT RESOLVED, THAT:

1. The Proposed Action constitutes an Unlisted Action.

2. Based on the Environmental Assessment Form ("EAF") Parts 2 and 3, and Part 1 submitted by the Applicant, and any supplemental materials thereto, the Planning Board has determined that if remediation of site is done to DEC and DOH standards, there will be no significant environmental impacts from this action as it concerns the proposed Project.

3. The Planning Board hereby adopts the attached Conditioned Negative Declaration for this Unlisted Action under the State Environmental Quality Review Act. The required condition is that all DEC and DOH standards are met as part of the Brownfield Cleanup Program.

4. The Tuckahoe Village Planning Board directs that the proposed action be forwarded to the following involved parties for review and comment pursuant to NYS Municipal Law.

Involved Agencies: New York State Department of Environmental Conservation 625 Broadway Albany, New York 12233-7011 Robert W. Schick, P.E. New York State Department of Health Corning Tower, Empire State Plaza, Albany, NY 12237 Nathan Graber, Director of Environmental Health T. 518.402.7500

This resolution shall take effect immediately.

Commissioner Nerenberg seconded the motion and upon roll call was carried with a vote of 5 - 0.

Mr. Gjertsen noted that the application is now deemed complete with a Conditional Negative Declaration so the public hearing will begin on October 20, 2015.

Minutes of October 20, 2015 Date Approved <u>Nov. 17, 2015</u> Date Filed/Village Clerk____

October 20, 2015 TUCKAHOE PLANNING BOARD TUCKAHOE VILLAGE HALL Regular Meeting – 7:30pm

Present:	Chairperson	Ann Marie Ciaramella
	Commissioner	Raymond Nerenberg
	Commissioner	Melba Caliano
	Commissioner	Clare Gorman
	Commissioner	David Barra

Absent:	Commissioner	Eric Fang – Ad Hoc
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Also in Attendance:

Gary Gjertsen	Village Attorney
Bill Williams	Building Inspector
Frank Fish	Village Consultant
Jim Pinto	Village Consultant

Item #2 109 Marbledale Road

Return

Gary Warshauer, architect for the applicant, noted that there were not any major changes to the proposals since January. The Marriott Springhill Suites and Restaurant application is still going through the Brownfield process. It will have 163 rooms and a 6400 sq. ft. restaurant. Access to the hotel will be via Marbledale Rd. with a single curb cut. The restaurant will have a full service curb cut.

The first floor of the hotel will have a lobby, lounge, breakfast area, indoor pool and great rooms. The floors above will be all guest rooms; 35 guest rooms per floor.

There will be ample parking spaces with 208 parking spaces.

There will be new landscaping, new sidewalk with a pedestrian connection from the hotel to the restaurant. The restaurant will have a new sidewalk to Marbledale Rd.

The colors of the hotel will be consistent with the prototype; stucco material with brown, beige and blue colors.

The restaurant will be a one-story building with a dining room and service area in rear.

The base will be white stucco to match the hotel, red fixed awnings, and a metal roof with hardy planks, Chestnut Brown, and an outdoor terrace.

Chairwoman Ciaramella noted that the applicant must return with samples of all materials for the Architectural Review.

Commissioner Gorman added that the sidewalk from the hotel does not give continuous access to the village, as the car dealership does not have a sidewalk. She asked the applicant to work with the owner of the dealership to discuss possibly working together to create a continuous access of sidewalk to the village.

Anthony Castillo, engineer for the applicant, noted that the plan is to follow the existing grade patterns of the property, which is a north to south direction. The Storm Water Management will meet all the requirements set forth by the DEC. The plan is to have 4 underground detention systems, which will slowly release the discharge at 3 locations under Marbledale Rd. The run-off will be treated in sumps. The oil and sediments will drop down to the base of the sumps, and then the remaining water will flow out.

Commissioner Gorman asked if there were plans to use the grey water. Mr. Castillo noted that was a challenge as this is a Brownfield. The applicant will certainly try. The plans are for a portion of the roof to be a green roof to use the captured water.

Gary Gjertsen, Village Attorney, stated that the Board of Trustees has appointed an engineer form a national firm to review all the plans including the Storm Water Management plan.

Commissioner Caliano asked if this engineer could be present at the next meeting to advice the Board as the applicant is presenting.

John Canning, Traffic Consultant, noted that he prepared several studies and concluded that there will be an additional two vehicles per minute at each intersection between Marbledale Rd. and Main, Winterhill and Fisher. The increase in delays will be 5.5 seconds or less. The intersection of Depot Sq. and Main St. has a significant amount of pedestrian traffic, but this project will have little or no impact at this intersection. The new developments recently approved in town were all included in the calculations.

