

Planning Board  
Village of Tarrytown  
Regular Meeting  
January 31, 2005 8 p.m.

PRESENT: Chairman Friedlander; Members Tedesco, Shroff; Counsel Shumejda;  
Planner Geneslaw; Building Inspector/Engineer McGarvey;  
Secretary D'Eufemia

APPROVAL OF MINUTES

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that the minutes of December 15, 2004, be approved as submitted.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that the minutes of January 5, 2005, be approved as submitted.

JARDIM ESTATES – SOUTH BROADWAY – REQUEST FOR ADDITIONAL 90-DAY EXTENSION FOR SIGNING OF FINAL PLAT

The Board reported receipt of the following letter dated January 10, 2005, from Norman Sheer, attorney for the Jardim Estates applicants:

“The Jardim Estates subdivision was approved by the Westchester County Department of Health last week. There are now various documents to be approved by the Village including the Homeowners Association declaration and utility easements. It is unlikely that these reviews will be completed by January 22, 2005, the expiration date of your extension of approval granted on September 27, 2004. It is therefore requested that item 4 of the final approval resolution be amended so that there will be an additional 90 days for signature of the plat.”

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that Condition No. 4 of the Planning Board's April 27, 2004, conditional final subdivision plat approval resolution relative to Jardim Estates be amended to read:

“The applicant shall submit revised Final Plat drawings for the signature of the duly authorized officer of the Planning Board by April 22, 2005, to show compliance with all conditions of this approval, and the closing dates of the Village's contract to purchase open space and the option contract to purchase additional lots of the subdivision be extended to April 22, 2005.”

CONTINUATION OF PUBLIC HEARING – CRESCENT ASSOCIATES – 155 WHITE PLAINS ROAD

Chairman Friedlander reported the applicant has requested an adjournment until the Board's February meeting.

Chairman Friedlander questioned whether anyone wished to address the Board on this matter. No one appeared. The Board unanimously agreed to continue the hearing at their February meeting.

CONTINUATION OF PUBLIC HEARING – WILSON PARK HOME & LAND COMPANY, LLC – WILSON PARK DRIVE

Chairman Friedlander reported the applicant has requested an adjournment until the Board's February meeting.

Chairman Friedlander questioned whether anyone wished to address the Board on this matter. No one appeared. The Board unanimously agreed to continue the hearing at their February meeting.

CONTINUATION OF PUBLIC HEARING – HSA-UWC – SOUTH BROADWAY

Chairman Friedlander reported the applicant has requested an adjournment until the Board's February meeting.

Chairman Friedlander questioned whether anyone wished to address the Board on this matter. No one appeared. The Board unanimously agreed to continue the hearing at their February meeting.

CONTINUATION OF PUBLIC HEARING – VILLAGE OF TARRYTOWN – WEST MAIN STREET (RECREATION/AQUATICS CENTER)

Chairman Friedlander reported the applicant has requested an adjournment until the Board's February meeting.

Chairman Friedlander questioned whether anyone wished to address the Board on this matter. No one appeared. The Board unanimously agreed to continue the hearing at their February meeting.

CONTINUATION OF PUBLIC HEARING – OI SIN WONG – 17 MAIN STREET

Chairman Friedlander reported the Planning Board has requested an adjournment until the Board's February meeting.

Chairman Friedlander questioned whether anyone wished to address the Board on this matter. No one appeared. The Board unanimously agreed to continue the hearing at their February meeting.

CONTINUATION OF PUBLIC HEARING – CALIBER BUILDERS – 612 SOUTH BROADWAY

Chairman Friedlander reported the Planning Board has requested an adjournment until the Board's February meeting.

Chairman Friedlander questioned whether anyone wished to address the Board on this matter. No one appeared. The Board unanimously agreed to continue the hearing at their February meeting.

