

Planning Board  
Village of Tarrytown  
Regular Meeting  
August 27, 2018 7:00 pm

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

ABSENT: Member Aukland

Chairman Friedlander called the meeting to order at 7 p.m. Dr. Friedlander moved, seconded by Mr. Birgy, to go into executive session at 7 p.m. All in favor. Motion carried.

Board members returned to the meeting room at 7:22 p.m.

Mr. Tedesco moved, seconded by Ms. Raiselis, to come out of executive session. All in favor. Motion carried.

#### APPROVAL OF MINUTES– July 23, 2018

Mr. Tedesco moved, seconded by Ms. Raiselis, that the minutes of the July 23, 2018 be approved as submitted. All in favor. Motion carried.

#### Chairman Friedlander announced the following adjournments:

- Michael Degen- 86 Crest Drive  
Additions and Alterations to a single family home
- Benedict Avenue Owners Corp. –22 Glenwolde Park  
Additions and Alterations to a single family home.
- Artis Senior Living, LLC – 153 White Plains Road  
Construction of a 35,952 s.f. Alzheimer/Dementia Care and review of petition for zoning amendment to allow for Alzheimer Dementia Care housing.
- E.F. Schools, Inc.- 100 Marymount Avenue  
Exterior site improvements to the Esplanade between Rita and Marian Hall to improve pedestrian access and provide for emergency vehicle access
- Sisters of the Sacred Heart of Mary- 32 Warren Avenue  
widening, construction of retaining wall and garden addition

Adjournments (continued):

- Peter Bartolacci – 67 Miller Avenue – Removal of railroad tie-wall, construction of retaining walls and landscaping of rear yard.

With regard to the 67 Miller Avenue Site Plan Application, Mr. Tedesco read the following statement into the record:

*“The Applicant requested that his application be adjourned and the application will be put over to the next regular meeting. The previously requested engineering information has not yet been submitted by the Applicant and the Planning Board cannot move forward on this application without that information. Also, this matter was discussed at the work session and the Board wants the Applicant to explore with the Applicant’s landscape architect whether it is possible to revise the landscaping plan so that the proposed plantings or proposed screened is not as linear and instead, to explore whether some depth or variety can be added to the proposed planting/screening plan. The Board also wants the Applicant to explore the feasibility of covering the proposed concrete walls with stone veneers – either fully or partially covering the concrete walls. The Applicant should submit this information before the Planning Board’s next work session. As the Applicant is not present this evening in light of the requested adjournment, this will be conveyed to the Applicant by the Planning Board secretary.”*

## CONTINUATION OF PUBLIC HEARING

M. M. Homes Land Development of P.A., LLC – 6 Hillside Street

Dan Collins, of Hudson Engineering, appeared before the Board and presented the final plan for the construction of the single family home. He advised that a site visit took place with Village Engineer Pennella, the geotechnical engineer for the project and the applicant. The geotechnical engineer submitted a letter was submitted outlining means and methods of removing the rock safely. It was determined that a vertical rock cut would be more suitable in lieu of the proposed 2 retaining walls in the rear. They will leave the existing rock in place which will meet the existing grade where the proposed retaining wall was. In addition, Mr. and Mrs. Passantino, of 26 Eunice Court, have agreed to allow the applicant to plant eleven (11) Green Giant Arborvitae along the perimeter and on their property for screening purposes. The Passantino’s have agreed to maintain the trees and allow the applicant access to their property in order to plant them.

Mr. Collins advised the Board that all items have been addressed with regard to this site plan application and asked that the public hearing be closed.

Ms. Raiselis would like to know more about the method of rock removal. Mr. Collins said that any of the methods in the letter can be used. Hammering would be the longer and louder option and it is cheaper. Chemical expansion was also discussed which

expands the rock and does not blow up. Ms. Raiselis asked if neighbor's get to weigh in on the method used. Mr. Pennella said there is a restriction in the resolution for the rock removal; if it goes beyond 30 days (Monday through Friday only), it will require re-approval from the Planning Board with an alternate plan.

Ms. Raiselis asked Mr. Pennella how they intend to remove the rock since is she was a neighbor, she would be concerned. Mr. Pennella said it is either rock hammering and/or chemical expansion. Mr. Pennella said rock blasting is not an approved method in the resolution; however, they will use the same criteria for rock blasting in order to protect the surrounding homes. There will be pre-survey for all adjacent properties and seismic monitors will be placed and monitored for the 30 day rock removal period.

Mr. Pennella asked Mr. Collins if the survey stakes have been placed and advised that the staking needs to be done before a building permit is issued and this will be a condition of site plan approval. Mr. Collins advised that he believes this work has been done.

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

Mr. Birgy moved, seconded by Ms. Raiselis, to close the public hearing. All in favor. Motion carried.

