

Planning Board
Village of Tarrytown
Regular Meeting
February 27, 2006 7 p.m.

PRESENT: *Chairman Friedlander (late); Members Tedesco, Demers, Aukland;
Counsel Shumejda; Planner Geneslaw; Engineer McGarvey; Secretary
D'Eufemia
ABSENT: Mr. Stone

Mr. Tedesco chaired the meeting in Chairman Friedlander's absence.

APPROVAL OF MINUTES

Mr. Demers moved, seconded by Mr. Aukland, that the minutes of January 23, 2006, be approved as submitted. Messrs. Demers, Aukland and Tedesco assented. Motion carried.

Mr. Demers moved, seconded by Mr. Aukland, that the minutes of February 6, 2006, be approved as submitted. Messrs. Demers, Aukland and Tedesco assented. Motion carried.

CHANGE OF MEETING DATE

Mr. Tedesco reported the Board was unable to have a quorum for their regular meeting scheduled for March 27th and would therefore have to change the date.

Mr. Demers moved, seconded by Mr. Aukland, that the regular meeting of the Planning Board be changed from Monday, March 27, 2006, to Thursday, March 16, 2006, at 7 p.m. at Village Hall. Messrs. Demers, Aukland and Tedesco assented. Motion carried.

CONTINUATION OF PUBLIC HEARING – GENERAL MOTORS TRAINING CENTER – 425 SOUTH BROADWAY

Mr. Tedesco reported this hearing has been withdrawn at the request of the applicant.

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

Mr. Tedesco reported the applicant is in the process of preparing the Final Environmental Impact Statement.

CONTINUATION OF PUBLIC HEARING – FERRY LANDINGS AND FERRY INVESTMENTS – WATERFRONT PROPERTY – MIXED USE DEVELOPMENT

Mr. Tedesco reported this matter will be heard at a Special Joint Meeting of the Planning Board and Architectural Review Board on Monday, March 6, 2006, at 7 p.m. at the Tarrytown Senior Center.

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

Mr. Tedesco reported the applicant has requested this matter be adjourned. No one appeared to speak on this matter. The Board unanimously agreed to the adjournment.

CONTINUATION OF PUBLIC HEARING – HOLY SPIRIT ASSOCIATION FOR THE UNIFICATION OF WORLD CHRISTIANITY – SOUTH BROADWAY – (NEW CHURCH)

Mr. Tedesco reported the applicant has requested this matter be adjourned. No one appeared to speak on this matter. The Board unanimously agreed to the adjournment.

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

Mr. Tedesco reported the Village has now received the Dvirka & Bartilucci report, the PCI report, which is a study of the Tarrytown Lakes, and a draft report from Dr. Paul Mankiewicz of the Gaia Institute. The Planning Board met with Dr. Mankiewicz and he is now in the process of making some additions to his report.

Mr. Tedesco stated the Planning Board has scheduled a work session to review Dr. Mankiewicz' report on Monday, March 6th, at 5:30 p.m. at the Tarrytown Senior Center.

Board members unanimously agreed that this hearing be continued at the Board's regular March meeting on Thursday, March 16, 2006.

Mr. Rob Derocker, 3 Warner Lane, stated he will be out of town on March 16th and he requested to read a statement into the record tonight. Mr. Norman Sheer, attorney for the applicant, stated he did not bring the stenographer to tonight's meeting because he had been advised the matter would be adjourned tonight. He, therefore, objected to anything being put into tonight's record. Mr. Derocker submitted copies of his statement to the Board and stated his wife would read it into the record on March 16th.

REQUEST FOR AMENDMENT TO JARDIM ESTATES SUBDIVISION APPROVAL
– SOUTH BROADWAY

Mr. Norman Sheer, attorney for Unification Church, owner of Jardim Estates, stated he had written to the Board requesting that Lot 10 be removed from the first phase of home construction at Jardim Estates and moved to the last phase. The reason was that Lot 10 and Lot 16 will share a driveway and it made sense to have both lots constructed in the same phase. Since he wrote that letter, his client has received an offer from an anxious home buyer for Lot 12 and they are therefore requesting Lot 12 replace Lot 10 in the first construction phase.

