

Planning Board
Village of Tarrytown
Regular Meeting
March 28, 2005 7 p.m.

PRESENT: Chairman Friedlander; Members Tedesco, Shroff; Planning Consultant Geneslaw; Village Engineer/Building Inspector McGarvey; Secretary D'Eufemia

APPROVAL OF MINUTES

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that the minutes of February 28, 2005, be approved as submitted.

PUBLIC HEARING – WRIGHT – 13 JOHN STREET

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, 2005, at **7:00 p.m.** at the Municipal Building, 21 Wildey Street, Tarrytown, New York, to hear and consider an application by:

Wayne Wright
13 John Street
Tarrytown, New York 10591

To consider the application for site development plan approval pursuant to Section 305-52 of the Zoning Code of the Village of Tarrytown for property he owns at the above address to permit full 18 ft. expansion of existing residence (into west side) in rear of residence, relocate and construct a one-story deck behind new expansion (for which variance approval has been received); raise attic roof partially with shed dormer (for which variance approval has been received) and creation of new ½ bath in front of residence that is currently an open porch.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 10, Block 35, Lot 13 and is located in an RR (Restricted Retail) Zone.

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

The Certified Mailing Receipts were submitted.

Mr. Ralph Tarulli, engineer, submitted photographs of properties in the area and tax cards from the Town of Greenburgh.

Mr. Tarulli reviewed with the Board a drawing showing the existing residence and what is being proposed.

Mr. Tarulli stated a deck approved in 2003, which was prior to the proposal for putting on the 18 ft. addition, will now be pushed farther back. There will be a full extension of the basement, first floor, second floor, and attic. With the attic, the owner wants to jump up the roof on the south side elevation. This is similar to the construction done next door in the late 1960s.

Upon inquiry, Mr. Tarulli stated the following variances are required:

1. Increase in the degree of non-conformity: Full rear expansion of 18 ft. for basement, first floor, second floor, and attic. Partial raising of attic roof on one side as noted in plans. Creation of half bath on first floor that is currently an open porch in front of residence. One off street parking space exists where two are required (§305-18.A.(1))
2. Rear yard setback for deck is required to be 26 ft. and 23.42 ft is proposed (§305-14(B)4) (§305-9)
3. Side yard setback is required to be 16 ft. and 1.47 ft. is proposed (§305-14(B)4) (§305-9)
4. Combined side yards are required to be 34 ft. and 4.58 ft. is proposed (§305-14(B)4) (§305-9)
5. Deck to accessory distance is required to be 16 ft. and 11 ft. is proposed (§305-14(B)4) (§305-9)
6. Maximum principal and accessory building coverage allowed is 43%; 59% exists; 122.6% is proposed (§305-107)
7. Maximum square footage allowed is 1,372 sq. ft; 1,883.00 exists; 2,027.52 ft. is proposed (§305-107)

Chairman Friedlander questioned whether anyone wished to address the Board on this matter. A resident questioned whether this will be a one or two family house. Mr. Wright stated it will be a one-family home.

Board members unanimously agreed that the applicant should proceed with the Zoning Board of Appeals on the variance application, and if variances are approved, the applicant should return to the Planning Board with the site plan.

PUBLIC HEARING – CAPPUZZELLO – 100 MACARTHUR LANE

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, 2005, at **7:00 p.m.** at the Municipal Building, 21 Wildey Street, Tarrytown, New York, to hear and consider an application by:

David Cappuzzello
100 MacArthur Lane
Tarrytown, New York 10591

To consider the application for site development plan approval pursuant to Section 305-52 of the Zoning Code of the Village of Tarrytown for property he owns at the above address to permit new second floor addition above existing first floor and new covered front entrance and steps.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 16B, Block 116, Lot 4 and is located in an R7.5 (Residential) Zone.

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

The Certified Mailing Receipts were submitted.

Mr. Sam Vieira, architect, stated, "What we are doing is taking a single story cape-style home and putting a second story above it so there will be three bedrooms and two baths on the second story. On the lower level we will reconfigure the stairs and take those two bedrooms and convert to a den and bedroom. The property is one of the few conforming lots in this neighborhood. It is an R-7.5 zone and they have 7,500 sq. ft. Most of the lots in the neighborhood are 5,000 sq. ft. lots. The proposed construction will be done with no variances. Everything is as of right."