Bill Canavan, Certified Professional Geologist, is responsible for taking the site through the Brownfield process. He noted that the Remedial Investigative Phase is completed. The site was tested from February through May with soil samples and vapor samples tested throughout the site. All the results are compiled and placed in the Tuckahoe library for residents to review. The DEC and DOH have both reviewed the submission and returned it with comments. The plan is to resubmit for approval or further comments.

The three types of capping to be used on site are a vegetation cap, asphalt cap and concrete cap. The soil will be excavated to install the 4 subsurface basins. That soil will be moved from North to South to fill the grade on the property. The soil-ventilation extraction system will be installed and will run from underground up to the roof. Mr. Canavan introduced representatives from the DEC and DOH, Randy Whitcher, Amen Omorogbe and Renata Ockerby.

Commissioner Caliano voiced her concern regarding the soil vapors to be released into the atmosphere. She noted that there were homes nearby.

Mr. Canavan noted that there are guidelines to release an allowable concentration. He described the example of one filling his car with gas and some gas drips to the street. Those gas fumes would evaporate quickly, but that is a much higher concentration than what is proposed here. To excavate the entire site, 90 ft. down to rock level, and replace with clean soil would not be practical.

Commissioner Caliano questioned the North to South water flow, and asked if that would allow contaminated water to flow through the earth beyond the property line.

Mr. Canavan noted that the groundwater system is 10 to 20 ft. below grade level. The two water systems are designed so that they do not comingle.

Mr. Randy Whitcher, DEC Project Manager, noted that the plans are still in the investigative stage. The final plan has not been approved. He stated that there are regulations regarding the amount of vapors that could be discharged per day. The stack will be tested to verify the amount falls within the regulations. Once the vapor hits the air, it disperses.

Ms. Renata Ockerby, DOH Project Manager, noted that the DEC and DOH work together to make sure the public is not in danger.

Commissioner Nerenberg motioned to open the public hearing, seconded by Commissioner Caliano and carried with a vote of 5 - 0.

Public Comments

Jerome Griffiths 10 Marbledale Place noted that his house is a half block from the proposed site. He asked if a soil vapor removal system could be installed at his property, as he is concerned.

Amen Omorogbe, DEC representative, noted that this has been done in the past and if there is a concern, it could be done. The proposed plans have not been approved yet. The DEC must find out the nature and extent of the contaminated material and review and approve the report. The DEC has the ability to test off-site based on the report. The DEC could test the perimeter and then the DEC and DOH would come together and come up with a remedy. Depending on what contaminates are present, the site could be tested once a year, twice a year or four times per year. As time goes by, the soil vapors may display a reduction of contamination.

Commissioner Barra noted that the air quality should be tested prior to excavation to determine a baseline.

Renata Ockerby noted that the data must be reviewed from the on-site investigation. If the DEC suspects off-site contamination, the DEC will acquire access around a perimeter closest to the site and continue to test a wider perimeter from the site.

Mr. Williams, Building Inspector, noted that the soil vapor system that has been installed at Mr. Griffith's house was due to the Kings Brownfield cleanup. The system may need to be upgraded.

Steven Hess, Ki Marshall Arts patron, asked what the height of the vents would be, if a charcoal system would be used in the ventilation system and what time of year the testing would be done.

Randy Whitcher noted that the vapors would be tested in the winter as the buildings/homes are closed up and the test would be most accurate. The charcoal system could be used. There is no need to replace the air, as there it is a low-pressure system.

David Gordon, attorney representing Ki Marshall Arts, submitted a letter written by the Fire Commissioner Anthony Lore, Jr. (see file) stating his experience with this site. He noted many contaminates were dumped at this site. In addition, Mr. Gordon submitted comments made by Donald J. Hughes, P.E., and Ph.D. Regarding the Former Marble Quarry Landfill Site, dated October 19, 2015.

Mr. Gordon noted that his client is not opposed to this hotel, but rather his concern is that the project be safe during the construction phase and after. He noted that this site has a significant level of toxic contaminates. The DEC only covers the on-site buildings. He noted that the Ki Marshall Arts building is 25ft. away. He asked if there are plans to test this site. There is no knowledge if vapors are at the Ki Marshall Arts building.

Commissioner Nerenberg noted that this site should be remediated. He is a licensed engineer and is concerned about public health and safety too. This Board cannot proceed with the site plan approval until the DEC and DOH approves the Remedial Action Plan.

Mr. Gordon stated that Marbledale Rd. is dense and has no sidewalks. This is a great concern for his clients. There will also be a loss of parking spaces during the construction phase. He asked the Board to require a construction management report, which will maintain on street parking and will offer a safe passage during the construction.