Board members stated they would like an opportunity to review this matter with their consultants and would consider the matter at their meeting on March 16th.

PRELIMINARY PRESENTATION – C.M. PATEMAN & ASSOCIATES, INC.,
CONTRACT VENDEE – LOTS 2 AND 3 – PROSPECT AVENUE

Mr. Chuck Pateman stated he is seeking site plan approval for two new houses on the two lots on Prospect Avenue, which were created as a result of the subdivision granted to Christ Science Church. “We filed the plans which were reviewed during the subdivision process and the Board requested we go to the Architectural Review Board prior to your final site plan approval. We have done that and the Architectural Review Board approved the houses we originally submitted to you with the dormers. We have submitted the elevation drawings and we would request you set a public hearing.”

Mr. Tedesco noted the Planning Board granted this 3-lot subdivision last September and in December the Board of Trustees granted a waiver for this project from the Loh Park Drainage Study moratorium.

Mr. Demers moved, seconded by Mr. Aukland, and unanimously carried, that the Planning Board declares its intent to be lead agency on this application.

Mr. Demers moved, seconded by Mr. Aukland, and unanimously carried, that the Planning Board sets as escrow account in the amount of \$2,500 on this application.

Mr. Demers moved, seconded by Mr. Aukland, and unanimously carried, that the Planning Board sets a public hearing for Thursday, March 16th, to consider the site plans for Lots 2 and 3 on the 9/26/05 approved subdivision on Prospect Avenue.

PUBLIC HEARING – SISTERS OF THE SACRED HEART OF MARY – 50 WILSON
PARK DRIVE – SUBDIVISION

Mr. Tedesco 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, February 27, 2006, at **7:00 p.m.** at the Municipal Building, 21 Wildey Street, Tarrytown, New York, to hear and consider an application by:

The Sisters of the Sacred Heart of Mary
50 Wilson Park Drive
Tarrytown, New York 10591

To consider an application for Subdivision Approval, pursuant to Section 263.4 of the Subdivision Regulations, of property located on Wilson Park Drive and Beech Lane, Tarrytown, New York, consisting of 8.4 acres into two lots:

Lot 1 to consist of 0.9725 acres (42,362 sq. ft.) on which a new single-family house is proposed. This parcel is a triangular plot measuring 450 feet along the western side of Wilson Park Drive by 360 ft. along Beech Lane by 350 ft. through the existing property owned by the Religious of the Sacred Heart of Mary.

Lot 2 to consist of 7.4130 acres (322,910 sq. ft.) which will remain in the ownership of The Sisters of the Sacred Heart of Mary.

(This subdivision was previously approved on March 26, 1990, but the approval period lapsed.)

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 5, Parcel 67 and is located in an R-40 (Residential) Zone.

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

The certified mailing receipts were submitted.

Mr. Demers stated before the Board proceeded he would like to clear up a rumor which has been circulating. That rumor is that the Rockefeller family several years ago returned the property to the north of this property before the Board tonight to the Sisters for \$1.00 and the Sisters in turn sold that property to the current developer. He questioned whether there was any truth to that rumor. Sister Bernadette Kenny, legal counsel for the Sisters, stated the Sisters conveyed the property to Greenrock Corporation in 1982 and the property has never been returned to the Sisters of the Sacred Heart of Mary.

Upon inquiry from Mr. Demers, Sister Kenny stated if the property is subdivided the new one-acre lot will be sold to a private owner and returned to the tax rolls.

Ms. Kathy Ruhland, Walden Road, stated because of the proximity of this property to the Wilson Park Drive property, this property needs to be considered in conjunction with that property. It needs to be reviewed as one big concept.

Ms. Francesca Spinner, Wilson Park Drive, stated this lot has steep slopes and is wooded and marshy. "I understand the Sisters feel it is a piece of land they can sell at a profit but for the neighborhood it is taking a small scenic winding road and paving it over more. We objected when Spectrum separated the Tarrytown and Sleepy Hollow pieces. This is another piece that is a whole of Wilson Park."