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

Mr. Steve Hart, Riverview Avenue, questioned how residents can be assured that what is shown on approved plans is actually what is constructed – e.g., height. Mr. McGarvey stated the site plan has to be signed off by the Planning Board Chairman and that must reflect exactly what is approved by the Planning Board. The Building Department asks for certification by the architect that what is built is what is shown on the plans.

Richard and Kathy Chulla, MacArthur Lane, stated they were in agreement with the proposal and urged the Board to approve the application.

Mr. Ian Colley, 94 Riverview Avenue, stated he was pleased the proposal did not require any variances.

The Board reported receipt of the following memo, dated March 22, 2005, from Robert Geneslaw, the Village's Planning Consultant:

“Subject: David Cappuzzello, 100 MacArthur Lane, Second Floor Addition

This is an application for a new second floor addition above the existing first floor and new covered front entrance and steps for a single-family dwelling. There is no increase in lot coverage.

Site visits were made February 24 and March 16 to observe the subject and neighboring properties. The properties nearby are a mix of one, one and a half, and two story dwellings. While the second story addition will increase the height of the dwelling, it does not appear to be likely to create a significant visual impact with respect to river views enjoyed by neighboring properties to the east. Only the home to the east is likely to be affected, and only to a minor extent if at all.

While the homes on this section of MacArthur Lane are of varying numbers of stories, looking from the south they appear to be at similar elevations at the roof ridge. The addition of a second story for the subject property will break that continuity.”

No one further appeared to address the Board on this matter.

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

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that the hearing be closed and the Planning Board approves the site plan for 100 MacArthur Lane, subject to:

1. Approval by the Village Engineer/Building Inspector
2. Approval by the Architectural Review Board
3. The final approved site plan to be signed by the Planning Board Chairman
4. The applicant will work with the Village Engineer/Building Inspector to certify the height measurement is accurate
5. Payment of outstanding escrow fees.

PRELIMINARY PRESENTATION – SUBDIVISION - GALGANO/GHEEN – 22
HIGH STREET/45 LINCOLN AVENUE

Mr. Sean McCarthy, architect, stated, the site is located on High Street and Lincoln Avenue (R-7.5 zone). There are two separate building lots with a single family home on each. The proposal is to move one of the lot lines and create a new building lot. The existing addition and greenhouse on the Lincoln Avenue property will be removed. What will be removed is the size of the new house – a little over 2,000 sq. ft. This creates a non-conforming building lot for the new lot and the existing lot on Lincoln Avenue.

Mr. McCarthy showed a diagram of lots in the area that are under the 7,500 sq. ft. requirement.

Board members noted the two substandard lots, which would be created, would be substantially substandard – by about 1/3. They suggested the applicant research the history of the lots in the area that are non-conforming and present that information to the Board before a public hearing is scheduled.

PUBLIC HEARING – KING – 27 MECHANICS 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, March 28, 2005, at **7:00 p.m.** at the Municipal Building, 21 Wildey Street, Tarrytown, New York, to hear and consider an application by:

Jeffrey King
40 Fairview Avenue
White Plains, New York 10603

To consider the application for site development plan approval pursuant to Section 305-52 of the Zoning Code of the Village of Tarrytown for property he owns at 27 Mechanics Avenue, Tarrytown, New York, to permit demolition of existing house and construction of new single-family house.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 6, Block 18, Lot 16 and is located in an M1.5 (Multi-Family) Zone.

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

The certified mailing receipts were submitted.

Mr. King stated he is proposing to build a two-story single family home on Mechanics Avenue. There is an old existing building, which would be demolished. The proposed house would have five bedrooms and three bathrooms – 1,904 sq. ft. No variances are required.

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

The Board reported receipt of the following memo dated March 22, 2005, from Robert Geneslaw, the Village's Planning Consultant:

“Subject: Jeffrey King, 27 Mechanics Avenue, Dwelling Replacement

This is an application for demolition and removal of an existing dwelling and construction of a new 2-1/2 story single family home.