Mr. Birgy said only a portion of this resolution will be read, but an entire copy will be provided to the applicant and the entire resolution will be recorded in the minutes of this meeting.

**RESOLUTION  
VILLAGE OF TARRYTOWN PLANNING BOARD  
(Adopted August 27, 2018)**

**Application of M.M. Homes Land Development of PA LLC  
Property: 6 Hillside Street (Sheet 1.150, Block 98, Lot 5.3 and Zone R-10)**

**Resolution of Site Plan Approval**

**Background**

1. The Applicant requests site plan approval for the construction of a proposed single family residence and driveway including stormwater management system, grading and sediment and erosion control located at 6 Hillside Street in the R-10 District. The property was part of a previously approved four lot subdivision approved in 2007.

2.The Planning Board on February 26, 2018 confirmed that this action was 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 including provision of necessary utility connections*”

3.The Planning Board has conducted a duly noticed public hearing on December 27, 2017 and continued the public hearing on February 26, 2018, May 30, 2018, June 25, 2018 and August 27, 2018 at which time all those wishing to be heard were given the opportunity to be heard.

2.The Planning Board has carefully examined the Application including the *Environmental Clearance Form*, the *Zoning Compliance Form*, *Project Narrative* prepared by Hudson Engineering dated June 7, 2018 and May 10, 2018, *Justification of Steep Slopes Waiver* prepared by Hudson Engineer dated May 9, 2018 and *Recommendations for Rock Removal, 6 Hillside Street* prepared by Skylands Engineering, LLC dated July 5, 2018.

3.The Planning Board has received comments and recommendations from the Village Consulting Planner in memoranda dated December 12, 2017, February 14, 2018, March 14, 2018, May 16, 2018, June 13, 2018 and August 10, 2018, from the Village Landscape Consultant in a staff report dated May 23, 2018, June 20, 2018 and July 10, 2018, correspondence from Victor Passantino, owner of 26 Eunice Ct., dated May 11, 2018 and June 20, 2018 and from the Building Inspector/Village Engineer in memoranda dated December 27, 2017 and April 19, 2018 which they have considered.

4. In response to comments by the Planning Board, the Applicant revised his plans to relocate the proposed residence to the northeast corner of the property and moved the residence toward the street. The first floor and the basement were also raised 1’ including the surrounding grade. This resulted in minimizing the steep slope disturbance and reducing the quantity of rock removal. The redesign resulted in a 44 percent reduction in steep slope disturbance from 8,630 sf to approximately 4,821 sf. The quantity of rock removal was also reduced by 73 percent from 1,823 CY to 495 cy.

5.The redesign resulted in the need for a side and front yard variance. The resulting side yard would be 10’ instead of the required 12’ and 20’ instead of required 25’ for the front yard. The Zoning Board of Appeals reviewed the Applicant’s request for these variances at its May 14, 2018 meeting. The Zoning Board of Appeals closed the public hearing on May 14, 2018 and approved the requested side and front yard variances on that date.

6. The Planning Board closed the public hearing on August 27, 2018. 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 Zoning Code § 305-67(F) (1) (b) for steep slope disturbance 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. The Applicant's *Narrative* dated May 9, 2018 is made part of the findings of the Planning Board and subsection (1) (b) (1) through (4) have been considered by the Planning Board as set forth below:

***Neighborhood Character:*** There will not be an undesirable change in the character of the neighborhood as the subject property is currently surrounded by similar single-family houses. The neighboring property at 2 Hillside Street was recently constructed as part of the previously approved subdivision with a similar style residence.

***Alternate Feasible Method to achieve benefit sought by applicant:*** The benefit cannot be achieved by some other method as the property is encumbered by a considerable area of steep slopes, it is not possible to avoid the disturbance of the existing slopes for the development of this property. The proposed house has been sited in a manner that limits the amount of steep slope disturbance to the maximum extent possible.

***Impact on Other Properties:*** Granting the waiver will not be materially detrimental or injurious to other properties or improvements in the area in which the subject property is located, increase the danger of fire or flood, endanger public safety or result in substantial impairment of the steep slope area. The subject property is served by public sewer and water including an existing fire hydrant which provides adequate fire protection. The submitted Stormwater Management Plan serves to mitigate and further improve impacts regarding stormwater runoff. All rock removal necessary for the development of this property will be performed in a manner that will not adversely affect neighboring properties, as required by the Village.

***Consistency of Project with Intent of the Steep Slopes Chapter:*** The granting of 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 and addresses the explanation for each objective in the Chapter.