Mr. John Lynch, 10 Crest Drive, stated as part of a hydrology overview, funds should be used to purchase these one-acre and one-half acre lots that still exist to handle the hydrology.

Mr. Demers stated it would seem the steep slopes issue is critical since it is possible if there are steep slopes the lot would have to be more than an acre to allow for a building lot since this is a one-acre zone and steep slopes have to be deducted from the density calculations. He stated the Board would need to see topographical maps.

Ms. Susan Fasnacht of Charles Sells, engineers for the project, stated they can provide this information.

Board members unanimously agreed to continue the hearing at their March 16th meeting.

CONTINUATION OF PUBLIC HEARING – PUTNAM AVENUE HOMES,
CONTRACT VENDEE, HILLSIDE STREET – CONSTRUCTION OF SINGLE
FAMILY HOMES ON LOTS 3 AND 4 OF APPROVED SUBDIVISION

Mr. Chris Pateman of C & L Pateman Design stated the Board had done a site walk.

The Board reported receipt of the following memo dated February 24, 2006, from Robert Geneslaw:

"Putnam Avenue Homes, Contract Vendee, Hillside Street, Lots 3 and 4

1. Since the last meeting, the applicant has furnished a revised landscaping plan and detail sheet and a plant appraisal schedule.
2. At the site visit on 2/16 we requested a narrative supporting/explaining the headings in the plant appraisal schedule. We have not received that information.
3. In a January memo we raised several questions regarding the former apparent section of Hillside Street leading to the I-287 property line and the adjoining undeveloped lot to the west of Lot 4. Those questions have been answered.
4. A question has arisen as to whether the most recent amendment to the steep slope provision of the zoning code applies to individual lots or alternatively to properties proposed for subdivision or both. We suggest that the Planning Board

seek guidance from Mr. Shumejda. If it is applicable to the two lots, Mr. McGarvey should advise whether the plans conform to the requirement.

5. The applicant provided information requested by the Board illustrating the location and size of existing homes nearby. These homes range in size (approximate) from 976 square feet to 2,100 square feet.
6. The two proposed homes are indicated as 3,956 square feet and 4,215 square feet, some two to four times the size of existing homes in the neighborhood. Further, the elevation at grade of the two proposed homes is higher than most, if not all, of the neighboring homes, so the visual impact will be very pronounced. The scale of homes in the neighborhood would be better protected if the two proposed homes were reduced in size.”

Mr. Tedesco stated in reviewing the houses and driveways on the steep slopes map, on Lot 4 they are almost entirely in the steep slope area. The Village’s zoning code states that new construction is prohibited on steep slopes with a grade of 25% or more. The other item linked with that is the size of the surrounding homes in comparison with the proposed homes. On Lot 4 the proposed house is twice the size as 9 Hillside Street, three times the size of 5 Hillside Street, and two and one-half times the size of 33 Summit Street. Lot 3 is a little better but ranges from one and one-third to two and one-third times the size of the homes. Looking at the elevation at grade further enhances the visual impact. Mr. Tedesco stated there should be two smaller homes. Some steep slopes would still be disturbed but much less than is being proposed and the smaller homes would also be more compatible with the surroundings. Mr. Demers agreed but stated he felt no part of the steep slopes should be built on. Mr. Aukland stated he shared these views stating there is a problem with scale.

Mr. Tedesco questioned whether anyone wished to address the Board on this matter.

Ms. Ann Parra, 26 Eunice Court, stated she agreed with the Board’s comments. “The height for us is an issue.”

Mr. Pateman stated both houses comply with the Floor Area Ratio provisions and the height regulations. He noted just because houses in the area are smaller, it doesn’t mean they can’t be added onto in the future. Ms. Parra stated if a neighbor wanted to increase the size of their home significantly, they too would be subject to review.

Mr. Tedesco stated it is really the steep slopes issue. Mr. Pateman stated steep slopes are the character of the Hudson Valley. Mr. Tedesco stated that is why this ordinance was passed – to protect those steep slopes.