CONTINUATION OF PUBLIC HEARING – FERRY LANDINGS LLC AND FERRY INVESTMENTS – LOWER MAIN STREET – (WATERFRONT)

Chairman Friedlander stated, “The Planning Board is waiting for the Board of Trustees to make a determination on the acceptance of the completeness of the FEIS. After that point in time when they decide it is complete, there will be a series of joint meetings with the Planning Board and Board of Trustees to work on the Findings of the Village on the FEIS. Those Findings will address many of the issues people have raised – height, view corridors, density, parking, traffic. The Findings Statement will set the parameters, of which the site plan will be the final by-product. Everything discussed tonight will be subject to change based on the parameters. The Mayor and myself and the Planning Board have brought Scenic Hudson, Westchester County Planning Department and National Resources together in order to carve out parkland on the property that will hopefully result in the buying out of the asphalt plan or the condemnation of the asphalt plant. We have had productive response from the County Planning Department and Scenic Hudson and they are hoping to contribute sums of money for the buying out of the asphalt plant and the creation of the riverwalk. The Village hired a consulting firm to change our existing parks to be more accessible and usable for our residents. The County was receptive saying they will provide substantial sums of money to move those and create the riverwalk. They feel this will be an exciting complex for all our residents.”

Mr. Michael Farias of The Chazen Companies, Planning Consultants for Ferry Landings, reviewed with the Board two site plans – the first showing the relocation of the asphalt plant on the site, and the second overlay plan showing the removal of the asphalt plant from the site and that space incorporating 23 single family units. Mr. Farias stated they have submitted a Site Lighting Plan, which shows old historic lighting fixtures (as presently exist on Main Street) used for the streetscape of the project. The parking lots show shoe box type lighting fixtures with better lighting for safety purposes. Mr. Farias stated two buildings are proposed to be four stories and the remainder will be three stories with the exception of the single-family units, which will be two stories.

Mr. Bob Stone, Rivercliff, stated elevation plans with the height need to be done. With 40 ft. buildings and 35 ft. buildings with cupolas, there need to be plans showing the reference grade of the project. Mr. Michael Tedali of Ferry Landings stated in the new drawings submitted this evening there is a plan that shows all the heights.

Upon inquiry from Mark Fry, Independence Street, Mr. Tedali stated there was no cap on the remediation. There was a replacement of contaminated materials. The site is raised in an east-west direction. That is where you have to get above the flood plane for the project to work. "The grading plan will answer all your questions."

Mr. Larry Kellerman, The Quay, stated a lighting designer should be handling the lighting, not an engineer.

Mr. Farias stated the landscaping is crucial. They will be planting over 150 trees of various species throughout the project and over 100 different types of shrubs and plants.

Chairman Friedlander stated the County hired a prestigious design firm that has done many waterfronts to set the design standards for the waterfront parks. The County has encouraged Tarrytown to be a demonstration for the other Villages and this project is moving forward the way it has because the Village has been working cooperatively with the County and State to get the largest amount of funding. The design standards will have to be met. "You will feel some harmony from Yonkers to Peekskill."

Upon inquiries from Irene Kleinsinger, Edgemont, Mr. Farias stated this site is currently all asphalt. With this project, there will be 50% green space throughout the site. In regard to parking, 965 spaces are required and 985 spaces are provided.

Upon inquiry from Judy Levine, 35 Crest Drive, about parking for visitors to this area, Mr. Farias stated there are 150 street parking spaces on the first plan and 101 on the overlay plan. Those spaces can be used for residents of this project and visitors to the area.

Chairman Friedlander stated the Village has requested the Empire State Development Corporation, the New York State Department of State, the County, and the M.T.A. to provide assistance with putting a deck on the parking lot on the east side of the railroad tracks. If that comes to fruition, the Village will seek assistance for a pedestrian bridge, which would make that parking accessible. In addition, where the recreation center is planned, there will be footbridges allowing people to park there and access the riverwalk. Mr. Tedesco noted the Village is also considering a trolley to bring visitors in the downtown to this site. Chairman Friedlander stated decked parking is also being considered in the downtown (e.g. CVS lot, McKeel lot, Washington St. lot) which would help the downtown and visitors could use the trolley to go to the waterfront.

Mr. Stone stated, "The heart of the matter is concern about parking, traffic, open space, public access, heights, and view corridors. It all stems to the number of residential units. I think there should be effort in reducing the number of units. The value of these units

will increase with the removal of the asphalt plant.” Chairman Friedlander stated the Board is looking at that. “In the Findings those issues will be wrestled with.”