Accordingly, under Zoning Code § 305-67(F)(2)(a) and (b), as set forth above, the Planning Board finds that: (a) The proposed development will not be materially detrimental or injurious to other properties or improvements in the area in which the subject property is located, increase the danger of fire or flood, endanger public safety or result in substantial impairment of a slope area; and (b) the waiver will not be inconsistent with the purposes, objectives or the

general spirit and intent of this chapter. In addition, in accordance with Zoning Code § 305-67(F) (2) (c), the waiver is the minimum relief necessary to relieve the extraordinary hardship established by the applicant. As set forth above, the Applicant revised his plans to relocate the proposed residence to the northeast corner of the property and moved the residence toward the street and the first floor and the basement were also raised 1' including the surrounding grade, which substantial redesign resulted in a 44 percent reduction in steep slope disturbance from 8,630 sf to approximately 4,821 sf. The waiver granted by the Planning Board is the minimum relief necessary to relieve the Applicant's established hardship of the property being encumbered by a significant number of steep slopes and of it not being further possible to minimize the disturbance of steep slopes given the topography of Applicant's property that is similar to surrounding developed properties.

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 subject property consists of 16,943 sf located in the R-10 district. The lot was part of a 4 lot subdivision approved in 2007. The property is the last remaining site on Hillside Street that remains undeveloped. The New York State Thruway borders the property to the south. The original plans have been revised in response to comments made at the Planning Board public hearing and after a meeting with the Village Engineer. The revised plans relocated the residence to the northeast corner of the property and moved the residence toward the street. The first floor and the basement were also raised 1' including the surrounding grade. This resulted in minimizing the steep slope disturbance and reducing the quantity of rock removal. It has resulted in a 44 percent reduction in steep slope disturbance from 8,630 sf to approximately 4,821 sf. The quantity of rock removal was also reduced by 73% from 1,823 cy to 495 cy.

The proposed residence now addresses the street in a manner similar to the residence on the adjacent lot. Both the proposed residence and the adjacent residence are similarly located near the street, both approximately 20' from Hillside Street. The relocated building footprint reduced the side yard by 2' and became 10' instead of 12'. The front yard setback was reduced to 20' instead of the required 25'. The plans still show the original retaining wall at 6' and relocates it closer to the residence. Another 4' retaining wall has been added behind this wall to reduce disturbance into the existing steep slope. The redesign has reduced the impervious surface from the original design. The impervious surface has been provided at 23.8% lower than the 37.25% maximum allowed. The other dimensional zoning requirements have been met.

The landscape plan has been reviewed by the Village Landscape consultant and has been revised to include her recommendations. The landscape plan shows the 11 additional

arborvitae planted directly across the street from the driveway of the proposed residence. This landscaping provides screening from any headlights exiting the driveway. This was a condition of Zoning Board of Appeals approval of the Applicant's variances. The Applicant will plant these trees along the rear yard of the property at 26 Eunice Court facing Hillside Street while the property owner has agreed to maintain the plantings. The revised landscaping adds two Pin Oak trees (4" caliper) in front of the property along the street. Native plantings are now replacing the previous plantings. Two rain gardens are provided at the northeastern and southeastern corners of the proposed residence. The rock removal report and protocols will be reviewed and approved by the Village Engineer. Hudson Engineering and Consulting has submitted a *Stormwater Management Plan and Drainage Analysis* dated June 7, 2018 and revised July 5, 2018 for review and approval by the Village Engineer.

## 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 prepared for *Proposed Dwelling, 6 Hillside Street* dated 6/8/17 and revised 7/5/18 unless otherwise noted. The Plans are entitled as follows:

Civil Plans prepared by Hudson Engineering & Consulting, P. C.

- Cover "*Cover Sheet*" Engineering, P.C.
- C-1 "*Stormwater Management Plan*"
- C-2 "*Details*" last revised 5/30/18
- C-3 "*Details*"
- SA-1 "*Slope Analysis and Tree Removal Plan*"

Architectural Plans prepared by Michael Piccirillo Architecture last revised 6/5/17

- T100 "*Title Sheet*"
- A100 "*Floor Plans*"
- A101 "*Floor Plans*" last revised 5/14/17
- A102 "*Floor Plans*"
- A200 "*East and North Elevation*"
  - A300 "*Details*"
- SP150 "*Floor Plans*" last revised 5/16/18

Planting Plan prepared by Anthony Acocella, Landscape Architect, P.C. dated May 8, 2018 and last revised July 10, 2018.

