

Planning Board  
Village of Tarrytown  
Regular Meeting  
May 23, 2016 at 7:00 p.m.

PRESENT: Chairman Friedlander, Members Tedesco, Aukland, Raiselis, Birgy;  
Counsel Zaltantis; Village Engineer McGarvey; Village Planner Galvin,  
Secretary Meszaros

Chairman Friedlander called the meeting to order at 7:03 p.m.

#### APPROVAL OF THE MINTUES – April 25, 2016

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the minutes of April 25, 2016, be approved as submitted.

Chairman Friedlander read the following adjournments:

- Continuation of a Public Hearing – Peter Bartolacci - 67 Miller Avenue
- Continuation of a Public Hearing – Toll Brothers, Inc. - 112 Wilson Park Drive
- Continuation of a Public Hearing – Ann E. Hanley - 73 High Street
- Continuation of a Public Hearing - Tarrytown Associates - 1-7 Main Street
- Continuation of a Public Hearing – Kaufman Organization – 69 North Broadway
- Continuation of a Public Hearing – Realty @460 SB LLC

#### CONTINUATION OF PUBLIC HEARING - Brad Zucker – 55 Stephen Drive

Steve Anderson, of Gabriel E. Senor, Planners, Engineers and Surveyors, representing the applicant, said they have updated their landscaping plan to include native species and have also submitted the steep slope narrative as requested by the Planning Board. He presented some pictures showing adjacent houses, specifically, 43 Stephen Drive and 47 Stephen Drive, which illustrate that the wall cannot be seen from these neighboring properties.

Village Engineer McGarvey asked Mr. Anderson to confirm that there will be no net increase in runoff from the site. Mr. Anderson confirmed that there will be no net increase in runoff and the cultec infiltrators are now picking up roof leaders from the house.

Chairman Friedlander asked if anyone in the public had any questions. No one appeared.

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

Mr. Tedesco read the resolution:

**RESOLUTION  
VILLAGE OF TARRYTOWN PLANNING BOARD  
(Adopted May 23, 2016)**

**Application of Brad Zucker  
Property: 55 Stephen Drive (Sheet 190, Block 112, Lot 7 and Zone R-60)  
Resolution of Site Plan Approval**

**Background**

1. The Applicant requests site plan approval to construct a patio and replace an existing railroad tie wall with a stone wall on property located at 55 Stephens Drive.

2. The Planning Board on March 28, 2016 determined this to be a Type II action under NYS DEC 617.5 (c) (10) "*construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density*" and, therefore, no further SEQRA review is necessary.

3. The Applicant has made a preliminary presentation to the Planning Board on January 25, 2016 and, thereafter, the Planning Board has conducted a duly noticed public hearing on April 25, 2016 and May 23, 2016 at which time all those wishing to be heard were given the opportunity to be heard.

4. The Planning Board has carefully examined the Application and received comments and recommendations from the Village Consulting Planner in memoranda dated January 23, 2016, April 12, 2016 and May 11, 2016 and comments from the Building Inspector/Village Engineer which they have considered.

5. The Planning Board has reviewed and considered the *Narrative on Steep Slopes* dated May 11, 2016 from the Applicant documenting that the steep slope disturbance has been kept a minimum of 85 square feet. The steep slope disturbance is at the rear side yard of the property and is not visible from a public street. Photographs showing that the views from neighboring properties indicate that the project will not be visible from adjacent residences.

6. The Zoning Board of Appeals reviewed the Applicant's request for a variance to allow an increase in impervious surface coverage at a public hearing held on April 11, 2016. The Zoning Board closed the public hearing on April 11, 2016 and approved the requested variances on that date.

7. The Planning Board has received the Applicant's letter of explanation dated May 20, 2016 verifying that a series of 4 cultec chambers will be installed and connected to roof leader on

the left rear corner of the existing house. This will compensate for the stormwater generated by the 560 square foot patio. Currently, all roof leaders are day lighted to lawn area. A system could not be placed in the area of the patio due to the presence of rock. The Village Engineer has reviewed this and found the stormwater management system to be acceptable. He notes that there are no requirements to capture increased runoff at the source of the newly created impervious surface. As long as the increase is captured somewhere on the site (which is the case with the designed stormwater system), it meets the requirements of the New York State's Stormwater regulations.