Upon inquiry from Ms. Levine about open space, Chairman Friedlander stated the riverwalk will be about 1-3/4 acres of open space on the waterfront. Scenic Hudson wants the northwest piece for Scenic Hudson Park.

Mr. Fry stated the local code requires the view corridor to be open straight from the ground to the sky and it doesn't seem the proposed view corridors are unobstructed.

Chairman Friedlander stated if you are on ground level, there are several full views and several partial views. “Nothing is perfect. We are trying to balance. Here we are getting the views from the river.”

Ms. Levine questioned whether steps would be an issue. Chairman Friedlander stated the pedestrian bridge would have an elevator. He also asked the Department of State and Empire State Development Corporation to consider a moveable walkway. “We want a way for senior citizens and other members of the community to access the west side of the railroad.”

Mr. Fry stated there is a 20% credit taken on the number of parking spaces, which is not supported by local code. Mr. Farias stated they did not take a credit. 965 parking spaces are required and they show 985 on the plan. Chairman Friedlander stated the Village's engineers and planners will review the parking.

Mr. Stone stated the Village's traffic consultant should look at projected traffic from the proposed Sleepy Hollow projects also.

Ms. Clarice Pollack, 19 South Broadway, questioned whether affordable housing is proposed at this site. Chairman Friedlander replied, “So far, no. It turns out Tarrytown exceeds any other Village in Westchester for affordable housing based on the formula set aside by the County. We have 60 units on Route 119 and only a handful of Village residents – Village employees, Village volunteers, senior citizens – applied for that housing.”

Mr. Sean Brady, 257 Crest Drive, questioned whether these units would be sold or whether there would be some rentals. Chairman Friedlander stated he thought the Trustees were leaning toward these being sold.

No one further appeared to address the Board. Chairman Friedlander stated this is an ongoing process and will be continuing.

Mr. Tedesco noted the plans are very well laid out at the Library as are the plans for the proposals in Sleepy Hollow. He urged residents to view all the plans and make their voices heard at the public hearings in Sleepy Hollow also since the two villages “have to live together.”

PUBLIC HEARING – PEROS – 80 VAN WART AVENUE

Chairman Friedlander read the following Notice of Public Hearing:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, January 31, 2005, at 8:00 p.m. at the Municipal Building, 21 Wildey Street, Tarrytown, New York, to hear and consider an application by:

John and Lillian Peros  
37 East Clinton Avenue  
Irvington, New York 10533

To consider the application for site development plan approval pursuant to Section 305-52 of the Zoning Code of the Village of Tarrytown for property they own located at 80 Van Wart Avenue, Tarrytown, New York, to permit demolition of existing residence and construction of a new single-family residence which will conform in all respects to the requirements of the Zoning Code of the Village of Tarrytown.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 23, Block 63, Lot 7 and is located in an R-10 (Residential) Zone.

Documents are available for inspection in the Zoning and Planning 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.

The certified mailing receipts were submitted.

Mr. Paul Petretti, engineer for the project, stated this is an application to take down an existing house and put up another one. The house is on the south side of Van Wart Avenue. The house will be constructed in conformance with the zoning.

Chairman Friedlander questioned the size of the existing house and the new house. Mr. Petretti stated he did not know the size of the existing house but the new house is proposed to be 3,300 sq. ft. Based on the code, a 3,500 sq. ft. house could be built on this site.

Chairman Friedlander questioned the height of the existing house and the new house. Mr. Petretti stated the new house will be 25.5 ft. to the midpoint of the ridge, and 32.5 ft. to the peak. He did not know the height of the existing house; however it has a flat roof so it is probably 16 ft. to 18 ft. off the ground on the high side. Counsel Shumejda questioned how the new house compared in height to the houses on either side of it. Mr. Petretti stated the house to the right is a two-story house with a gable roof. He did not

know about the other house but it is two stories. Chairman Friedlander questioned how this house compares to the new houses recently constructed on Van Wart Avenue. Mr. Peros stated this house is much smaller.

Chairman Friedlander questioned whether anyone wished to address the Board on this matter.