- *“Planting Plan for Proposed Development at 6 Hillside Street, Tarrytown, N.Y. “*

- *“Topographical Survey of Tax Lot 5.3 in Block 98, Section 1/150 as shown on the Official Tax Maps of the Village of Tarrytown located at Village of Tarrytown, Town of Greenburgh, Westchester County, State of New York” dated September 26, 2015 prepared by Summit Land Surveying P.C.*

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

Prior to the issuance of a Building Permit for rock removal, the following shall be provided to the Building Inspector/Village Engineer:

- (a) Applicant will install monuments of a type approved by the Village Engineer at all property corners by a licensed land surveyor per §263-20.
- (b) Applicant will submit to the Building Department their Narrative overview of measures and protocols to be taken before and during the rock removal process for review and approval by the Village Engineer. The approved Narrative will be incorporated into the Building Permit for rock removal.
- (c) Applicant will provide to the Building Department an escrow amount satisfactory to the Village Engineer that will include on-site monitoring by a third party engineer and remain in effect until the rock removal phase has been completed in its entirety.

- (d) Applicant will provide proof of insurance and add the Village of Tarrytown Building Department and the adjacent property owner at 2 Hillside Street on individual certificates as additional insureds on the policy.
- (e) The duration of the Building Permit for rock removal shall remain in effect for thirty (30) calendar days between the hours of 9:00 AM and 3:00 PM, M-F except holidays listed under section §89-6," at which point if the rock removal is not complete, the applicant shall be required to make a new application to the Planning Board with revised plans requesting re-approval.
- (f) Prior to the issuance of a Building Permit for site work and construction of the single family residence, the building permit for rock removal will be closed out by the Building Department.
- (g) Prior to issuance of a building permit for site work and construction of the single-family residence, the Applicant shall provide a performance bond in an amount established by the Building Inspector/Village Engineer to ensure the completion of the required utility connections to Village infrastructure. This escrow will be returned to the Applicant upon satisfactory completion of the required utility connections.
- (h) Prior to the issuance of a Certificate of Occupancy, Applicant shall complete the planting of the eleven dark American arborvitae or similar species as shown on the Planting Plan prepared by Anthony Acocella revised July 10, 2018, and accepted by the Village's Landscape Consultant. This landscaping will be planted along the rear yard of the property at 26 Eunice Court facing Hillside Street. The owner of 26 Eunice Court has provided permission for temporary access for the planting of these trees and has agreed to maintain the trees.

Mr. Tedesco moved, seconded by Ms. Raiselis, that the Board approve this application. All in favor. Motion carried.

#### CONTINUATION OF PUBLIC HEARING – James and Joann Nisco – 164 Crest Drive

Dan Collins, of Hudson Engineering, appeared before the Board and presented the site plan. Sam Vieira, the project architect, was not present. He advised that his client has been before the Zoning Board and has received the required variances for this project. His office was brought in for the stormwater management portion for this project. He quickly reviewed the plan showing the proposed cultec systems for a 25 year storm which meet and exceed the village's requirements. He asked that the public hearing be closed.

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

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

Ms. Raiselis said only a portion of this resolution will be read, but an entire copy will be provided to the applicant and the entire resolution will be recorded in the minutes of this meeting.

**RESOLUTION**  
**VILLAGE OF TARRYTOWN PLANNING BOARD**  
**(Adopted August 27, 2018)**

**Application of James and Joann Nisco**  
**Property: 164 Crest Drive (Sheet 1.90, Block 64, Lot 13 and Zone R-10)**  
**Resolution of Site Plan Approval**

**Background**

1.The Applicant requested site plan approval to convert a garage into livable/storage space and construct a single story addition to the rear of the existing single family residence located at 164 Crest Drive in the R-10 District.

2.The Planning Board on July 23, 2018 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 Planning Board has conducted a duly noticed public hearing on July 23, 2018 and August 27, 2018 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 July 10, 2018 and August 10, 2018 and a denial letter from the Building Inspector/Village Engineer dated June 21, 2018 which the Board has considered.

5.The Zoning Board of Appeals reviewed the Applicant’s request for variances for principal building coverage, impervious surface coverage and parking in the front yard and side yard setbacks at a public hearing held on July 9, 2018 at which public comments were heard and

considered. The Zoning Board of Appeals closed the public hearing on July 9, 2018 and approved the requested variances on that date.

6. The Planning Board closed the public hearing on August 27, 2018. 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 situated on an 8,257 sf (0.190 acre) lot in the R-10 zoning district. The Proposal includes a single story addition at the rear of the single-family residence (17.5' x 42'), conversion of a single car garage to storage and livable space, raising of the height of the existing roof and widen driveway. The height of the roof is being raised from 14' to 16' where 30' is the maximum allowed. The driveway is being widened to accommodate an additional parking space. The existing footprint is 1,571 sf which is proposed to be increased to 2,222 sf or an increase of 41%. The livable sf is 1,150 sf with a proposed increase of 719 sf for a total of 1,896 sf. of livable space.