Phil Denning, owner of 125 Marbledale Rd., noted that he has not received a notification regarding this proposed hotel and his property is the closest to the site. He also stated that he too was concerned about the parking situation during the construction phase. If this site is contaminated, then his site is also contaminated. He noted that all the paper work stating that site is a Brownfield, also states that 125 Marbledale Rd. is a Brownfield.

Vladimir Zolotter, owner of Ki Marshal Arts, voiced his concern regarding the safety of the patrons and the traffic.

Edward Stowe 4 Marble Pl. spoke about gentrification. He requested that the Board require a Full EIS for this site. He noted that haste makes waste and that there is no sound reason to proceed without caution.

David Gordon, attorney representing Ki Marshal Arts, added that the groundwater runs through the site to the Bronx River and could possibly pick up toxins along the way and carry the toxins to the river. This should be dealt with prior to capping the site.

Jim Pinto, Village Consultant, noted that the vapors should be tested prior to construction to create a baseline.

Frank Fish, Village Consultant, added that the traffic consultant add the information gathered at the intersection of Jackson Ave. and Marbledale Rd. along with the plans to stripe the road and the path of traffic.

Chairman Ciaramella motioned to hold the public hearing open, seconded by Commissioner Caliano and carried with a vote of 5 - 0.

Minutes of Nov. 17, 2015 Date Approved <u>Jan. 19, 2016</u> Date Filed/Village Clerk____

November 17, 2015 TUCKAHOE PLANNING BOARD TUCKAHOE VILLAGE HALL Regular Meeting – 7:30pm

Present:	Chairperson	Ann Marie Ciaramella
	Commissioner	Raymond Nerenberg
	Commissioner	Melba Caliano
	Commissioner	Clare Gorman
	Commissioner	David Barra

Absent:	Commissioner	Eric Fang – Ad Hoc
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Also in Attendance:

Gary Gjertsen	Village Attorney
Bill Williams	Building Inspector
Frank Fish	Village Consultant
Jim Pinto	Village Consultant
Michael Musso	Village Consultant

Item #2 109 Marbledale Road

Return

Gary Warshauer, architect for the applicant, noted that there were two changes to the proposals. The plans have been reduced from 163 rooms to 153 rooms. The reduction in the number of rooms will reduce the length of the building by 12ft at the north end, which now will be used for additional landscaping. The building will be reduced by 3850 sq. ft. The reduction in square footage allows for a 10-space reduction in the parking lot. This will be used for additional landscaping. All the revised plans have been submitted.

Mr. Warshauer continued his presentation with the submission of the samples of the proposed materials.

The hotel will use the colors that are standard with their prototype. A stucco-like material, Dryvit, in a combination of three colors- Incredible White, blue and brown. An aluminum clear material will be used on the trellis and grills. The front end at the port au cochere will have a low wall with a combination of the metal grill and an Eldorado stone veneer. The stucco will be Incredible White at the port au cochere. The garbage enclosure and the mechanical enclosure will have a concrete slab and a white wooden fence.

The restaurant: the base of the building will be white with white columns holding up the roof. The fabric awnings will be located on the side of the building and at the entrance, metal roof with hardy planks, Chestnut Brown, and an outdoor terrace.

Commissioner Caliano asked if the Board had any discretion with the style and colors chosen for the restaurant.

Gary Gjertsen noted that the Board must follow the Section 7-1 of the Zoning Code; '...to fit into the character of the neighborhood...'

Mr. Warshauer continued with responding to Mr. Frank Fish's memo dated October 27, 2015.

- 1. The Storm Water Pollution Prevention Plan has been submitted as requested.
- 2. Green Roof The site plan shows the south portion of roof will be a green roof. The system is designed to be lightweight with shallow plants. The roof will drain below and adjacent to the green roof. The green roof is an energy saver as it minimizes heat loss and heat gain in the building. It minimizes the rainfall that would add to the system. It is visually aesthetic for neighbors, as they would not have to view any mechanical equipment on the roof.
- 3. Sidewalk at Smith Carins site the client has agreed to make a \$5000 contribution to the Village for the construction of the sidewalk. The estimate the applicant received was for \$12000.

Rocco Salerno, attorney for the applicant, added that he would hope that other neighbors, including the owner of Smith Carins, would contribute as well to cover the remaining cost of the new sidewalk.