Site visits were made February 24 and March 16 to observe the subject and neighboring properties. The homes in the area are mixed in size and styles. The new home will clearly be higher than the home it is replacing, which appears to be in very poor condition. Whatever visual impact may be created by the larger home, the physical upgrade to the community will be more positive.”

Mr. McGarvey noted Mr. King’s architect shows the two parking spaces on the left side of the house. Those cannot be there. The driveway can be there and the architect was advised to relocate the parking spaces to the rear of the building.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that the Planning Board determines the proposal will pose no significant adverse environmental impacts.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that the hearing be closed, and the Planning Board approves the site plan for 27 Mechanics Avenue subject to:

1. Approval by the Village Engineer/Building Inspector
2. Approval by the Architectural Review Board
3. The final approved site plan to be signed by the Planning Board Chairman
4. The site plan to be changed to show the off street parking spaces in the rear of the property
5. Payment of outstanding escrow fees.

CONTINUATION OF PUBLIC HEARING – MCDONALD’S CORPORATION – 140 WILDEY STREET

This hearing began at the Board’s February meeting.

The applicant submitted the Certified Mailing Receipts.

Mr. Jeffrey Seeley, Project Manager for McDonald’s, stated they are proposing a cash booth on the side of the building. In addition, last month they mentioned a new roof, which they are now proposing in forest green rather than red. (A sample was submitted.) They are also proposing a logo sign.

Mr. Tedesco stated, “The building now looks nice. It looks like a residence or an office.”

Ms. Patricia Mulholland, operator of the Tarrytown McDonald’s, stated they have made a lot of interior renovations and want the exterior renovations to attract customers and also to set them aside from the strip mall next door. The building currently is the typical 1950s McDonald’s building, and they want to change that.

Mr. Seeley stated McDonald's is looking for improvements to the buildings and they felt the biggest bang for the buck would be to change the roof and add the signage.

Mr. Tedesco stated there is already considerable signage on this property and he did not see the need for additional signage.

Chairman Friedlander questioned whether McDonald's Corporation was requiring the exterior changes. Mr. Seeley stated the company is not requiring the changes – the operator felt the changes would be beneficial.

Chairman Friedlander noted the owners of the strip mall are going to be making exterior changes. He suggested the applicant meet with those owners to see what they will be proposing before moving forward with exterior changes to the McDonald's building. Chairman Friedlander suggested the operator also get photographs of other McDonald's buildings that have the proposed green roof.

In regard to the cash booth, Board members stated they did not have a problem with that proposal. The chairman questioned whether anyone wished to address the Board on that matter. No one appeared.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that the proposed cash booth on the building at 140 Wildey Street poses no significant environmental impacts.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that the hearing be closed and the Planning Board approves the site plan amendment for a cash booth at 140 Wildey Street, subject to:

1. Approval by the Village Engineer/Building Inspector
2. Approval by the Architectural Review Board
3. The final approved site plan to be signed by the Planning Board Chairman
4. Payment of outstanding escrow fees.

PUBLIC HEARING – 455 HOSPITALITY, LLC – 455 SOUTH BROADWAY

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, 2005, at **7:00 p.m.** at the Municipal Building, 21 Wildey Street, Tarrytown, New York, to hear and consider an application by:

455 Hospitality, LLC
455 South Broadway
Tarrytown, New York 10591

To consider the application for site development plan approval pursuant to Section 305-52 of the Zoning Code of the Village of Tarrytown for property located at the above address to permit conversion of the Tarrytown Hilton into Double Tree Hotel with renovations, expansion, new parking and reconfiguration of existing parking.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 24, Parcel 3E2 and is located in an LB (Limited Business) Zone.

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

The Certified Mailing Receipts were submitted.

Mr. Richard Blancato, attorney for the applicant, stated Double Tree has taken over the Hilton Inn. The proposal is to do various renovations to improve its appearance as well as its functional ability. They are proposing to enlarge the great ballroom to meet the requirements for larger functions. The lobby and restaurant will be moved. There will be modifications in the rear with the swimming pool, etc. Two variances will be required. The principal building coverage allowed is 20% and they will have just over 24%. The height of the grand ballroom will be 28 ft. and 25 ft. is allowed. They have engaged a traffic engineer, Tim Miller Associates, and they will submit the traffic analysis as soon as possible as well as a detailed landscaping plan.