Mr. Pateman stated their application was based on the value of the land and the home sizes are in accordance with that. If the house on Lot 4 is flipped, some of the impact on

the steep slope area would be minimized. These lots were legally subdivided a little over two years ago.

Mr. Tedesco stated if the application stays as it is, he could not approve that extreme a violation of the zoning code. If there is some reduction in size with minimal intrusion into the steep slopes, it is something the Board could consider.

The Board reported receipt of the following memo dated February 26, 2006, from Stephen Yarabek, the Village's Consulting Landscape Architect:

"Putnam Avenue Homes, Hillside Street, Lots 3 and 4

I received Bob Geneslaw's thorough evaluation of a revised landscaping plan, detail sheet, and plant appraisal schedule. Contrary to established protocol on numerous projects with the applicant and their consultants, none of the above information was submitted to our office for review.

At last month's hearing, neighboring residents requested screening at both sides of Hillside Street. The applicant agreed to this concept. Absent plans for review I cannot comment as to whether this issue has been addressed.

I recommend that final approval be withheld until my office has time to review and comment on all necessary documentation."

Mr. Pateman stated the plans are being sent to Mr. Yarabek.

Mr. Tedesco stated he reviewed the landscaping and tree plan. That must include adequate evergreen screening for the neighbors on Eunice Court and the concerns expressed by Mr. Yarabek should be addressed and Mr. Yarabek should be asked to comment about the possibility of a berm along the Thruway. Mr. Pateman stated the trees for Eunice Court would possibly have to be in the right-of-way to be effective for the neighbors.

The Board reported receipt of the following memo dated February 17, 2006, from Michael J. McGarvey, Village Engineer:

"Re: Putnam Avenue Homes, Hillside Street

Please be advised that I have reviewed the latest submission of the above-referenced site plans dated January 23, 2006, and offer the following comments:

1. Applicant shows proposed building in steep slope area, which is in violation of the Village Code
2. Applicant shows driveway in steep slope area, which is in violation of the Village Code.
3. Applicant proposes to remove fill from rear yard including steep slope area in an effort to obtain a level rear yard.
4. Show section through lots from front to back with existing and proposed contours (two each lot.)

5. Show sewer manhole with rim and invert at bend in front of Lot 3.
6. Show water and sewer services to Lots 3 and 4.
7. Submit stormwater retention calculations for storm events from 2-year to 100-year.
8. Show proposed cut and fill calculations.

I reserve the right to make further comments after these changes are addressed.”

Mr. McGarvey stated the driveway on Lot 4 is shown on the side of the house. If that were put in the front, it would be less intrusive in terms of size.

The Board unanimously agreed to continue the hearing at their March 16th meeting.

*Chairman Friedlander arrived at the meeting.

CONTINUATION OF PUBLIC HEARING – WELDAY – 107 PAULDING AVENUE

Mr. Earl Ferguson submitted revised drawings to the Board and reviewed with them his letter dated February 27, 2006:

“During our last public meeting the Board requested a site visit to better understand existing conditions of the property and potential impact of the proposed alteration relative to the neighborhood. The Board also requested a drawing indicating the height of the proposed structure from the average grade to the roof ridge. Subsequently, during our site meeting, we were asked to submit further information, including dimensions of the proposed attic and height of the adjacent house to the west.

To address the Planning Board’s concerns, we are submitting the attached drawings and other information for your further review. The drawings A-03 and A-04 represent a proposed revision to the roofline to reduce the height from average grade to the roof ridge by 1’-6” while maintaining a roof slope of 12/10. We are also proposing revision of the dormers to minimize bulk and increase view shed (see hip dormers and reduced height of the north and south dormers.) These drawings also show the dimensions from the attic floor to underside of rafters at a height of 7’-6”. The resulting floor area of the attic space within such dimension is 76 sq. ft.

A sketch of the south elevation illustrates the sky plane from the base of the neighboring house to the west. The height of the neighbors’ house is approximately 31’ above average grade based on measurements taken by the Weldays with permission from the owner.

The roof pitch is a vital part of creating an authentic classical aesthetic. We have chosen the hip roof to reduce bulk and preserve view shed.