8. The Planning Board closed the public hearing on May 23, 2016. After closing the public hearing, the Planning Board deliberated in public on the Applicant's request for approval.

### **Determination**

The Planning Board determines that based upon the findings and reasoning set forth below, the Application for site plan approval and the waiver for steep slopes disturbance are granted subject to the conditions set forth below.

#### **I. Findings**

The Planning Board finds that the Applicant has satisfactorily addressed the criteria for granting the waiver for steep slope disturbance under 305-67(F)(1)(b) and the Planning Board finds that the applicant has established that the benefit to the applicant outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant. ***Neighborhood Character:*** Specifically, there will not be an undesirable change in the character of the neighborhood since the area is not visible from the street and neighboring properties. Photographs of the views from these properties reinforce the limited visibility of the project from these properties. ***Alternate Feasible Method to achieve benefit sought by applicant:*** The benefit cannot be achieved by some other method. Due to the nature and location of this wall, the disturbance is restricted to the excavation area required to replace the wall. This disturbance is kept to a minimum of 85 square feet. The present wall in failure was built more than 20 years ago. All steep slope disturbance will be restored to its current condition. ***Impact on Other Properties:*** The steep slope disturbance will have no adverse effect/changes on the physical or environmental conditions in the neighborhood. The existing conditions of the slope will be improved and reduce stormwater runoff within and off-site. ***Consistency of Project with Intent of the Steep Slopes Chapter:*** Granting the waiver will be consistent with the purposes, objectives or general spirit and intent of the "Visual Character and Environmentally Sensitive Areas" Chapter in the Zoning Code. The proposed project will: 1) afford a more stable and maintainable condition which will provide long-term protection from soil erosion and sedimentation; 2) provide increased slope stability to protect against slope failures; 3) provide an improved stormwater drainage system which will minimize runoff and flooding; 4) project will improve site's aesthetic character, while maintaining sufficient protection to the public health, safety and general welfare of the Village of Tarrytown and its residents.

In addition, the Planning Board has considered the standards set forth in the Village of Tarrytown Zoning Code (“Zoning Code”) Chapter 305, Article XVI and finds that subject to the conditions set forth below, the proposed site plan is consistent with the site plan design and development principles and standards set forth therein.

The Planning Board has reviewed the Applicant’s site plan. The property is 23,997 square feet and located at 55 Stephens Drive in an R-60 Residential District. The Applicant is proposing to replace a failing railroad tie wall with a stone retaining wall less than six feet in height. The replacement of this wall with an engineered stone wall will result in a more structurally sound replacement. The Applicant also proposes to build a 560 square foot patio in the rear side yard of the property. The patio has been reconfigured at the request of the Zoning Board of Appeals for a more aesthetic appearance. The disturbance of the steep slope has been kept to a minimum of 85 square feet. The disturbance is primarily related to the excavation for the wall replacement. The excavated soil is proposed to be backfilled to its original condition. The patio is being proposed to be constructed in front of the proposed wall. In addition, landscaping will be planted on the slope to add vegetation to assist in stabilizing the slope. Views are limited toward the proposed wall and patio and is not visible from a public street since it is located in the rear side yard. An appropriate landscape plan has been designed with sweet pepperbush and winterberry shrubs surrounding the proposed wall. A stormwater management system consisting of 4 cultec chambers will be installed with the roof leaders piped to these cultecs. The system will provide stormwater retention and water quality treatment on site. The Applicant has also provided photographs of the views from neighboring properties showing that the project is not visible from adjacent residences.

## II. Approved Plan:

Except as otherwise provided herein, all work shall be performed in strict compliance with the plans submitted to the Planning and approved by the Planning Board as follows:

Plan by Gabriel E. Senior, P. C. dated July 23, 2015 and last revised May 11, 2016. This Plan includes the landscaping plan and shows the adjacent houses and is entitled:

- “*Stormwater Pollution Prevention and Erosion Control Plan, Brad Zucker, 55 Stephens Drive*”

(the “Approved Plans”).