- 4. Jackson Avenue and Marbledale Rd Intersection Improvements the improvements to the crosswalk will be made.
- 5. And 7. Signage and Lighting There will be a stop sign at both exits of the parking lot. The applicant will appear before the Sign and Awning Board for the application. The signs for the hotel will be in the front and on the south side of the building. The applicant removed the sign on the north side as per the Board's request. The restaurant has signs and awnings that will be presented to the Sign and Awning Board.
- 6. Construction Management Plan has been submitted to the Board. The applicant will minimize street parking issues and almost all construction activities will occur on site with the exception of the utilities connections on the street and the construction of the new sidewalks. The plan is to place all the construction trucks on the parking lot of the restaurant while the hotel is being built, then park the construction

vehicles at the hotel parking lot while the restaurant is being constructed. There will be no trucks parked on Marbledale Rd.

- 7. Lighting- See above with number 5.
- 8. Truck Loading The plan proposed will have the service area and garbage removal in the same location. The deliveries will be in the morning while the number of guests is at the minimum. The spaces closest to the service area will be designated for employee parking.
- 9. Traffic at Main Street and Columbus Ave. the applicant paid for the recent traffic study for the village and feels he paid his fair share of the costs.

Commissioner Caliano referred to an article from the Journal News dated June 26, 2014 citing that the Marriott Hotel planned to construct a 153-room hotel in Tuckahoe. She asked why the number 153 is the same number as recently reduced from the 163 previously proposed.

Rocco Salerno indicated that that article was incorrect; it could have been a simple typo.

Commissioner Caliano noted that reducing the footprint by 12ft. is less than a car length. She noted that there are many hotels in the area. Commissioner Caliano stated that she asked for the studies conducted by the applicant regarding the need for a new hotel. She noted that she has not received the studies. She reviewed the minutes from the Zoning Board and Member Scalzo requested the studies. She noted that the fundamentals were not addressed.

Mr. Salerno noted that the applicant has received variances from the Zoning Board. The hotel would not have been economically feasible if it were built smaller. This is a permitted use. The applicant requested area variances. The Zoning Board applied the 5-prong test and granted the variances. It is beyond the Planning Board's prevue to question the Zoning Board's decision.

Commissioner Caliano asked about the 3% hotel tax.

Gary Gjertsen stated that Gov. Cuomo has not signed the hotel tax law. The Planning Board must follow the 7 -1 Section of the Zoning Code.

Mr. Salerno stated that his client has no obligation to improve the property of an adjacent landowner. This Board has no authority to ask or suggest that the applicant do that. The applicant has offered \$5000 to contribute to the cost of the sidewalk. He would hope that Smith Carins and possibly Ki Marshall Arts offer to contribute as well.

Commissioner Caliano noted that if this Board requested a Full EIS, that would cost the applicant approximately \$75,000 to \$100,000. That is a huge savings for the applicant. This Board chose to do a Conditional Negative Declaration instead of a Full EIS. That is a savings to the applicant.

Mr. Pinto, Village Consultant, asked if the plans of the green roof would display where the vents for the vapor ventilation system would be located. In addition, the location of the elevator machine room.

Mr. Warshauer noted that the plans are for a machine-less room elevator. It will be built into the elevator shaft and will be hidden under the parapet.

Mr. Weinberg, applicant, added that there will be no plumbing vents visible on the roof. They will be hidden by the green roof. As for the ventilation vents for the vapor system, that has not been determined if the DOH will require them. It is premature to display the vents. If the DOH does require the vapor ventilation system, they too will be hidden by the plantings on the green roof. There will be no venting pipes visible on the roof.

Mr. Pinto asked that they be displayed even if they would not be protruding. He asked about the cost for the crosswalk striping and if the money will be bonded.

John Canning, Traffic Consultant, noted that all monies that need to be bonded would be bonded. He added that NYS law does not require a stop sign where a private property meets a public street. If it were required, there would be a stop sign at the end of every private driveway. The applicant will place stop signs at both exits of the parking lot for safety precautions.

Commissioner Gorman asked if the traffic study included Marble Place. She noted that some residents use Marble Place for a shortcut.

Mr. Canning noted that the traffic impact on Marble Place would be minimal. Hotel residents will follow the main roads. The residents may continue to use it as a short cut. The increase should be less than 10 vehicles per hour.

Mr. Salerno noted that the Village could place a sign at Marble Place that states: 'No Thru Traffic.' The Police Dept. would have to monitor and enforce it.

Gary Gjertsen, Village Attorney, stated that the Board of Trustees has appointed an engineer to review all the plans of this project including the Storm Water Management Plan. He introduced Michael Musso from HDR.

Commissioner Caliano motioned to continue the public hearing, seconded by Commissioner Barra and carried with a vote of 5 - 0.