The design of the project will bring the structure into the historical context of the neighborhood. It is our hope that the Board will consider these conditions and grant a favorable ruling on this application.”

Mr. Ferguson reviewed the revised plans with the Board.

Mr. Ferguson stated, "I think we have mitigated a lot of the concerns about bulk and view shed."

Chairman Friedlander questioned whether anyone wished to address the Board on this matter. No one appeared.

Mr. Geneslaw stated, "I think they are making a significant effort to address the needs of the family and address the concerns raised by the Board."

Mr. Geneslaw noted the applicant has proposed removing the accessory building on the west side of the garage. While this will help to offset the increase in lot coverage, this low accessory building is barely noticeable from off site, and it appears to be a very old structure. If the only purpose for removal is to more closely conform to the code, he would have no objection to its remaining, as a reminder of the early history of the area.

Mr. Tedesco questioned whether landscaping is planned. Mr. Ferguson stated it is but the landscaping design has not been completed. There is a stone retaining wall along the south west side of the barn. They would like to reconfigure that slightly so when they remove the shed, they can plant buffers. Removing the shed was to mitigate coverage but also to have a green buffer.

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the hearing be closed.

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the Planning Board determines there will be no significant environmental impacts as a result of this project.

Mr. Tedesco stated there are many variances needed for this property and some are reasonably large; however, there has been neighborhood support and the applicant has addressed the neighbors' needs and discussed the project with them. They have expressed it would be a very desirable addition to the neighborhood. Upon a site visit by the Planning Board, members found the rooms to be small. The size of the house is small compared to many houses in the neighborhood. The size of the new home will not be out of proportion with many in the neighborhood. The variances appear to be large because the house is on a very small lot.

Chairman Friedlander stated at the site visit there was discussion about reducing the size of the height and dormers. That has been addressed. The Board was concerned about keeping the historical character of the neighborhood which is a reason for recommending the variances be granted.

Mr. Aukland stated there are alternatives the applicant could have considered which would have been worse in regard to the lot and the view sheds.

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the Planning Board approves the site plan for 107 Paulding Avenue per the plans submitted this evening, subject to:

1. Approval by the Building Inspector.
2. Approval by the Architectural Review Board.
3. Obtaining needed variances from the Zoning Board of Appeals, with the Planning Board's recommendation that the variances be granted since the Planning Board feels there are sensitive aspects of the proposal and that the applicant has gone a long way to minimize impacts on the neighborhood.
4. Approval of the final landscaping plan by the Village's Consulting Landscape Architect.
5. Payment of any outstanding escrow fees prior to the granting of a building permit.
6. Signing of the plan by the Planning Board Chair.

PRELIMINARY PRESENTATION – FIRST KOREAN METHODIST CHURCH OF
NEW YORK – 500 SOUTH BROADWAY

Revised drawings were submitted to the Board.

Mr. Norman Sheer, attorney for the applicant, stated the number of parking spaces proposed has been reduced from 47 to 35. Although they may not be able to meet the one to one and one-half replacement of wetlands, the wetlands and the buffers that exist are not in good condition. What is being proposed is to mitigate not only what is being disturbed but other areas as well.

Mr. Bruce Donohue of Environmental Design Consulting reviewed with the Board his letter of February 27, 2006:

“In response to comments from the Board at the 1-23-06 meeting a substantial reduction in the requested parking has been made. Although the 35 spaces shown in the 2-27-06 layout presented tonight fall short of both the congregation's needs and the parking required by regulation, it would meet a significant need. These spaces would come close to providing on-site parking for daily morning and Wednesday evening prayer meetings. The numerous committee meetings could also park here.

This reduction also allows the proposal to conform more closely with the wetland mitigation standards of the Village. The loss of existing wetlands has been reduced to the point where a 1.17:1 ratio of created wetland to filled wetlands can be achieved. The restoration of existing degraded wetlands is more than double the required 1.5:1 ratio. It would be 3.05:1. This extra area of renovated wetlands might be considered as compensatory for the shortfall of the area of entirely new wetlands. Buffer area mitigation is also provided.