Mr. Tim Allport, 94 Van Wart Avenue, stated, "Our main concern is how this fits in with the historic area. Our concern is the height, which is double the old one. One by one we are having these large houses coming in. We are looking to minimize that fact."

Ms. Victoria Weisel, Washington Place, stated, "I am concerned with the integrity of the neighborhood. If this house is double what is there, I will have no view of the river. The houses in that neighborhood were caretaker houses built in the 1800s. I am concerned with making this house blend with the neighborhood."

Mr. Petretti stated they are meeting the Floor Area Ratio ordinance, which the Village just recently put into effect. This lot is 100 ft. x 100 ft. and many lots in this neighborhood are only 50 ft. x 100 ft.

Mrs. Peros stated the neighborhood is very mixed. "We are closer to the newer portion of the street and that is the direction we want to go in."

Mr. John Lynch, Crest Drive, stated the Village should be studying these older areas for historic designation, which would protect some of these neighborhoods.

Mr. Tedesco stated it would be helpful to have heights and elevations shown on a plan – for the proposed building and adjacent buildings. Board members should also visit the property.

Mr. Peros stated, "These plans were submitted to the Building Department in October. Things have changed and now instead of going to the Building Department for a permit, we have to go to the Planning Board. We came to the Planning Board in November when a public hearing was scheduled for January. It has been an extended period of time. We are going below the F.A.R. It is an eclectic neighborhood. People have had ample time to look at it. I think it would be reasonable to allow this to go through."

Mr. Petretti stated there comes a time when houses have to come down. The existing house cannot be rebuilt. There are serious problems with asbestos, plumbing and electrical. "You can't keep this house." Chairman Friedlander stated he was not suggesting the applicants should keep it. "I am torn. I think it is a mistake for us to be looking at each individual house. It is becoming over-regulated. We can take a site visit and get a little more detail. None of the neighbors object to a house."

Mr. Tedesco reported receipt of memos from New York State Office of Parks, Recreation and Historic Preservation and from the Westchester County Planning Board both determining this is a matter for local determination and expressing no objection to the Planning Board assuming lead agency status.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that the Planning Board declares itself Lead Agency on this project.

Mr. Tedesco reported receipt of the following memo dated 1/7/05 from Stephen Yarabek, the Village's Landscape Architect Consultant:

“Re: 80 Van Wart Avenue

The Landscape Plan dated November 7, 2004, submitted by licensed Landscape Stephen Lopez is approved as having met the requirements of the Village Planning Board's Landscape Code provided the following notes are added to the site Demolition, Grading and Landscape Plans:

1. The contractor shall erect protective construction fencing a minimum of ten feet from the entire existing field stone wall along the western property line. The concern is that absent any protection the loose laid wall may collapse under the weight of construction vehicles.
2. A handrail shall be provided along the western side of the proposed front entry stairs and landings.
3. The Landscape Architect shall certify that the planting plan is implemented as approved during the permitted planting season.

The landscape plan provides two new street trees to replace the street maple tree which needs to be removed.”

Board members unanimously agreed to continue the hearing at their next meeting.

#### PRELIMINARY PRESENTATION – MCDONALDS CORPORATION – 140 WILDEY STREET

Mr. Jeff Seeley, Construction Manager for McDonalds, stated they are renovating the interior of the restaurant but there are some changes to the outside also. They are adding a cash booth, which is a small pop-up on the Cortlandt Street side. The second change is for a metal roof, which they would like to propose in the McDonalds red color. They would also like an additional illuminated sign on the Wildey Street side.

Upon inquiry from Chairman Friedlander, Mr. Seeley stated the cash booth speeds up the drive-through line.

Discussion followed on the proposed roof. Board members felt the red roof would not be appropriate in this location. They requested to see samples of the roof color being done at the new Walgreens in this shopping center. In regard to the signage, Board members stated they did not know if this sign is necessary, since everyone knows McDonalds is there. They suggested the applicant consider some alternatives for additional identification.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, to set a public hearing for the Board's February meeting on the site plan amendments for McDonalds, 140 Wildey Street.