Public Comments

Anthony Fiore 3 Midland Place voiced his concerns regarding several topics; a possible water main break, where would chartered buses park after bringing local college teams to stay at the hotel, were there enough fire hydrants at this location and who is responsible for the maintenance of the sidewalks.

Mr. Warshauer noted that the property owners must maintain their sidewalks.

Mr. Salerno noted that chartered buses do not stay overnight; they drop passengers off at their destination and return for pickup. As for the maintenance of the sidewalk, the applicant does not want to assume the liability of the sidewalk.

Albert Stein 14 Westview asked about tax exemptions and tax subsidies that the applicant would receive for this project.

Mr. Weinberg noted that there is no PILOT, Payment In Lieu Of Tax program. Westchester County has not given any money for this project. There will be a mortgage tax exemption and a relief of sales tax on the purchase of all the equipment. There is not an exact number as the mortgage transfer tax has not been done and there has been no purchase of equipment yet to report the savings on the sales tax.

Gary Gjertsen reminded the Planning Board that they are to look at the site plan, the taxes and subsidies are not a question for this Board.

Frank Fish added that the resident could review the tax credit due to the Brownfield through the Federal and State level. He directed the resident to go to the county website to get the contact information.

Mike Denning 125 Marbledale Rd. suggested placing a small retaining wall with a sign with back lighting on Marbledale Rd. at the property line to mark the entrance to the hotel. He asked about the storm water plan.

Mr. Anthony Castillo noted that a full plan for storm water management has been submitted. The applicant cannot increase the run off that is now released into the county

pipes. There will be a system installed to slow the water down and bring it into the main pipe slowly.

Mr. Denning voiced his concern regarding the snow removal of the parking lot. Also, he asked if precautions were in place to wash the trucks as they exit the property carrying the contaminated soil.

Bill Canavan, Certified Professional Geologist, is responsible for taking the site through the Brownfield process. Standard procedure will be followed so the trucks do not track the contaminated soil off the property.

Jeff Myers 16 Terrace Place, voiced his concern regarding the density of this village.

Commissioner Caliano noted that the density does not factor into the decision. That should be changed in the code. The manner in which the code is written does not take density into consideration. It was her understanding that the Village Board was in the process of tweaking the code. She agreed that Tuckahoe is the densest village in all of Westchester.

Jerome Griffiths 10 Marble Place voiced his concern regarding the short cut on Marble Place. He stated that the hotel employees would learn that shortcut and use it. He also voiced his concern regarding the uncertainty of the toxic issues. He asked if the Board had the authority to set aside a contingency fund to assist those should something happen in the future.

Chairman Ciaramella noted that the health and safety of the residents is the Board's number one concern. The DOH and DEC are reviewing the plans.

Michael Musso, Village Consultant, stated that there are two state agencies that follow very strict procedures. Any remedy for the site management plan will be long term. The DOH and DEC will require monitoring and subsequent studies will be done after the building is built. If required by the state agencies, monitoring will be done on site and around the site.

Lucille Murphy 12 Farragut Street voiced her concern regarding the vapors and if the vapors would travel to adjacent properties on windy days.

Bill Canavan noted that the Remedial Action Plan would be reviewed by the DEC, with a 45-day public comment period. The Remedial Action Plan will be at the library and Building Dept. for review.

Linda Shaw noted that the Remedial Action Plan would include dust monitoring. There is a safety requirement and if any dust is detected, there is an immediate stop work order. There will be no exposure during construction or remediation of the project.

David Gordon, attorney representing Ki Marshal Arts, indicated that the initial Remedial Action Plan was rejected by the DEC. He cited a letter written by Randy Whitcher Project Manager Remedial Bureau C Division of Environmental Remediation and he quoted item number 7-- A potential does exist for off-site exposure to soil vapor at the commercial buildings at the site boundary to the east. Please revise the exposure assessment section to include the potential for exposure to soil vapor for the commercial building at the eastern border.

Bill Canavan noted that there are vapor concerns. The DEC will investigate if they are offsite. The data does not indicate that the quarry is the source.

Edward Stowe 4 Marble Place read a letter written by resident Joe Marrinella. (See file) He noted that the needs and concerns of the residents are of the utmost importance. The residents are concerned about the environment. He added that the citizens are entitled to know how their public officials make their decisions. He asked if the Board would make it known how each arrived at their decision.

Bill Mackoff 675 North Terrace read a letter written by Patrick Hughes (See file) He noted that it is premature to discuss the site plan due to all the concerns regarding the site. He noted that he has experience dealing with Phase I and Phase II of the EAF regarding commercial properties. This one is very complicated. He noted that this site must be handled properly by the DEC and DOH. He cited the Love Canal as a reference to this site.