## III. General Conditions

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

- i. The Planning Board’s approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans.

- ii. If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Village Engineer, they shall also be considered “Approved Plans.”
  - iii. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.
- (b) Force and Effect: No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) the Final Site Plan is signed by the chair of the Planning Board and (3) the Final Site Plan signed by the Planning Board Chair has been filed with the Village Clerk
- (c) Field Changes: In the event the Village Engineer/Building Inspector agrees that, as a result of conditions in the field, field changes are necessary to complete the work authorized by the Approved Plans and deems such changes to be minor, the Village Engineer/Building Inspector may, allow such changes, subject to any applicable amendment to the approved building permit(s). If not deemed minor, any deviation from or change in the Approved Plans shall require application to the Planning Board for amendment of this approval. In all cases, amended plans shall be submitted to reflect approved field changes.
- (d) Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule. **Failure to comply with this provision shall result in the immediate revocation of all permits** issued by the Village along with the requirement to reapply (including the payment of application fees) for all such permits, the removal of all work performed and restoration to its original condition of any portion of the site disturbed and such other and additional civil and criminal penalties as the courts may impose.
- (e) All landscaping shall be installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first year of installation. Individual species that do not survive beyond the first year shall be

replaced at the beginning of the next growing season.

IV. Specific Conditions:

- (a) New Plantings must be non-invasive, native plant material.
- (b) The proposed stone wall will be constructed at a height not to exceed 6 feet.
- (c) The excavated soil from the steep soil area shall be back filled to its original condition.
- (d) Provide measures to contain the runoff from the newly created impervious patio in order to mitigate runoff, if any, onto adjacent properties to the satisfaction of the Village Engineer.

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

NEW PUBLIC HEARING – Fredric Ellman and Joan Raiselis – 26 Fairview 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, May 23, 2016, at **7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Fredric Ellman and Joan Raiselis  
26 Fairview Avenue  
Tarrytown, NY 10591

for the construction of a single family home. The property is located at 26 Fairview Avenue and is shown on the tax maps of the Village of Tarrytown as Sheet 1.80, Block 56 Lot 6 and in the R 7.5 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.

By Order of the Planning Board

Lizabeth Meszaros  
Secretary to the Planning Board

Dated: May 13, 2016

The certified mailing receipts were submitted and the sign was posted.

Ms. Raiselis, Planning Board Member, recused herself from this application.

Mr. Tilman Globig, RA, of di Domenico & Partners, LLP, representing Fredric Ellman and Joan Raiselis, presented the site plan. He described the proposed home as being a net zero modest single family home (1,800 SF gross, 1,500 SF net). The proposed home will be setback 30 feet and centered on property to be in line with neighboring properties. There will be a driveway to park two cars. The front of the lot has mature trees which the applicant wanted to keep. The house is being built to passive house standards. The house will face east to west. There will be extreme levels of insulation and an energy recovery ventilator will be installed.

Mr. Globig presented the floor plans and described the layout of the home. He indicated that the roof will have 16 solar panels to provide enough energy.

With regard to the elevation plan, Mr. Globig explained that the intent was to make the house look related to the existing house at 30 Fairview Avenue.

Village Engineer McGarvey asked if they received the variances needed for this project. Mr. Globig confirmed that the necessary parking variances were all approved at zoning and there is no garage proposed.

Mr. Friedlander asked if anyone had any questions.

Mr. Birgy asked about the Con Ed energy program. Ms. Raiselis explained it is a net zero program and over the course of a year, the idea is to come out even.

Mr. Friedlander asked if anyone in the public had any comments.

Angela Schneider, who resides at 16 Fairview Avenue, immediately next door to the proposed home, said that the applicants have been very thoughtful about the neighbors and she is pleased with the plans for this project.