The Environmental Clearance Form has been provided with no issues noted. There are no steep slopes on the property not are there any wetlands or other environmentally sensitive areas. The architect has provided a streetscape drawing. A light plane study has been provided by the architect which has been reviewed by the Building Inspector/Village Engineer and found to be zoning compliant. There are no trees on this property that will be affected by the construction. The property is currently landscaped and no additional landscaping is being proposed.

The Project required several area variances including exceeding principal building coverage (31.2% vs. 22%); exceeding allowable impervious surface coverage (45.2% vs. 37.25%) and parking in a required front yard and side yard setback. The Applicant received approval for these requested variances from the ZBA at its July 9, 2018 meeting.

The Applicant has submitted the Narrative for the *Stormwater Management Plan and Drainage Analysis* as well as the C-1 Drawing depicting the Stormwater Management Plan with

erosion control measures prepared by Hudson Engineering and Consulting dated August 8, 2018. The Project's increase in impervious coverage is 1,828 sf which includes the one-story addition, steps/patio, walkways and driveway extension. The Applicant's Engineer has designed a Stormwater Management system consisting of three cultec chambers at the rear of the property and two cultec chambers at the front. All roof leaders are being directed to the cultec units. The stormwater runoff from the property is directed via a comprehensive drainage system into these cultec chambers. The system is designed to fully accept (no release) the entire runoff volume from the 25 year storm event.

## 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 prepared by Samuel F. Viera, R.A. The Plans are entitled and dated 6/19/18 unless otherwise noted as follows:

- **SP-1 "Existing Site Plan and Proposed Site Plan"** Additions and Alterations to Nisco Residence, 164 Crest Drive, Village of Tarrytown, NY.
- **A-1 "Proposed First Floor Plan and Right Side Elevation"** Additions and Alterations to Nisco Residence, 164 Crest Drive, Village of Tarrytown, NY.
- **A-2 "Proposed Exterior Elevations and Light Plane Study"** Additions and Alterations to Nisco Residence, 164 Crest Drive, Village of Tarrytown, NY.
- **"Streetscape"** Additions and Alterations to Nisco Residence, 164 Crest Drive, Village of Tarrytown, NY
- **Survey** "Survey of Property prepared for James S. Nisco and Joann Nisco Property situate in the Village of Tarrytown, Town of Greenburgh, Westchester County, NY" prepared by Contractors' Line & Grade South and surveyed by John Marano, Land Surveyor dated April 6, 2000.
- **C-1 "Stormwater Management Plan"** Proposed Additions and Alterations, 164 Crest Drive, Village of Tarrytown, Westchester County – New York dated August 8, 2018 prepared by Hudson Engineering & Consulting, P.C.
- **Stormwater Management Plan and Drainage Analysis** prepared by Hudson Engineering and Consulting, P.C. dated August 8, 2018.  
(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) 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.
- (e) Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule. **Failure to comply with this provision shall result in the immediate revocation of all permits** issued by the Village along with the requirement to reapply (including the payment of application fees) for all such permits, the removal of all work

performed and restoration to its original condition of any portion of the site disturbed and such other and additional civil and criminal penalties as the courts may impose.

IV. Specific Conditions

- a) Prior to the issuance of a building permit, pre-design investigative analysis including percolation and deep hole tests will be performed in the location of the proposed stormwater practice and submitted to the Building Inspector/Village Engineer for review and approval.

Mr. Tedesco moved, seconded by Ms. Raiselis, that the Board approve this application. All in favor. Motion carried.

NEW PUBLIC HEARING – Alex Esposito, AIA, Architects- 11 Emerald Woods

Dr. Friedlander read the Public Hearing notice:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on **Monday, August 27, 2018, at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear an application by:

Alex Esposito, AIA, Architects  
312 High Meadow Road  
Southport, CT 06890

For site plan approval for the demolition of existing structure and construction of a single family residence with garage space, pool cabana and site improvements.

The property is located at 11 Emerald Woods in the Village of Tarrytown and is shown on the Tax Maps as Sheet 1.190, Block 112, Lot 30 and is located in the R-60 Zone.

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

By Order of the Planning Board

Lizabeth Meszaros  
Secretary to the Planning Board

DATED: August 17, 2018

The mailing receipts were received and the signs were posted.

Craig Studer, of Studer Design Associates Inc., appeared before the Board with the Design Architect, Alex Esposito. He briefly described the project which is unique since his client owns both 13 and 11 Emerald Woods. They are before the Board for 11 Emerald Woods which requires site plan approval. He explained that although they are 2 separate lots, the owner would like them to operate them as one. They are proposing to demolish the existing structure on 11 Emerald Woods and build a new structure that will act as a guest house. He noted that this property was the original cluster subdivision for Unification Church and is zoned R60. Although the code allows them to fall under R40 zoning, they are using R60 zoning in order to stay in the spirit of the old residence and keep its character. Mr. Studer passed out images to the Board to give them a sense and orientation of how the two properties relate to each other with respect to Gracemere Road and Emerald Woods. He showed the image of Gracemere looking up and said the property is to the left but cannot be seen.

