

Planning Board
Village of Tarrytown
Regular Meeting
February 28, 2005 8 p.m.

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

Chairman Friedlander stated that due to the inclement weather, there have been a lot of postponements this evening.

APPROVAL OF MINUTES

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that the minutes of January 31, 2005, be approved as submitted.

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

No one appeared on behalf of the applicant or to address the Board on this matter.

Mr. Geneslaw stated he met with Mr. Fry last Friday to review the comment letters. They are working on updating the traffic reviews.

All agreed to continue the hearing at the Board's March meeting.

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

No one appeared on behalf of the applicant or to address the Board on this matter.

Chairman Friedlander reported the Trustees will be meeting to determine a preferred alternative, which will be the basis of the Findings. Once the Draft Findings are prepared by the Village's Consultant, Mr. Frank Fish, the Board of Trustees will probably hold a public hearing and the site plan will come back to the Planning Board after that.

All agreed to continue the hearing at the Board's March meeting.

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

No one appeared on behalf of the applicant or to address the Board on this matter.

Mr. Geneslaw stated he would have a report for the Planning Board at their next staff meeting.

The Secretary reported that the applicant is arranging a meeting with neighbors and is hoping to have that prior to the Board's March meeting.

All agreed to continue the hearing at the Board's March meeting.

CONTINUATION OF PUBLIC HEARING – HOLY SPIRIT ASSOCIATION FOR
THE UNIFICATION OF WORLD CHRISTIANITY – SOUTH BROADWAY

No one appeared on behalf of the applicant or to address the Board on this matter.

All agreed to continue the hearing at the Board's March meeting.

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

No one appeared on behalf of the applicant or to address the Board on this matter.

All agreed to continue the hearing at the Board's March meeting.

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

No one appeared on behalf of the applicant or to address the Board on this matter.

The Chairman noted this matter has been adjourned by the Planning Board because of outstanding zoning issues.

All agreed to continue the hearing at the Board's March meeting.

CONTINUATION OF PUBLIC HEARING – CALIBER BUILDERS – 612 SOUTH
BROADWAY

Mr. Jeff Weinberger stated they submitted the Draft Environmental Impact Statement in November and they would like to have the Board declare it sufficiently complete to commence review.

Mr. Geneslaw stated he had provided the Board with a completeness memo and he provided Mr. Weinberger with a copy of that memo.

Chairman Friedlander stated the Village has not yet received comments from John Canning, the Village's Traffic Consultant, but that also would be provided to Mr. Weinberger when it is received and hopefully this matter can be discussed next month.

Mr. McGarvey stated he would also be doing the engineering review.

Mr. Tedesco noted the Board of Trustees is considering a new cluster ordinance and he suggested Mr. Weinberger obtain a copy of what is proposed since clustering might be something everyone would want to consider for this property.

No one appeared to address the Board on this matter.

All agreed to continue the hearing at the Board's March meeting.

CONTINUATION OF PUBLIC HEARING – PEROS – 80 VAN WART AVENUE

Mr. Paul Petretti, engineer, submitted photographs to the Board.

The Board reported receipt of the following memo dated February 28, 2005, from Michael J. McGarvey, Village Engineer:

“Re: 80 Van Wart Avenue – Peros Residence – Please be advised that the reduced pitch of the roof at the above-referenced property from 8/12 to 7/12 will reduce the height of the building by 1.5 ft. +/- . Should you have any questions regarding this memo, please feel free to contact me.”

Chairman Friedlander questioned the height of the floors for the proposed house. Mr. Petretti stated the first floor is 10 ft.; the second floor is 8 ft., and the attic to the peak is 10 ft. 8 in.

In regard to setbacks, Mr. Petretti stated the side yard setback to the east is 12 ft., to the west is 30 ft., the rear is 34 ft., and it is 29-1/2 ft. to the front covered entryway.

Ms. Victoria Weisel, 8 Washington Place, stated it is difficult to guesstimate the height. If balloons were put up, they could get a reference point. Perhaps repositioning the house would do something but residents do not know because they are guessing.

Mrs. Peros stated they are trying to adhere to the code and regulations; however, no matter what they do, someone has an opinion.

Chairman Friedlander stated no matter what is done, if there is an empty piece of land and something is constructed, someone is affected. People have a piece of land and they are conforming with the zoning; however, the Planning Board must look at how to make it the least damaging.

Ms. Weisel stated everyone in the neighborhood currently has a view but the height of the roof of this house is causing a problem. There are probably other types of houses where this would not be an issue. “We need a way to measure this without guessing.”

Chairman Friedlander stated a house will be built that conforms with the zoning regulations. A two-story house with an attic will be built. There must be a code that applies to everyone equally. "If you said no one can build in front of someone because it blocks a river view, then you are taking the land from someone. When you talk about river views, there is no law that says everyone who now has a river view will continue to have a river view."