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

Mr. Tedesco read the resolution:

**RESOLUTION  
VILLAGE OF TARRYTOWN PLANNING BOARD  
(Adopted May 23, 2016)**

**Application of Fredric Ellman and Joan Raiselis  
Property: 26 Fairview Avenue (Sheet 1.080, Block 56, Lot 6 and Zone R-7.5)  
Resolution of Site Plan Approval**

### **Background**

1. The Applicant requested site plan approval to construct a new single family residence on a vacant property located at 26 Fairview Avenue. The Project will entail the construction of a modest residence designed as a renewable energy structure, using solar technology and other techniques for its energy needs.
2. The Planning Board on April 25, 2016 determined this to be a Type II Action under NYS DEC 617.5 (c) (9) “*construction or expansion of a single-family, a two-family or a three-family residence on an approved lot...*” and, therefore, no further SEQRA review is necessary.
3. The Applicant has made a preliminary presentation to the Planning Board on April 25, 2016 and, thereafter, the Planning Board has conducted a duly noticed public hearing on May 23, 2016 at which time all those wishing to be heard were given the opportunity to be heard.
4. The Planning Board has carefully examined the Application and received comments and recommendations from the Consulting Village Planner in memoranda dated April 12, 2016 and May 11, 2016, the Village Landscape Consultant in a Staff Report dated May 19, 2016 and comments from the Building Inspector/Village Engineer which they have considered.
5. The Zoning Board of Appeals reviewed the Applicant’s request for an area variance for a parking setback in the front yard at a public hearing held on April 11, 2016. The Zoning Board closed the public hearing on April 11, 2016 and approved the requested variances on that date.
6. The Planning Board closed the public hearing on May 23, 2016. After closing the public hearing, the Planning Board deliberated in public on the Applicant’s request for approval.

### **Determination**

The Planning Board determines that based upon the findings and reasoning set forth below, the Application for site plan approval is granted subject to the conditions set forth below.



## I. Findings

The Planning Board considered the standards set forth in Village of Tarrytown Zoning Code (“Zoning Code”) Chapter 305, Article XVI and finds that subject to the conditions set forth below, the proposed site plan is consistent with the site plan design and development principles and standards set forth therein.

The Planning Board has reviewed the Applicant’s site plan. The Project is a single family residence being constructed on a 12,750 square foot property located at 26 Fairview Avenue. The property is adjacent to the applicant’s currently owned residence at 30 Fairview Avenue and contains an existing vegetable garden with no structures. The Project will consist of a residence with 1,533 square feet of living area including a kitchen/living area, 2 bedrooms and 2 bathrooms. The residence will not have a basement and will be two stories with a height of 27.3 feet. The proposed residence has been pulled back in order to be in line with neighboring properties. There will be a total of 16 solar panels on the roof which will provide as much energy as allowed under NYS/Con Edison allowances. The residence has been designed as a passive house and will use little approximately 10 percent of the energy that a normal residence would use. The Project will use rainwater harvesting to collect the water from the roof into a cistern system to use for irrigation. All permeable surfaces will be used for the driveway and walkways. The deck at the rear of the residence will be elevated and permeably constructed. With the exception of the parking setbacks, the Project meets all bulk and dimensional requirements. Total coverage at eight percent is significantly under the 24 percent maximum. The Project’s impervious surfaces are 10 percent where a maximum of 40.75 percent is allowed. There are no steep slopes being effected. The Project will use a stormwater retention system utilizing eight cultec chambers on site. An appropriate landscape plan has been designed which will maintain all existing vegetation with the exception of three shrubs in the front where the driveway is being located. The front of the property has mature trees. The proposed driveway has been located to preserve these trees. The parking setback variances for the driveway, which were approved by the Zoning Board of Appeals, have facilitated the preservation of these mature trees. Additionally, native species of trees and shrubs will be planted in the corner of the property. The landscape plans have been reviewed by the Village Landscape Consultant. The Applicant has also provided photo elevations of the Project which show that the proposed residence is compatible with the area’s neighboring residences.