With regard to steep slopes, he showed the map with the proposed swimming pool and spa and the green envelope for the R60 zone. He indicated that on earlier maps, the lot was known as lot 61 Gracemere, but the village now identifies the property as 11 Emerald Woods. The access will be from the existing curb cut off of Emerald Woods. The second floor will be the primary residence with guest house and pool. He showed the garage and retaining walls (6 foot in height), keeping with the existing topography and Hudson Valley character. The new building will have a courtyard, and as it steps up, there will be a pool with a retaining wall and a long walk and garden area with some nice trees. Alex Esposito, the project architect, came up and said it will be used as a guest house/caretaker with cabana and pool. It will not be a separate rental. Dr. Friedlander asked the size of the 2<sup>nd</sup> floor. Mr. Studer said the max gross floor area is 3,400 s.f.; 802 s.f. on the first floor and the living area is 2,021 s.f. on the 2<sup>nd</sup> floor, for a total area 3,490 s.f.

Mr. Esposito noted that they are reducing the number of garage bays down to 5 from 6. Mr. Tedesco asked about the footprint of the new home and if the retaining walls are all 6 feet. Mr. Pennella referred to the denial letter and said the footprint is 1,775 S.F. compared to the existing 1,296 S.F. Mr. Studer showed the footprint on the map.

Mr. Studer referred to the steep slope waiver request to the Board and addressed some points of the letter dated August 15, 2018. He advised that the grading plan was submitted with elevations that show the heights, along with a substantial planting plan



and tree removal plan. They want to restore character of existing residence to match the existing brick. The dormers and architectural detail will also be carried over. The pool and walls will not be visible from Gracemere or Emerald Woods. They want to make a connection between the primary residence and the homes so, as far as function between the 2 lots, there is no other location than to disturb the slopes. As designed, they are handling the retention of the slopes. He showed the proposed development and residence and how it fits in with the character of the neighborhood.

Ms. Lawrence asked if the courtyards are new. Mr. Studer pointed to the existing courtyard and said they are proposing another. Mr. Tedesco asked if they provided a steep slope map. Mr. Studer confirmed that Map LA- 201 was submitted and showed the area of disturbance. He also asked if they are changing the nature of the residence at 13 Emerald Woods. Mr. Studer said they will be changing the landscaping, introducing stairs and defining the wall and courtyard space.

Dr. Friedlander asked the size of the pool. Mr. Studer said it will be 20 x 44 with a small collection pool.

Mr. Birgy asked Mr. Studer to explain reasoning behind keeping properties separate. He is concerned that the historic nature will be disturbed if someone bought the lot. Mr. Studer said they designed this in such a way that there is an access easement. Mr. Esposito, the project architect, said the design they are proposing is integrated with the other property. The house is grand and has no garage. It would be a tough sell without multiple garage space which would make it less likely to be sold off. Mr. Birgy is concerned that they are leaving open the possibility of the lot being sold off. He thinks it would make more sense to merge the lots. Mr. Birgy said for the record, although it is not designated historic, it is an historic property.

Mr. Pennella explained to the Board that the plan as presented is for parking in the courtyard. The code does not allow for two principal uses on one lot so they need an easement to gain access from number 13 for parking on number 11, which would permit two independent structures, two independent lots. The only problem he sees is the courtyard property that can't be paved.

Counsel Zalantis proposed that a condition of site plan approval could be to maintain the two lots in common ownership so that they could not separate them by law and sell them separately. Mr. Pennella said the issue is that the courtyard does not comply with side yard setback so you would need a variance for that or the lots can be maintained in common ownership and they could not sell them separately.

Mr. Studer confirmed that they can either file a variance application for the setback to make it compliant or agree that the two lots will be held in common ownership.

Mr. Pennella said the courtyard is used for parking and the garages at number 11 are also being used by number 13. If they want to split them off in the future they would have to remove the courtyard and also provide parking for 13 Emerald Woods.

Mr. Studer would like to discuss the option of using it as one. Mr. Pennella said if the lots ever get sold, they would be required to go back for site plan review, remove the courtyard and provide parking on 13. With the common ownership, this would not be an issue and no variance would be required.

Counsel Zalantis would like the applicant to have their counsel draft a narrative. Mr. Pennella would also like the applicant to show a rough sketch of what it would look like if the properties were separated. Either way the access easement is needed. Mr. Studer said there is an access easement at this point. Counsel Zalantis said it does not comply now as a variance for parking in the side yard setback would be needed, but if it were agreed to go to common ownership, no variance would be needed.