Commissioner Nerenberg noted that the Love Canal was much different from the quarry. He noted that two gas stations were remediated in the village. The Village would be better off if this site is covered and the amount of emissions were reduced.

Rachel Zolotter 125 A Marbledale Rd. asked the applicant to provide a rendering of the building in relation to the surrounding buildings. She noted that the biggest concern is the safety and health of the residents and patrons of her business. The safety plan should include a safe path for pedestrians, a traffic plan, walkways, crosswalks and the visibility of the crosswalks. Every business on Marbledale Rd. uses the street parking. Any reduction of street parking would be a concern. She requested that the applicant provide

parking spaces at the hotel to be used by nearby businesses. She cited a recent article dated August 7, 2015 stating that Ki Marshal Arts was an integral part of the village.

Commissioner Barra requested a rendering of the building in relation to the hill in the rear.

Commissioner Caliano motioned to hold the public hearing open, seconded by Commissioner Gorman and carried with a vote of 5 - 0.

December 15, 2015 – Planning Board Meeting Cancelled

January 19, 2016 – Marriott Spring Hill Hotel – Adjourned

Minutes of Feb. 23, 2016 Date Approved <u>March 15, 2016</u> Date Filed/Village Clerk____

February 23, 2016 TUCKAHOE PLANNING BOARD TUCKAHOE VILLAGE HALL Regular Meeting – 7:30pm

Present:	Chairperson	Ann Marie Ciaramella
	Commissioner	Raymond Nerenberg
	Commissioner	Melba Caliano
	Commissioner	David Barra
Absent:	Commissioner Commissioner	Clare Gorman Eric Fang – Ad Hoc

Also in Attendance:

Gary Gjertsen	Village Attorney
Mike Seminara	Acting Building Inspector
Jim Pinto	Village Consultant
Noah Levine	BFJ Planning Village Consultant
Michael Musso	Environmental Consultant

Item #2 109 Marbledale Road

Return

Gary Warshauer, architect for the applicant, re-submitted an all-in-one package for the Board members. He briefly reviewed the proposal: five story hotel Marriott Spring Hill Suites with a one-story restaurant. The hotel access would be from a single curb cut on Marbledale Rd. There would be a port-au-cochere, drop off area and parking area. The restaurant would have a single curb cut access from Marbledale Rd and a parking lot. The two parking lots will connect for guests to walk over to the restaurant. A sidewalk would connect both sites. The first floor of the hotel will consist of a lobby, breakfast area, pool, workout room and guest rooms. The floors above will be typical guest rooms. The elevation of the hotel is the Marriott Suite prototype, which consists of stucco and colors that were already submitted to the Board. One minor change to the colors was the rear of the building would be Beige color, called Hot Chocolate, not blue as originally submitted. The restaurant will stay as originally presented.

The roof details, green roof, solar panels section are all submitted in detail.

Mr. Warshauer displayed two views of the proposed hotel from the top of the hill from the north rear of the building. The picture was from the view of the second floor of the middle of the seven homes located on the hill. He also displayed a photo along Marbledale Rd. with the new proposed sidewalk.

Tony Castillo, Engineer for the applicant, noted that the sanitary and storm water lines were under the Marbledale Rd. The existing capacity of the pipes was examined. The applicant designed the system with the assumption that the existing pipes were at full capacity as it is an older system. The system is prepared to conservatively capture, contain and slow down the flow of water and will not create an issue. All scenarios were examined, including the 100-year storm scenario.

There are four underground detention systems. The plans were modified to show the ability to access these systems for maintenance. The process was studied to examine if the storm water could possibly be directed north to relieve the water flow going south. It was determined that this was not a possibility, but the system proposed is designed to standards and is effective. The water will be pretreated; as water is captured, the sumps will separate any sediment before it is drained into the system.

Mr. Castillo described the landscape plans for the proposed hotel. The hotel frontage will have trees dispersed with grass, shrubs and holly bushes to screen the southern border. The west side of the hotel will have a mix of evergreens, maples and shrubs of various heights. The middle section will have cherry trees along the property border.

The restaurant will have three additional trees along Marbledale Rd. with shrubs and grass. The north side will have grass and maple trees. The rear will have a mixture of evergreen, maple and shrubs. There will be a substantial landscape effort along the perimeter of the restaurant.

The trash location has been modified. The trash enclosure at the restaurant has been moved to the north side. The hotel was shifted 2ft. to provide ample room for the trash collection along the southern end.