## II. Approved Plan:

Except as otherwise provided herein, all work shall be performed in strict compliance with the plans submitted to the Planning Board and approved by the Planning Board as follows:

Plans by di Domenico & Partners LLP, Architects, Landscape Architects, Planning dated February 18, 2016 and submitted April 7, 2016 unless otherwise noted entitled:

- T- 001 “Cover Sheet, List of Drawings, Summary of Work, Ellman/Raiselis Residence”
- A- 001 “Site Plan, Ellman/Raiselis Residence”

- A- 101 “*First Floor Construction Plan, Ellman/Raiselis Residence*”
- A- 102 “*Second Floor Construction Plan & Roof Plan, Ellman/Raiselis Residence*”
- A- 201 “*Exterior Elevations, Ellman/Raiselis Residence*”
- A- 301 “*Building Sections, Ellman/Raiselis Residence*”
- A- 302 “*Wall Sections, Ellman/Raiselis Residence*”
- A- 501 “*Drainage, Soil Erosion & Sediment Control Plan, Ellman/Raiselis Residence*”
- L-001 “*Landscape Construction Landscape Plan, Ellman/Raiselis Residence*”
- Streetscape “*Existing/Proposed Street Elevation, Ellman/Raiselis Residence*”
- Survey “*Topography of Property prepared for Joan Raiselis situate in Village of Tarrytown, Town of Greenburgh, Westchester County, New York*” prepared by Thomas C. Merritts Land Surveyor, P. C. surveyed January 20, 2016, map prepared February 2, 2016 and revised February 24, 2016 to show driveway easement and last revised March 11, 2016.  
(the “Approved Plans”).

### III. General Conditions

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

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

- iii. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.
- (g) Force and Effect: No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) the Final Site Plan is signed by the Chair of the Planning Board and (3) the Final Site Plan signed by the Planning Board Chair has been filed with the Village Clerk
- (h) Field Changes: In the event the Village Engineer/Building Inspector agrees that, as a result of conditions in the field, field changes are necessary to complete the work authorized by the Approved Plans and deems such changes to be minor, the Village Engineer/Building Inspector may, allow such changes, subject to any applicable amendment to the approved building permit(s). If not deemed minor, any deviation from or change in the Approved Plans shall require application to the Planning Board for amendment of this approval. In all cases, amended plans shall be submitted to reflect approved field changes.
- (i) ARB Review: No construction may take place and a building permit may not be issued until Applicant has obtained approval from the Board of Architectural Review in accordance with applicable provisions of the Village of Tarrytown Code.
- (j) Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule. **Failure to comply with this provision shall result in the immediate revocation of all permits** issued by the Village along with the requirement to reapply (including the payment of application fees) for all such permits, the removal of all work performed and restoration to its original condition of any portion of the site disturbed and such other and additional civil and criminal penalties as the courts may impose.
- (k) Landscaping: All landscaping shall be native plants and installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first year of installation. Individual species that do not survive beyond the first year shall be replaced at the beginning of the next growing season.

IV. Specific Conditions:

- (a) The Applicant must submit a revised landscape plan that conforms to the requirements noted by the Village landscape architect Lucille Munz in her Staff Report dated May 19, 2016. The revised planting plan shall indicate:
  - i. Additional material, correct graphic sizes, quantities and size at installation.
  - ii. Tree protection details and delineation of tree protection line on the drawings.
  - iii. Add additional plant material including trees at the front and side and additional shrubs and foundation planting.
- (b) Approval of a revised landscape plan by the Village's landscape consultant is a condition of a site plan approval and no permits may be issued unless and until the Village's landscape consultant approves such revised landscape plan.

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

Ms. Raiselis returned to the meeting.

NEW PUBLIC HEARING – Paul and Leslie Jeris - 15 Baylis Court

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, March 28, 2016, at **7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Paul and Leslie Jeris  
15 Baylis Court  
Tarrytown, NY 10591

To consider an application to construct a new three (3) family dwelling on the empty parcel adjacent to 17 Baylis Court.