Mr. Alex Sirotkin, one of the principals, stated they were very excited about this project. The Hilton Corporation failed to invest in the property as a prior owner in terms of the financial sense and in terms of upgrading and from a managerial sense. "It is our intention as owners to manage this property carefully and make a serious financial commitment to upgrade the property. We see it as a great opportunity for us and an opportunity for the property. This is more, to me, a motel than a hotel. I think the inner courtyard is lovely and with enhancements can be made more beautiful."

Mr. Mark Shapiro, design architect, stated the owners' idea is to bring in a little bit of Colorado and Utah into Tarrytown. They are taking advantage of the architecture that is there and enhancing it. Overall the objective is to add an 8,000 sq. ft. ballroom to the hotel and the support space needed. They are giving the hotel the amount of meeting and function space that a 240-250 room hotel needs to be competitive. They are trying to create a retreat so the hotel is a little respite. They are taking advantage of the stone that

is there and adding more stone and trellises. The front entrance is being moved in order to take advantage of the entire front façade. Architectural features are being added to the building that already exist today.

Mr. Martin Brockstedt presented an exhibit to show the areas of the hotel, which will be affected by the changes.

Chairman Friedlander stated presently the nicest part of the property is the courtyard and that is being greatly reduced in size. Mr. Shapiro stated they are essentially doing a re-organization. When looking towards the building from the courtyard, you will see a veranda that begins the terraced area. The whole backyard will be enhanced with new pools, creeks and walkways. They are creating layers that don't exist today. Today it is a flat space and in the future it will have a slope to it.

Chairman Friedlander questioned the need for the 28 ft. height in the ballroom. Mr. Shapiro stated it will give a 20 ft. clear span, which is what meeting planners look for in audio/visual presentations.

Chairman Friedlander questioned the size of the restaurant. Mr. Shapiro stated it is just under 3,000 sq. ft. with total seating for about 225 people. Breakfast, lunch, and dinner will be served.

In regard to parking, Mr. Blancato stated 441 spaces exist today. The ordinance requires this project to have 503 spaces and they are providing 521. In order to get the additional spaces, the tennis courts in the rear will be removed and that area will become parking. They are also proposing two areas for valet parking when crowded functions are held.

Mr. Tedesco stated it should be made clear on the plan parking spaces which will be removed, if any, those that currently exist and those that will be added.

Chairman Friedlander stated he was concerned about the parking when the hotel is at full occupancy and a large function is also being held. Mr. Shapiro stated the hotel is changing from a transient hotel to a group use oriented hotel.

Upon inquiry, Mr. Shapiro stated no rooms will be added and all rooms will be renovated.

Ms. Cherie Gaines, 612 So. Broadway, stated she was concerned about height and the Planning Board must carefully review that. Mr. Shapiro stated they are not going above the height of the existing roof line of the building.

Mr. Frank Hassid, Executive Director of the JCC, neighboring property owner, requested that special concern be taken during the construction period. Mr. Shapiro stated they too are concerned about the construction period and will be phasing the project so there is as

little disruption as possible. He stated they will meet with Mr. Hassid to review their plans for construction.

Mr. John Lynch, Crest Drive, stated he was concerned about traffic. This plan shows a 30% increase in parking spaces. He stated the Board must review what the Hilton's occupancy rate had been in recent years since it appeared that was low for a while. Now there could be full occupancy and an increase in function use.

Upon inquiry from Francesca Spinner, Wilson Park Drive, Mr. Shapiro stated the new ballroom could hold 650 people for a dinner event as opposed to the 340 people that can be accommodated in the current ballroom. Ms. Spinner stated it appears there will be a large increase in the number of cars at this site.

Mr. Blancato stated most of the people who come to the hotel do not travel on South Broadway. The traffic engineer will be addressing that.

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

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that the applicant prepare a long Environmental Assessment Form with a Visual Addendum.

The hearing will be continued at the Board's next meeting.