Dr. Friedlander asked if there was ever a discussion to build a single family structure. Alex Esposito, the project architect, came up and said it was his client's intention of keeping both properties together when they bought them. He said they will come back with a plan to show how it would look if 11 Emerald Woods was sold off.

Mr. Birgy said it is a great plan with a positive impact. He would like to find a way to keep the history of the lot.

Andre, (the owner) came up and said he only wants to build a nice home for his wife and provide parking for his kids. Annette Simao, his wife and owner, added that she is very familiar with the history of the Jacobs house and it is her intention to keep it as a residence. They do not intend to separate, divide, and or sell it. She wants to raise her family here. She would not mind common ownership. When she purchased the property, she was advised to keep it as two separate lots. She wants to restore the mansion to what it was before. She understands the concern of the Board; however, it is her intention to live in the home and raise her children. She will discuss this matter with her attorney.

Mr. Esposito noted that Mr. Pennella raised the point that it had to be two separate lots because the code does not allow for 2 uses on one property. Mr. Birgy said the architect did a great job. Ms. Raiselis said separate from common ownership, the Board always hoped that someone would take this house and make it good or better and they are on their way; it is a beautiful plan and sited very nicely. She wished them good luck. Mr. Tedesco is also pleased.

Mr. Tedesco moved, seconded by Ms. Raiselis, to declare this a Type II action with no further action required under SEQRA. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Ms. Raiselis, to set an escrow for this application at \$2,500.00. All in favor. Motion carried.

Mr. Tedesco asked if anyone in the public would like to speak.

Les Jacobs, 47 Stephens Drive, came up and thanked the applicant for restoring the home. He questioned the need for the guest house and the purpose for the 5 car garage and raised a concern that they may want to rent it out on Airbnb. Ms. Raiselis said that Airbnb's are not permitted in this zone. He would like to know the height, length and proposed footprint as compared to the current garage since he is able to see the garage from his property. Counsel Zalantis said the architect addressed these issues in his presentation earlier. Mr. Jacobs said he would like more time to look at this to see what it looks like compared to the existing structure. He is unable to read the architectural drawings and would like to see the visuals which were not in the building department file. He was concerned about the collection pool and trickling of water. Ms. Raiselis confirmed that the water will drip over the edge of the pool, but it is not a waterfall. Mr. Jacobs mentioned that whoever owned the property a couple of years ago, took down a huge dead tree. They also took down a huge legacy tree and left the debris 3 feet from his neighbor's property line, which is not neighborly. He would like to walk the property if the Planning Board has a site visit.

Counsel Zalantis asked that the applicant submit to the secretary, all of the items and pictures (in color) presented this evening so that they can be made part of the record and are available to the public.

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

Mr. Birgy left the meeting at 8:35 p.m.

#### NEW PUBLIC HEARING – Debra Jacoby- 59 Embree Street

Dr. Friedlander read the Public Hearing notice:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on **Monday, August 27, 2018, at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear an application by:

Debra Jacoby  
59 Embree Street  
Tarrytown, NY 10591

for site plan approval for the demolition of existing dwelling and construction of a new dwelling on the existing foundation.

The property is located at 59 Embree Street in the Village of Tarrytown and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.190, Block 115, Lot 12 and is located 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.

Additional approvals are required from the Zoning Board of Appeals and the Architectural Review Board.

Lizabeth Meszaros  
Secretary to the Planning Board

DATED: August 17, 2018

The mailing receipts were received and the signs were posted.

David and Debra Jacoby appeared and stated that they would like to take down their existing home and build a two story home on the same foundation. It will be approximately 2,900 sf and will comply with the height. They are proposing a second parking space in the front and will also add a porch to the front which requires a variance from the Zoning Board. Mrs. Jacoby said with or without the porch, they still need a variance since the house is non-conforming with the front setback. The proposed home will still be in line with most of the homes on the block as there is not one home that meets the front yard setback on the block. She will forward a list of the setback information for each home to the Board. Ms. Raiselis asked the applicant if they could bring some drawings and pictures to the next meeting so that the public can see the pictures of the proposed home. Ms. Jacoby said she does have a streetscape and she will bring these documents to the next hearing.

Dr. Friedlander asked why they are at Planning. Mr. Pennella said they are 82% over the existing floor area. Mr. Tedesco referred to the memo from ZBA Counsel Addona dated August 15, 2018, regarding the merging of the two undersized lots. Research was done and it has been determined that both lots are undersized and they can merge by common ownership. Mr. Pennella advised that the applicant has been notified of this and Mr. Galvin agreed that a condition will be put in the resolution to file a map to merge the two lots prior to the issuance of a certificate of occupancy.