The property is located at 15 Baylis Court and is shown on the tax maps as Sheet 1.40, Block 16, Lot 38 and is in the M-1 zoning district.

Documents are available for inspection in the Planning and Zoning Office. All interested parties are invited to attend and be heard. Access to the meeting room is available to

the elderly and the handicapped. Signing is available for the hearing-impaired; request must be made to the Village Clerk at least one week in advance of the meeting.

By Order of the Planning Board

Lizabeth Meszaros  
Secretary to the Planning Board

DATED: March 18, 2016

The certified mailing receipts were submitted and the sign was posted.

Sam Vieira, Architect, representing the applicants, Paul and Leslie Jeris, said they have gone to the Zoning Board and have obtained the necessary variances to construct the 3 family home and are returning to the Planning Board for site plan approval.

He explained that there were changes made to the plans that occurred during the Zoning Board approval process as follows:

In an attempt to mitigate the loss of on-street parking, the curb cut was reduced from 32 feet to 15 feet to allow one additional car to park on the street, and possibly a potential space for a smaller car. This change in the plan triggered additional review by the Village Landscape Architect, Lucille Munz. A revised plan was submitted, reviewed and approved by Ms. Munz.

Mike Stein, P.E., of Hudson Engineering and Consulting, submitted a revised stormwater plan which was reviewed and approved by D & B Engineering and Village Engineer McGarvey.

Lastly, the Zoning Board asked the applicant to reduce the amount of rock to be taken out of the hillside. The plan was revised to include only 3 cars inside the garage instead of 6 and three cars parked in front of each garage door, reducing the removal of rock by over 50%. Mr. Vieira said that the Zoning Board approved all variances.

Chairman Friedlander asked if anyone in the public had any comments.

Mr. Vieira noted that “Rocco” was in the audience and was also present at the Zoning Board site visit. He was here to support the project but made no comment.

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

Mr. Tedesco read the resolution:

**RESOLUTION  
VILLAGE OF TARRYTOWN PLANNING BOARD**

(Adopted May 23, 2016)

**Application of Paul and Leslie Jeris**  
**Property: 15 Baylis Court (Sheet 6, Block 17, Lot 80 and Zone M-1)**  
**Resolution of Site Plan Approval**

**Background**

1. The Applicant requests site plan approval to construct a new three family dwelling on vacant property located at 15 Baylis Court. The proposed construction is adjacent to 17 Baylis Court.
2. The Planning Board on January 25, 2016 determined this to be a Type II Action under NYS DEC 617.5 (c) (9) “*construction or expansion of a single-family, a two-family or a three-family residence on an approved lot...*” and, therefore, no further SEQRA review is necessary.
3. The Applicant has made a preliminary presentation to the Planning Board on January 25, 2016 and, thereafter, the Planning Board has conducted a duly noticed public hearing on April 25, 2016 and May 23, 2016 at which time all those wishing to be heard were given the opportunity to be heard.
4. The Planning Board has carefully examined the Application and received comments and recommendations from the Consulting Village Planner in memoranda dated March 17, 2016, March 21, 2016 and April 12, 2016, commentary from the consulting engineers, D& B Engineers, dated April 11, 2016, the Village Landscape Consultant in a staff report dated May 19, 2016 and comments from the Assistant Village Engineer/Building Inspector in a memorandum dated April 11, 2016 which they have considered.
5. The Zoning Board of Appeals reviewed the Applicant’s request for several area variances including lot width, front yard, side yards, parking in the front yard and a variance for 1.5 parking spaces as well as a variance for steep slope disturbance at a public hearing held on March 14, 2016 and continued on April 11, 2016. The Zoning Board closed the public hearing on April 11, 2016 and approved the requested variances on that date.
6. The Planning Board has reviewed and considered the *Narrative on Steep Slopes* dated April 28, 2016 from the Applicant and the Applicant’s *Steep Slope Site Plan* dated April 29, 2016 documenting the 983 square feet of steep slope. The steep slope disturbance is at the front of the property where the applicant’s garage will be built into the hillside. The Applicant’s project accounts for the 50 percent loss factor for the lot, resulting in a reduced lot size of 7,287 square feet based on (305-67-B). The Narrative highlights the project revisions, resulting in a reduction of steep slope