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

Mr. Don Walsh, representing the applicant, stated they have been restudying the parking situation. They have had a series of discussions with the fire department because their design for the new firehouse did not include parking. There will probably be a licensing agreement to allow the fire department to use some overflow parking. The applicant has medical-type buildings and will have more handicapped spaces closer to the building on the east side. They have met with the fire department to be sure they can bring the trucks through. An updated traffic study has been submitted and the Village's Traffic Consultant should review that.

Mr. Peter Karas of Insite Engineering stated a second site walk was conducted and the preferred alternative was reviewed. The building has been shifted 200 feet to the east. It is the same building pad. There is a slight fill section in the northwest corner. There is a flow of traffic surrounding the building and more parking closer to the building. They are proposing to continue the landscape theme. There is a one story building close to the road, then a two story building followed by the three story building which steps it into the site. They have provided some additional parking above the code. The new alternative is being called Alternative 8 and will be included in the FEIS. Mr. Tedesco stated

Alternative 8 should have the slopes shown on the site plan. Mr. Karas noted they have not yet fully engineered this alternative.

Mr. Walsh noted there are two Alternative 8 plans – one dated January 13, 2005 and one dated February 8, 2005. The Fire Chief has reviewed the February 8th plan.

Upon inquiry from Mr. Shroff, Mr. Walsh stated it will be possible for a fire truck to come out of the new firehouse, go across their property, and out the emergency exit, onto Midland Avenue or straight across to Hitachi.

Mr. Tedesco noted that Mr. Geneslaw's February 15, 2005, memo to the Board noted that the main body of the DEIS should include more of the substantive information for the appendices, including maps and illustrations.

Mr. Mark Fry, representing the applicant, stated he has met with Hitachi representatives and they want to be certain that the fire access is only for emergency use and that steps are taken to prevent anyone from swinging in there.

Mr. Alfred Lee of Marshall Cavendish stated they are happy with Alternate 8 with the building on the east side. They need to review the vegetation and landscaping around the building and "I am sure we can come to agreement." Mr. Lee stated over the past two years many alternatives have been reviewed and there was talk about a smaller size building. "I will leave that up to the Board. We at Marshall Cavendish are happy with the location of the building."

Mr. Geneslaw stated a revised DEIS will be submitted and once the document is declared complete, it can be made available to the public.

Mr. John Lynch, Crest Drive, stated the emergency access was to have been only for a remote situation, but this is being designed for the fire truck to go out to Martling Avenue. The emergency access was for the building, not for the firehouse. Mr. Walsh stated the Fire Department's main concerns are Hitachi and Castle Heights.

Chairman Friedlander stated if there is a fire on Martling Avenue, particularly in a high-rise building, it is faster for the fire department to get there, not via Route 119, but through this property. This is the Fire Department's request to get to Martling Avenue faster. It is to make it safer for people.

Mr. Lynch stated, "I am saying perhaps other alternatives for the location of the firehouse should have been pursued."

Mr. McGarvey stated there should be a sign-off from the Fire Department as to their preferred plan.

The hearing will be continued at the Board's next meeting.

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

Chairman Friedlander stated this hearing is being adjourned until the Board's next meeting. No one appeared to address the Board on this matter.

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

Mr. Norman Sheer, attorney for the applicant, stated the DEIS was submitted for Mr. Geneslaw's review and they have received his comments and will be addressing those. He requested that comments from other departments also be submitted as soon as possible.

Mr. Tedesco stated he had reviewed Mr. Geneslaw's comments and his concerns were basically the same, but he did have a couple of additional items. First, storm water and drainage – The Tarrytown Lakes have been designated a Critical Environmental Area by Tarrytown and the County including the drainage basins. While preserving open space is important in the Wilson Park area, it seems the single most important consideration is the protection, safeguard and preservation of the Lakes and not just as a possible reuse of a water supply but aesthetically and environmentally. The DEIS proposes a needed storm water management system and claims there will be less pollutants to the reservoir with more dilution flow, doubly easing the causes of eutrophication. A summary of this is found on Page 12, Chapter 4, of the DEIS. "I have made the suggestion that the Village hire an independent consultant to assess the adequacy of the storm water proposal as made."