John Canning, Traffic Engineer representing the applicant, focused on the Marbledale Rd. and Jackson Ave. intersection. There is a driveway at that location that is not too active. The proposed plan is to add a second crossing along Marbledale Rd. with pedestrian warnings and a double yellow line on Marbledale Rd. and a stop line on Jackson Ave. Mr. Canning noted that he has not shared these plans with the DPW or the Police Dept. but will plan to meet with both.

Commissioner Caliano requested that the applicant consider blinking pedestrian signage.

She noted that Marbledale Rd. is confusing, especially at night, and suggested the use of blinking signage.

Noah Levine commented that the new proposed crosswalk goes into the existing driveway and should be pushed back. He also suggested striped markings.

Mr. Canning noted that he would speak to Police Dept. and DPW about these suggestions.

Noah Levine noted that the truck movement into the hotel should be adjusted to allow for correct movement.

Mr. Canning noted that he would make that minor change.

Bill Canavan, Certified Professional Geologist, reviewed the Brownfield update. The remedial investigation report was submitted to the DOH and DEC and was accepted as final. The minor revisions should be completed tomorrow. The Remedial Action Work Plan will be reviewed by the DEC and DOH. Once reviewed there will be a 45-day comment period for residents to submit their comments. The library and the Tuckahoe Village website will have the work plan document for review. He stated that he would notify the Village Administrator and Building Dept. in writing of the 45-day start and end date.

Commissioner Caliano requested that the website include the start date and end date of the 45-day comment period.

Mr. Canavan added that the agencies have the final say after all the concerns of the public are addressed.

Noah Levine, BJF Planning, noted that most of the items in the memo from BFJ were addressed. He offered a quick review of the project. There were three variances granted by the Zoning Board. The Planning Board filed a CND, Conditional Negative Declaration. The Brownfield process has been explained. The traffic impact has been reviewed based on the Nov. 2014 submission and no further mitigation measures were taken. The signal modifications were suggested. The applicant satisfies the parking requirements. He addressed a letter from Ki Marshall

Arts regarding parallel parking and stated that it is not appropriate to allow parallel parking and there should be no change to the parking configuration. The truck turning movements should be reviewed by the applicant. The applicant offered \$5000 to assist with the gap in the sidewalk at the Smith Cairns property. Regarding the Environmental Impact, the remedial action work plan offers four alternatives; A. No action B. Capping C. Partial removal of soil and

D. Complete removal of landfill.

The landscaping plans are adequate. The signage and lighting plans need to identify any illumination. The plans do not show the lighting of hotel along Marbledale Rd.

Jim Pinto, Village Consultant reviewed the plans and offered the following comments;

He asked if the area designated 'future banked parking' would be curbed and landscaped.

Mr. Warshauer noted that he eliminated the 'future parking' and will provide all parking at the beginning of the project.

Mr. Pinto suggested adding a hose connection and drain to wash down the trash area. Maintain a minimum of 5ft. of sidewalk width at the southeast corner of the building. Provide a sidewalk and curbing detail for the Village right-of-way along Marbledale Rd. where the concrete walk is a minimum of 5 inches thick and where the curbing is consistent with the existing curb installation.

Provide a construction management plan that includes temporary construction entrances, erosion and dust control, stone tacking blankets and designated trade parking areas.

Michael Musso, Village Consultant, asked about the water retention system.

Tony Castillo noted that the water retention system is a Duromax system with a steel lining which is watertight and will have no leakage. It is able to handle a 100-year storm.

Mike Seminara, Acting Building Inspector noted that there will need to be a discussion regarding handicap parking.

Commissioner Caliano motioned to reopen the public hearing, seconded by Commissioner Barra and carried unanimously by the Board.

Public Comments

Patrick Hughes, 12 Lee Place, Bronxville resident, Certified Planner, asked the Board to look at the big picture. He asked the Board to consider the Master Plan, which recommended a new zone for the Marbledale corridor. The zoning code changed to expand the allowable uses for Marbledale Rd. The variances granted, height and setback, were given without the regard to the nearby residential area. This is a motor hotel found on any strip mall. It does not match the special character of the village. This is not really what you want as a reinvestment of Marbledale Rd. It does not meet the promise as stated in the goals of the Master Plan. Lodging may well be a good use, but not a big franchise. Marriott does not meet the goals of the Tuckahoe Master Plan.

Elle Epstein Park Ave, Yonkers resident, voiced her concern regarding the environmental safety issues. She was pleased to be informed of the 45-day comment period.

Michael Musso, introduced himself as a consultant hired by the Village to assist in the regulatory process of the Brownfield site. He noted that the NYS DEC makes the determination. There have been thousands of Brownfield sites that have been successfully redeveloped.

He stated that Randy Whitcher at the DEC is the case manager of this project.