- disturbance and the reduction of rock removal by approximately 50 percent from 700 square feet to 300 square feet. Since the Zoning Board of Appeals has already granted a variance from the steep slope disturbance, there is no need for the Planning Board to grant a waiver.
7. The Planning Board has received the Applicant's *Stormwater Management Plan and Drainage Analysis* dated February 15, 2016 prepared by Hudson Engineering and Consulting, P.C. The Applicant's Stormwater plan was reviewed by the Village's engineering consultants, D&B Engineers, in a memorandum dated April 11, 2016. The Applicant's Engineer has responded to D&B Engineers' review in a letter to the Village Engineer dated May 15, 2016. In response, Hudson Engineering has revised the *Stormwater Management Plan and Drainage Analysis* as well as Drawings C-1 and C-2 dated May 16, 2016. D&B Engineers has reviewed and approved Applicant's revisions in consultation with the Village Engineer.
  8. The Planning Board closed the public hearing on May 23, 2016. After closing the public hearing, the Planning Board deliberated in public on the Applicant's request for approval.

### **Determination**

The Planning Board determines that based upon the findings and reasoning set forth below, the Application for site plan approval are granted subject to the conditions set forth below.

### **V. Findings**

The Planning Board has considered the standards set forth in the Village of Tarrytown Zoning Code ("Zoning Code") Chapter 305, Article XVI and finds that subject to the conditions set forth below, the proposed site plan is consistent with the site plan design and development principles and standards set forth therein.

The Planning Board has reviewed the Applicant's site plan. The project has received area variances from the Zoning Board of Appeals as well as a variance from steep slope disturbance and has revised their site plan (Drawing SP-3 dated April 29, 2016) in response to comments from the Assistant Village Engineer/Building Inspector and the Village Landscape Consultant. The site plan has revised the curb cut on Baylis Court from 32' to 15'. The former curb cut would have eliminated three on-street parking spaces on Baylis Court. The reduced curb cut will only eliminate one on-street parking space. The Applicant has included a landscaped island on each side of the driveway. These landscaped islands have been noted as snow storage areas. There is significant ledge in the front of the property. The Applicant's original plan with six spaces in the garage and three outside would have required the removal of 700 cubic yards of rock. The revised site plan provides for only 3 spaces in the garage with 3 outside. This reduces

the rock removal by over 50 percent to under 300 cubic yards. A separate landscape and planting plan was provided to the Village Landscape Consultant (Drawing LP-1 dated January 18, 2016) with a detailed planting schedule. This drawing was reviewed and the proposed landscaping plan was incorporated into the Site Plan Drawing SP-3 revised April 29, 2016. This revised drawing indicates the planting of a 4" caliper sugar maple tree in each island on either side of the driveway. The existing tree buffer area at the rear of the property will not be disturbed. The proposed landscaping plan has been reviewed and approved by the Village Landscape Consultant.

VI. Approved Plan:

Except as otherwise provided herein, all work shall be performed in strict compliance with the plans submitted to the Planning and approved by the Planning Board as follows:

Plans by Samuel F. Vieira, Architect P. C. dated October 3, 2015 and revised November 17, 2015 unless otherwise noted entitled:

- SP-3 *Proposed Site Plan, Zoning Chart, Landscaping Plan and Steep Slopes Plan, Proposed 3 Family: 15 Baylis Court* revised April 29, 2016
- SS-1 *Proposed Streetscape*
- EL-1 *Proposed Exterior Elevations*
- EL-2 *Proposed Exterior Elevations*
- FP-1 *Proposed First and Second Floor Plans*
- LP-1 *Proposed Landscaping Plan and Planting Schedule* dated January 18, 2016

Engineering and Stormwater Plans by Hudson Engineering & Consulting dated February 11, 2016 unless otherwise noted entitled:

- C- 1 *Stormwater Management Plan* revised May 16, 2016
- C-2 *Profile and Details* revised May 16, 2016
- WS-E *Watershed Analysis – Existing*
- WS-P *Watershed Analysis – Proposed*
- *Stormwater Management Plan and Drainage Analysis* dated February 15, 2016 and revised May 16, 2016.  
(the “Approved Plans”).