The accompanying tables compare the Zoning and Wetland compliance of both the 1.23-06 and 2-27-06, 47 and 35 spaces proposals respectively. Reductions of each of these layouts are also enclosed.

Storm water management will exceed the Phase II Clean Water Act standards for both water quality and flood control.

The presentation is intended to show the Applicant's willingness to work with the Village and respond to comments and concerns in a timely fashion. Any further comments from the Board and its advisors will be welcome and will be incorporated into the full EAF and future design modifications which will be submitted shortly."

Mr. Donohue reviewed the revised plans with the Board.

Mr. Donohue stated the buffers would be planted and could establish whatever appearance the Board wants – wooded, estate.

Mr. Tedesco stated the Village should hire an independent consultant. "I am cautious about replacing a wetlands with a man-made wetlands."

Mr. Sheer stated the existing wetlands are not great. They have been filled. "We may lose some wetland but we can improve what is there."

Mr. Demers stated he was disturbed about displacing a wetlands. Also, when the proposal was first brought before the Board in work sessions, the church said they needed approximately 75 spaces. Now that number is down to 35. "I am left with the impression this number is rather arbitrary."

Mr. Sheer stated he had not been a part of the work session meetings; however, when he was hired, they had serious discussions about what might be possible on this property. In order to complete this project, buildings will be removed. There are costs that have to be incurred. If the number of space is reduced much more, those costs probably would not permit the project. Mr. Sheer noted the church now realizes they cannot obtain enough parking for Sunday services; however, the 35 spaces would provide the parking for the weekday and evening activities.

Mr. Aukland expressed concern about an ingress and egress on Lakeview Avenue, which is a tiny street. He suggested they look at that again.

The Board reminded the applicant that the Long Environmental Assessment Form needs to be submitted.

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the Board sets a public hearing on this application for April 24, 2006.

Mr. Tedesco moved, seconded by Mr. Demers, and unanimously carried, that the Board authorizes the hiring of a wetlands expert to review the First Korean Church's plans.

PRELIMINARY PRESENTATION – SCHEUBLIN – 10 HIGHLAND AVENUE

Mr. Larry Nardecchia, P.E., stated this house has an upstairs attic that is about 12-1/2 ft. to the ridge but the ceiling slopes preclude it from being a floor. The new owners would like a second floor. The footprint would remain the same. The roof can be raised approximately 2-1/2 ft. They are proposing taking it up 2 ft. 2 in. The lot is oversized (70 ft. x 150 ft.) but only has a 70 ft. lot width where 75 ft. is required which will require a variance. It is a pre-existing non-conformity. The house is the minimum size for this lot. The footprint is 26 ft. x 43 ft. They are just proposing to finish the upper floor. They are also proposing to install an in-ground swimming pool in the rear. No variances are needed for the project – just for the existing lot width.

Mr. Tedesco moved, seconded by Mr. Demers, and unanimously carried, that the Planning Board declares its intent to be lead agency on this project.

Mr. Tedesco moved, seconded by Mr. Demers, and unanimously carried, that the Planning Board establishes an escrow account in the amount of \$2,500 on this project.

Mr. Tedesco moved, seconded by Mr. Demers, and unanimously carried, that the Planning Board sets a public hearing on the site plan for 10 Highland Avenue on March 16, 2006.

WALGREEN'S – ACADIA-NODDLE SHOPPING CENTER –
CORTLANDT/WILDEY/CENTRAL

The Board reported receipt of a letter from the attorney for Walgreen's requesting permission to continue 24-hour operation of the drive-up pharmacy window.

Mr. Tedesco moved, seconded by Mr. Demers, and unanimously carried, that the Planning Board approves the 24-hour operation of the Walgreen's pharmacy window based upon an annual review by the Planning Board.

The Board noted this approval is specifically for the pharmacy window only and not the entire store.

ADJOURNMENT

Mr. Tedesco moved, seconded by Mr. Demers, and unanimously carried, that the meeting be adjourned – 9:25 p.m.

Kathleen D'Eufemia, Secretary