#### PRELIMINARY PRESENTATION – BEATON/SERY – 143 MIDLAND AVENUE

Mr. Norman Sheer, attorney for the applicants, stated, this is an R-10 District and a two-lot subdivision is being proposed. There is an existing house. The project as proposed does not need any variances. There is a variance for the front yard for the existing house on Lot 1. Everything else is code compliant. This is a re-subdivision of a subdivision. The property was originally subdivided in 1953 and then re-subdivided in 1972. The second subdivision plan indicates in the bed of Midland there is already water and sewer. It is not clear whether a dedication has taken place or whether there is a de facto dedication of the street. They have to straighten out the issue of access from Midland. There also seems to be a drainage problem with regard to the Hackley School property and they will work with the Village Engineer and Hackley on that problem. If the Board and neighbors so desire, they can build a walking path along the unopened portion of Midland.

Mr. McGarvey stated the applicants' engineer should determine what drainage problems exist and he would then look into those. "I also don't believe this lot has the proper frontage under the zoning code. It doesn't front on a village-approved road." Mr. Sheer stated that is a problem they are trying to resolve.

Mr. Tedesco referred to the submitted plans. He stated Sheet 2, Tree Removal, shows a lot of significant trees being removed – 26. The rationale for some is clear but not all of them. There should be more detail on that. "Given the potential for a problem with drainage, I am concerned not only about removal of significant trees but removal of vegetation and disturbance on the site and I would like to have more information."

Mr. John Lynch, Crest Drive, stated Hackley School has created a problem for the whole north side of Crest Drive. During the last couple of weeks the "Tarrytown Glacier" has appeared on Crest Drive. "The neighbor across from me, the whole front lawn is turning into a wetlands."

Jonathan Gleit, 64 Barnes Road, stated, "I am totally opposed to the project. This is one of the remaining wooded areas in the Crest and for that primary reason I am opposed to the project."

Mr. Peter McAndrew, Director of Finance at Hackley School, stated the school is concerned about "Paper Midland" and the need to use this to access this home. In 2004 there was a petition to the Village Board to close "Paper Midland" but no action has been taken. Hackley is concerned about the precedent that would be set and possibly having Midland connect at both ends. "I am not sure this is the best access to this house. It might be better to access it from the top."

Mr. Sean Brady, Crest Drive, stated at more than one meeting Mayor Janos had told residents this road would be closed.

Mr. Sheer stated if they can't use Midland, then they will face the issue of coming in from the top and if they do that, they would probably want to build two houses. "If we refocus that, then we would have one big house in an area with smaller houses, which is why we would want two smaller houses. We think coming in from Midland is the best choice."

Mr. McGarvey stated if he comes in off Crest Drive, he faces the issue of not being able to build on steep slopes. Perhaps both scenarios should be presented. It may mean only one house can be built in either case.

Counsel Shumejda stated the issue of water in the area needs to be studied by an engineer.

Mr. Geneslaw stated it would be useful to have a map that shows a larger area with the houses in the neighborhood.

Mr. Sheer requested the Board keep this matter on their agenda on a preliminary level until some of the outstanding matters can be resolved.

Mr. Tedesco moved, seconded by Mr. Shroff, that the Board declares its intent to be lead agency on this application.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that the Board establishes an escrow account in the amount of \$5,000 on this application.

The matter will be continued on the Board's next agenda.

RECOMMENDATION – CLUSTER ZONING LAW

Board members noted they had reviewed the latest proposed amendments to the zoning code regarding cluster development.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that the Planning Board recommends to the Board of Trustees adoption of the proposed new amendments to the zoning code regarding cluster development.

HACKLEY SCHOOL – 293 BENEDICT AVENUE – ESCROW ACCOUNT

Board members reported receipt of a memo from Mr. McGarvey, Village Engineer, regarding submission by Hackley School of an amended site plan application to the Town of Greenburgh regarding their lower school. The amended plan indicates a change in the building footprint and a change in storm water runoff into the Village of Tarrytown. The Village will need to retain the services of an outside consulting engineer to review the storm water management technical memorandum and advise the Planning Board.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that the Planning Board establishes an escrow account in the amount of \$2,500 for Hackley School in order to allow for engineering review of proposed amendments to their site plan.

MEETING ADJOURNED 11 p.m.

Kathleen D'Eufemia  
Secretary