Commissioner Caliano motioned to continue the public hearing until the next meeting, seconded by Commissioner Barra and carried by the Board.

March 15, 2016 – Marriott Spring Hill Hotel – Adjourned

Minutes of <u>Apr. 19, 2016</u> Date Approved <u>May 17, 2016</u> Date Filed/Village Clerk____

April 19, 2016 TUCKAHOE PLANNING BOARD TUCKAHOE VILLAGE HALL Regular Meeting – 7:30pm

Present:	Chairperson	Ann Marie Ciaramella	
	Commissioner	Raymond Nerenberg	
	Commissioner	Eric Fang	
	Commissioner	Clare Gorman	
Absent:	Commissioner	David Barra	
	Commissioner	Melba Caliano	
Also in Attendance:			

Gary Gjertsen	Village Attorney
Mike Seminara	Acting Building Inspector
Jim Pinto	Village Consultant
Noah Levine	BFJ Planning Village Consultant

Item #3 109 Marbledale Road

Gary Warshauer, architect for the applicant, noted that the building was moved two feet to accommodate additional service area. The Fire Dept. will now have access in front of the building and back of the building. There will be a minor reconfiguration of the curb to accommodate the fire trucks.

Return

John Canning, Traffic Engineer for the applicant, noted that the proposed action would have no significant adverse impact. The traffic volume would be relatively moderate. The plans are to restripe the crosswalks on Marbledale Rd. and Jackson Ave. and add a new crosswalk. A discussion as to the placement of the crosswalk evolved. The Police Chief must approve the proposed plans.

Commissioner Fang requested photos and drawings of the proposed crosswalks and sidewalks along with the placement of the surrounding buildings.

Chairwoman Ciaramella voiced her concern regarding the poor visibility at the intersection of Marbledale and Jackson Ave.

Noah Levine requested that the applicant consider creating a sidewalk across the street at the bottom of the driveway.

Tony Castillo, Environmental Engineer, reviewed the erosion and sedimentary concerns. He summarized the storm water capacity and storm sewer analysis and provided on site storm water detention system analysis. He suggested flow measurements to understand the capacity of the line under Marbledale Rd. The site is a redevelopment site and will reach out to the DEC for language. He is still undergoing dialogue with Dolph and Rotfeld.

Gary Warshauer indicated that he would submit a full landscaping plan. He will try to incorporate several native plants, shrubs and trees but there are some restrictions due the Brownfield classification. The plan is to use a piece of Tuckahoe marble for the base of the sign.

Commissioner Fang requested that the applicant try to be more creative with the corner of the property on Marbledale Rd. before Jackson Ave.

Commissioner Gorman motioned to re-open the public hearing, seconded by Commissioner Nerenberg and carried unanimously.

Public Comments

Rachel Zolotter Ki Marshal Arts asked the depth of the pilings. Gary Warshauer noted that they went down to rock level.

Mrs. Zolotter noted that the height of the proposed hotel would obstruct the clear view of the homes up on the hill in the rear of the property. She also submitted a letter from Mr. Stowe, 4 Marble Place, to be filed with the Building Dept. The letter asks that all environmental concerns be fully addressed.

Mr. Warshauer noted that the building received Zoning Board approval for the height. In the past presentations, he displayed renderings from the hillside and from the street.

Commissioner Fang requested that the three-dimensional renderings be presented again.

Mr. David Gordon, attorney representing Ki Marshal Arts, indicated that there has been a great deal of new information regarding the toxic issues on the site. He submitted an environmental report for the Board members to review. He sent the report to Mike Musso, Village Environmental Engineer to review.

He indicated that the DEC has declared the section of the quarry that is not included in the Brownfield project as a potential inactive hazardous site.

He asked the Board to reconsider the Conditional Negative Declaration due to the new toxic information. The Board can revisit and rescind the Conditional Negative Declaration. The CND ends the SEQR process. The applicant must follow the conditions created by the DEC. The DEC may not be fully protective of the community health. There is a legal avenue for the Board to return and rescind the CND.

Rocco Salerno, attorney representing the applicant, noted that the new information is unsupported. The Board issued a CND and the DEC will now handle the environmental issues. The state agency puts the applicants through the ringer and monitors the entire operation.

Ellen Epstein asked the Board members to review the reports submitted by Mr. Gordon.

Commissioner Nerenberg motioned to continue the public hearing, seconded by Commissioner Gorman and carried unanimously by the Board.

May 17, 2016 – Marriott Spring Hill Hotel – Adjourned

June 21, 2016 – Planning Board Meeting Cancelled

July 19, 2016 – Marriott Spring Hill Hotel – Adjourned