Mr. Tedesco asked if there is any change in the steep slope. Mrs. Jacoby said they are on a steep slope, but there will be no change. Mr. Tedesco liked the rain garden addition. Mrs. Jacoby said she has done her research and she will also provide native plants.

Mr. Tedesco asked if anyone in the public had any comments. No one appeared.

Mr. Tedesco moved, seconded by Ms. Raiselis, to declare this a Type II action with no further action required under SEQRA. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Ms. Raiselis, to set an escrow for this application at \$2,500.00. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Ms. Raiselis, to continue the public hearing after receiving required variances. All in favor. Motion carried.

#### NEW PUBLIC HEARING

Lorraine S. Burke-Zollo, Property Manager-Martling Owners, Inc. – 222 Martling Avenue

Dr. Friedlander read the Public Hearing notice:

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on **Monday, August 27, 2018, at 7:00 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear an application by:

Lorraine S. Burke- Zollo, Property Manager  
Martling Owner's Inc.  
19 South Broadway, Unit BC  
Tarrytown, NY 10591

For site plan approval for improvements to the Parking Lot area to include drainage improvements and the construction of a new retaining wall at the rear of the building.

The property is located at 222 Martling Avenue in the Village of Tarrytown and is shown on the Tax Maps as Sheet 1.110, Block 83, Lot 6 and is located in the M-4 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: August 17, 2018

The mailing receipts were received and the signs were posted.

Ms. Lawrence recused herself from this application as she resides at 222 Martling Avenue.

Paul Berté, P.E., of Petrocelli Engineering, the project engineer, representing the applicant, presented the site plan. He explained that there are two phases to this project. The first phase is to re-surface and stripe the parking lot and repair a small retaining wall in-kind. There will be no increase in impervious coverage. They are proposing to capture runoff by installing a 24" perforated pipe with a level spreader. The wall length is 72 feet and the height is less than 3 feet tall.

Ms. Raiselis asked Mr. Pennella if the plan requires a stormwater system. Mr. Pennella said that they are not increasing the impervious area so they are not required to put in a system. He will work with the Engineer to look at ways to mitigate and reduce the runoff.

Mr. Tedesco asked the applicant what the time frame is for the completion of both phases. Mr. Berté said the 2<sup>nd</sup> phase of the project will be to build a 170 foot modular block retaining wall, less than 6 feet, around the back of the building to protect the foundation, which is starting to get exposed. It will also prevent any future erosion of the slope. He showed the stairs that will come down from the parking lot on the plan. With regard to tree removal, there are no regulated trees proposed to come down. Mr. Pennella advised the Board that it is currently a slope, and eventually it will become a more level area. Mr. Berté said the residents would like to complete both projects at once, but since there is a SEQRA process for this application, the resurfacing may have to wait until the spring. They may be able to get the retaining wall done this season.

Ms. Raiselis is still concerned about the water in the parking lot and asked Mr. Pennella if there is anything that can be done to mitigate the flow. Mr. Pennella explained that the proposed level spreader disperses the water; a rain garden to capture the water could be a possibility. He would not like in-ground filtration because of the steep slope. Mr. Berté said he will work with Mr. Pennella to explore additional methods that may work better.

Planner Galvin visited the site and noticed a lot of trees down in the back closer toward Sleepy Hollow Gardens and asked Mr. Berté if they should be cleaning this area up. Mr. Berté said he does not know what caused the trees to fall but some people like to keep the trees. He noted that there are many 1 inch and 2 inch calipers that are healthy in this same area.

Mr. Pennella suggested that perhaps they could clean it up, maybe plant some Pachysandra and, Suzanne Nolan, the village landscape architect, may also be able to offer some alternatives. Ms. Raiselis asked for something that will absorb more and create a good system.

Mr. Tedesco moved, seconded by Ms. Raiselis, to declare this an unlisted action under SEQRA. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Ms. Raiselis, that the Board declares its intent to be lead agency with proper notification to involved and interested agencies. All in favor. Motion carried.

Mr. Tedesco moved, seconded by Ms. Raiselis, to set an escrow of \$5,000. All in favor. Motion carried.

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

CONCEPT DISCUSSION- NRP PROPERTIES – 200 White Plains Road

Mr. Tedesco moved, seconded by Ms. Raiselis, that the Board increase the escrow amount for the proposed development of 200 White Plains Road by an additional \$15,000 and authorize Michael Galante, of Frederick P. Clark Associates, as a consultant for the village for traffic studies. All in favor. Motion carried.

ADJOURNMENT

Mr. Tedesco moved, seconded by Ms. Raiselis, to adjourn at 9:00 pm. All in favor. Motion carried.

Liz Meszaros- Secretary