VII. General Conditions



- (l) Prerequisites to Signing Site Plan: The following conditions must be met before the Planning Board Chair may sign the approved Site Plan (“Final Site Plan”):
- v. The Planning Board’s approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans.
  - vi. If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Village Engineer, they shall also be considered “Approved Plans.”
  - iii. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.
- (m) Force and Effect: No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) the Final Site Plan is signed by the chair of the Planning Board and (3) the Final Site Plan signed by the Planning Board Chair has been filed with the Village Clerk
- (n) Field Changes: In the event the Village Engineer/Building Inspector agrees that, as a result of conditions in the field, field changes are necessary to complete the work authorized by the Approved Plans and deems such changes to be minor, the Village Engineer/Building Inspector may, allow such changes, subject to any applicable amendment to the approved building permit(s). If not deemed minor, any deviation from or change in the Approved Plans shall require application to the Planning Board for amendment of this approval. In all cases, amended plans shall be submitted to reflect approved field changes.
- (o) ARB Review: No construction may take place and a building permit may not be issued until Applicant has obtained approval from the Board of Architectural Review in accordance with applicable provisions of the Village of Tarrytown Code.

- (p) Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule. **Failure to comply with this provision shall result in the immediate revocation of all permits** issued by the Village along with the requirement to reapply (including the payment of application fees) for all such permits, the removal of all work performed and restoration to its original condition of any portion of the site disturbed and such other and additional civil and criminal penalties as the courts may impose.

- (q) Plantings Cash Bond:

Prior to issuance of a building permit, Applicant shall provide a separate cash bond, in an amount fixed by the this Board based upon the recommendation of the Village Engineer or Planning Board's Landscape Consultant to ensure the Applicant replaces any plantings that do not survive for two (2) years ("Cash Bond").

In the event the Applicant fails to complete the plantings or replace same when it is determined by the Building Inspector or Code Enforcement Officer to be necessary, then in that event the Village may utilize the funds deposited in the Cash Bond to plant or replace plantings.

At the end of the two year period, the Planning Board's Landscape Consultant and/or Building Inspector or Code Enforcement Officer shall inspect the Premises and indicate if all plantings called for in the approved plans are present and in good health.

VIII. Specific Conditions:

- (a) Driveway to be permeable pavers or equivalent surface approved by the Village Engineer.
- (b) Any retaining walls are to be made of natural stone or with facades made of natural stone.
- (c) Needed rock removal shall be approved by the Village Engineer in accordance with the Village Zoning Code.

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

**MS4 ANNUAL STORMWATER REPORT PRESENTATION**

Village Engineer McGarvey reported that the MS4 annual Stormwater Report was made available on the Village website on Friday, May 13, 2016 for the public to review.

Mr. McGarvey highlighted important items in the report as follows:

- The Building Department conducted 53 site inspections which included inspection for MS4s and SWPPP.
- The Village has 40 outfalls.
- The Building Department issued 6 violations related to the SWPPP program, with fines imposed by the Village court.
- In the 2015 reporting cycle utilizing GPS, the village catch basins were located and mapped in GIS by a Purchase College intern at no cost to the village. The locations were given to the County to be added their GIS program.
- For the 2016 cycle, we expect to get an intern from Purchase College to obtain and correlate the stormwater links between the catch basins previously obtained in GIS.
- The Village intends to submit this report to the NYSDEC by June 1, 2016.

Mr. McGarvey explained that this meeting is open to the public for comment on this report.

Chairman Friedlander asked if anyone in the public had a comment. No one appeared.

Mr. Tedesco moved, seconded by Ms. Raiselis, and unanimously carried, that the meeting be adjourned - 7:44 p.m.

Lizabeth Meszaros  
Secretary