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that the Planning Board authorizes an independent study be made for review of the storm water.

Mr. Tedesco stated his second concern is construction equipment and removal of trees, particularly in light of the clear cutting done in Sleepy Hollow. He noted he has proposed the following language in past applications:

Small Construction Equipment and MINIMUM Removal of Trees:

- The applicant agrees to use sufficiently SMALL construction equipment so as to avoid the usual clear-cutting procedures.
- A minimum of trees is to be removed – with homes "fit in" to the surrounding greenery.
- While this will be a more costly procedure, it will maximize the green cover/open space remaining, and will make these properties more attractive to potential buyers.

Mr. Tedesco stated he would like it spelled out in the DEIS that they are accepting of this goal and in site plans they will let the Planning Board know the details of the construction equipment.

Mr. Tedesco stated he hoped the Village will aggressively raise money to purchase some of the lots. Alternative 3 tries to preserve the park in Wilson Park. There are connections in the west to the biking paths and the Tarrytown reservoir park, and views to the lakes are important. There has been an attempt to preserve the ridgelines. There is a mix of smaller and larger homes. The small ones are in the south and the large ones are in the north where there are already some large homes. Heights have come down to about 25 feet. There are positive things in Alternative 3.

Chairman Friedlander stated if people have concerns about the open space and where it is and its configuration, they should look at the plans and make recommendations about the areas that would be best protected by open space acquisition.

Chairman Friedlander questioned whether the applicants have ever arranged a meeting with the Wilson Park Drive residents. Ms. Liz Gannon of Spectrum Development stated they had been in touch with some neighbors but have not yet coordinated a date to meet. They were hoping the DEIS would be declared complete so a public hearing could be scheduled.

Mr. Sheer stated they hoped to quickly get the amendments so neighbors don't waste time over issues that will be changed. "We need to get the DEIS completed."

Ms. Carol Griffiths, Martling Avenue, stated there should be a review of wildlife and plant life in Spring.

Mr. Geneslaw stated it will take some time for the independent engineer to complete his review. Mr. Sheer stated that can be part of the public portion of the review. "If we can reach completeness for the DEIS, your consultant can continue during the public process and those recommendations can be incorporated into the final."

Mr. John Lynch, Crest Drive, stated the County has more latitude in looking at the Greenburgh side. This affects Pocantico Hills as well as far as what happens with the Lakes. Whoever gets involved with the Lakes study needs to embrace everyone around it as well. Chairman Friedlander stated, "We will ask for that." Mr. Lynch stated the County Planning Department may be able to fund that type of study as well.

Mr. Brian Kelly, Wilson Park Drive, stated he had taken photographs, that he would make available to the Board, showing that the land is washing out in every rainfall. Given the ridgeline ordinances and the existing washout, it doesn't seem plausible there should be construction in the ridgeline.

Upon inquiry from Francesca Spinner, Wilson Park Drive, Chairman Friedlander stated once the DEIS is declared complete, it will be distributed to the interested agencies and the public and then there will be a series of public hearings.

The hearing will be continued at the next meeting.

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

Mr. Norman Sheer, attorney for the applicant, stated the escrow was deposited today and Mr. Geneslaw will commence his review of the Full Environmental Assessment Form Report, which was submitted on March 14, 2005.

No one appeared to speak on this matter.

The hearing will be continued at the next meeting.

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

Chairman Friedlander reported that the applicant has requested an adjournment until next month.

No one appeared to speak on this matter.

The hearing will be continued at the next meeting.

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

Chairman Friedlander stated this matter has been adjourned until April at the request of the Planning Board.

No one appeared to speak on this matter.

The hearing will be continued at the next meeting.

CONTINUATION OF PUBLIC HEARING – CALIBER BUILDERS – 612 SOUTH BROADWAY (SUBDIVISION)

Ms. Cherie Gaines, 612 South Broadway, stated she resides on the rear two acres of the property Caliber wishes to develop. "This Board has been aware of my easements and

concerns. During the scoping process the Board was kind enough to include specific issues regarding my easements – easements over land Caliber proposes to develop, specimen trees which might be damaged, etc. It was my initial understanding Caliber's representatives would stay in touch with me and discuss their development plans and thoughts, specifically as they related to my intimate involvement in their proposal. I made several communications, and the phone calls were not returned. Tonight I find out they are reviewing the proposal. I request they not be permitted to submit any DEIS until issues are discussed with me. I have had no discussions of the kind this Board contemplated when they included the issues in the scoping document. When I spoke with Caliber representatives this evening and expressed my anger, I was told the document was not ready for the public yet. I don't feel I am a member of the public based on my situation. I have very substantial legal rights with regard to this property. I am requesting you remind Caliber of the matters you included in the scoping sessions and postpone any discussions with them until we have had a chance to meet so I can be sure the DEIS includes the environmental issues I will directly experience."

Mr. Jeff Weinberger, Vice President Caliber Builders, stated, "The application is for subdivision of approximately 23 acres on South Broadway. I apologize to the Board and my neighbor. She is correct. We said we would send her a copy of the DEIS and somehow that fell through the cracks. We will send that to her. She has one utility easement and as I have represented to this Board, any relocation of that electric line will be on Caliber Builders. I am not sure what she means about mature trees. Caliber is proposing no disturbance to her property whatsoever. There will be some utility lines that cross Caliber's property to reach her property. We may have to relocate some of those. That has not been addressed in our DEIS which was submitted to you in November and is now before you for review. We have Mr. Geneslaw's memo, which does address Ms. Gaines' comments. We hope to incorporate Mr. Geneslaw's comments into a revision and we have the comments from your traffic engineer and we will incorporate his comments and we have comments from the Village Engineer and we will incorporate those comments. We will revise the submission and resubmit for another completeness review."

Chairman Friedlander questioned, "You have no objection to meeting with Ms. Gaines?" Mr. Weinberger replied, "None." Ms. Gaines stated, "I want to work with them to determine exactly what will happen." Chairman Friedlander stated, "He will meet with you and go over the easements and trees and you can come back and give us your assessment of that meeting, as he will." Ms. Gaines stated, "There are legal issues." Mr. Weinberger stated, "We have done the title searches and we know our rights. We have every intention to meet with Ms. Gaines and discuss these issues. They are legal issues we will deal with."

Mr. Tedesco stated the revised DEIS Tree Plan should contain three categories of trees – large size and specimen trees which will remain, which will be removed, and what will be added. That should be clear on the plan. The applicant also knew the possibility of

two things – a public easement for a walking trail to Taxter Ridge Park and a walking trail to connect with parklands and open space proposed in Jardim Estates. “You need to discuss if you will do that.” Mr. Tedesco stated there should also be a discussion of the size of the homes that are proposed relative to the surrounding homes – Jardim and Tarryhill Road. If it is proposed to move gas or water lines and those could disturb some of the trees, the Board would hope that the level of disturbance would be discussed.

Chairman Friedlander stated Mr. Tedesco’s comments about construction equipment should also be incorporated and addressed:

Small Construction Equipment and MINIMUM Removal of Trees:

- The applicant agrees to use sufficiently SMALL construction equipment so as to avoid the usual clear-cutting procedures.
- A minimum of trees is to be removed – with homes “fit in” to the surrounding greenery.
- While this will be a more costly procedure, it will maximize the green cover/open space remaining, and will make these properties more attractive to potential buyers.

Chairman Friedlander stated the concerns about wildlife and plant life should also be addressed.

Chairman Friedlander stated there should be architectural drawings and renderings – at least two – for proposed houses, which would give the Board a “flavor” of the proposed development.

Mr. Richard Esposito, Esposito Builders, stated they are owners of 55+/- acres in the Town of Greenburgh. They met with Greenburgh in order to subdivide the property and they suggested a “heads-up” be given to Tarrytown before they take the full application. The access to their property, which is the 55 acres, is coming to play with this subdivision. This subdivision is 23 acres and adjoins the McGaw piece on which they have contractual rights to continue a street through to their 55 acres. They have made a request to Caliber to incorporate some type of connection to their property via McGaw’s. There are four alternatives for access to their property. One is via Taxter Road through the Moon property, which was sold by Unification Church a few years ago. Mr. Esposito stated he went to the Town of Greenburgh to get permission to get access through Taxter Road. He was told that can only be done by legislative action because it was supposed to be vacant and undisturbed. He noted his daughter and son-in-law own a lot connecting to Roundabend Road, which connects directly to the McGaw property and his property. The third location is through the McGaw piece going down to Route 9; however, that is very narrow – about 22 ft. wide so it is hardly practical to come there with a subdivision. The fourth alternative is in the case of the Unification Church divesting itself of properties, they have a piece on Sheldon Avenue, which is about 28 acres which will probably come before the Board, so he proposed an access be established to his property

from that to make a loop road. There probably should be another connection between Taxter Road and Route 9. It should go over the top of the hill, but it has to go through parkland. Possibly some type of connection could be made at that point with some cooperation of the State, the County, and the Town of Greenburgh. In connection with the Caliber subdivision, there are subdivision regulations in the Village, Section 263-12 A and B, which state in part: "The arrangement of streets shall be such as to cause no undue hardship to adjoining properties." "The arrangement of streets in the subdivision shall provide for the continuation of principal streets or adjoining subdivisions and for proper protection of principal streets into adjoining properties which are not yet subdivided..." Mr. Esposito stated his subdivision will be processed through the Town of Greenburgh and he is looking to the Tarrytown Planning Board for the best way to access with the least disturbance.

Upon inquiry, Mr. Esposito stated he has proposed a 33-lot subdivision in Greenburgh. The property is zoned 1 acre.

Chairman Friedlander questioned, "Before they did the park did you not try to get the access through Taxter?" Mr. Esposito stated he had an agreement to give Unification Church land for an easement. That fell apart. He tried to get a 50 ft. strip but that was rejected. He stated he would still be happy to do that.

Chairman Friedlander questioned whether there had been talk about the County and State buying Mr. Esposito's property. Mr. Esposito stated there was but they did not have enough money.

Mr. John Lynch, Crest Drive, stated the Subdivision Regulations cited by Mr. Esposito refer to property in the Village of Tarrytown – not another jurisdiction.

Ms. Linda Viertel, Gracemere, stated the property Mr. Esposito owns has always been landlocked. When he purchased it, he knew it. The secondary access he had he sold to her about ten years ago. Now he is asking Tarrytown to put roads and more traffic on Route 9 for 33 homes. Ms. Viertel stated the Trust for Public Land is very interested in purchasing this land and they have made Mr. Esposito an offer.

Ms. Gaines stated she will be out of the country next month and would not be able to attend the Board's next meeting. Chairman Friedlander stated she should provide the Board with written comments after her meeting with Mr. Weinberger. "We won't be taking formal final action next month."

The hearing will be continued at the Board's next meeting.

PRELIMINARY PRESENTATION – MARIC – 68 LAKE AVENUE

Mr. Paul Petretti, engineer, stated this is an application for construction of a single family residence on a lot at the end of Lake Avenue. It is a large lot – 28,780 sq. ft. There is an existing residence, which will be taken down and the new house will be put up. The sanitary sewer and water main will be extended up the street. There is enough land to put two houses and they do plan to come back to put up another house. Now they are looking for site plan approval for the single-family residence.

Chairman Friedlander stated the subdivision should come first so the Board knows exactly what is being planned for the property. Mr. Petretti stated it is his opinion the lots have already been legally subdivided. He has been having this discussion with the Village Attorney. He had submitted an application for two houses, but was unable to resolve with the Village Attorney whether a subdivision was needed. He, therefore, pulled that application and just submitted the one house since the owner wants to get started.

Chairman Friedlander stated the Board would request the Village Attorney provide an opinion in writing to the Board, and that opinion would be given to Mr. Petretti. He noted the owner could apply for a demolition permit and that work could begin and the owner could begin work on the sewer and water lines.

PRELIMINARY PRESENTATION – BEATON/SERY – 143 MIDLAND AVENUE

It was reported the applicant had requested this matter be further reviewed at the Board's next meeting. No one appeared to address the Board on this matter.

MEETING ADJOURNED – 10:30 p.m.

Kathleen D'Eufemia
Secretary