Ms. Weisel stated some towns have viewscape laws. Tarrytown does not, so the older neighborhoods are not protected.

Trustee Drew Fixell stated the people are asking to have information so that the Board can make a decision that best achieves what the builder wants and what can best situate the house to protect as much of the neighbors' view as possible.

Mrs. Peros questioned how much they have to yield when they are in compliance with the zoning. They have spent a lot of money and each time there are architectural changes, it costs more money. "This is fully in compliance and there is not one miracle solution that will work for everyone."

Mr. Tim Allport, 94 Van Wart Avenue, stated he liked the idea of the balloons or something that would give the visual impact. It is difficult to talk about a concept without something to look at.

Mr. Shroff stated the homeowner has made concessions and the proposed house is fully zoning compliant.

Mr. John Lynch, 10 Crest Drive, stated if the Planning Board is not given guidance by the Village Board, this is going to be a problem from here forward. The median height of a neighborhood should become the median height for the neighborhood. The Village once had an historical committee, which reviewed the architectural character and that committee should be reinstated. "There needs to be a benchmark where a house fits in with the neighborhood as a whole. There needs to be something in the law that protects the viewsheds."

Chairman Friedlander stated in this neighborhood the houses with the greatest architectural value are the tallest houses. What Mr. Lynch suggests does not work in this neighborhood. There are many different types of houses and many different heights.

Mr. Tedesco stated he felt the applicant has done a good thing in reducing the pitch of the roof. "I have looked at this from all angles and I can't see that moving it on the property will affect the viewshed in any significant way."

Trustee Fixell questioned why the house had not been centered on the lot and one side yard is much larger than the other. Mrs. Peros stated there is a porch on the side with the larger setback and they wanted to have the advantage of that larger setback.

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 the proposal will pose no significant environmental impact.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that the Planning Board approves the construction of a new single-family house at 80 Van Wart Avenue with the following conditions:

- There will be a 7/12 pitch to the roof
- Approval of the Building Inspector/Village Engineer
- Approval of the Architectural Review Board
- Final approved site plan to be signed by the Planning Board
- Payment of outstanding escrow fees.

PUBLIC HEARING – MCDONALD’S CORPORATION – 140 WILDEY STREET

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, February 28, 2005, at 8:00 p.m. at the Municipal Building, 21 Wildey Street, Tarrytown, New York, to hear and consider an application by:

McDonald’s Corporation
140 Wildey 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 they own at the above address to permit addition of cash booth on side of the building.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 2, Parcel 25A and is located in an RR (Restricted Retail) Zone.

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

The Secretary reported that the applicant had failed to do the certified mailings and has requested the hearing be adjourned to next month to allow the mailing to be accomplished.

No one appeared to address the Board on this matter.

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

PRELIMINARY PRESENTATION – BEATON/SERY – 143 MIDLAND AVENUE

No one appeared on behalf of the applicant or to address the Board on this matter.

The Board reported receipt of Revised Drawings dated February 21, 2005, Received February 23, 2005.

The Board reported receipt of the following memo dated February 28, 2005, from Michael J. McGarvey, Village Engineer:

“Re: Beaton Subdivision – Midland Avenue

Please be advised that I have reviewed the proposed revised subdivision plans for the above-listed property dated February 21, 2005, and offer the following comments:

- None of my comments have been addressed from the first submission
- Indicate who is the surveyor of record and what date that the existing trees were surveyed
- Need percolation tests for drywell calculations
- Indicate who owns and maintains walk
- Indicate who owns and maintains retaining wall
- Where is title search for this portion of Midland Avenue
- Driveway for Lot 2 encroaches onto Lot 1.

I don't feel that it is appropriate at this time to set a public hearing until the applicant has proof of ownership for this paper road.

I reserve the right to review the plans during future submissions.

A set of these plans should be forwarded to the Fire Department for their review and comments.”

All agreed to continue this preliminary review at their next meeting.

PRELIMINARY PRESENTATION – WRIGHT – 13 JOHN STREET

Mr. Raffaele Tarulli, engineer for the project, stated the proposal is for an addition approximately 18 ft. on the existing residence. There is a deck that was approved in 2003. The owner has decided to make modifications with the addition and that would entail relocating the deck but keeping it at its existing size. A variance for the deck has been received. A building permit was granted for the shed dormer and the deck.

Mr. Tedesco noted a number of variances would be required for this project and many of them are very substantial.

Mr. Tarulli noted the owner grew up in this house and wants to continue living there but the house needs to be expanded.

Mr. Mark Fry, 16 Independence Street, stated he spoke with Mr. Wright today and what is being proposed is basically identical to the house next door. He noted many of the houses on this street have had similar variances granted.

Chairman Friedlander suggested the applicant research the history of the neighborhood to determine what variances have been issued for other properties. He also suggested photographs of the neighborhood be presented to show the other houses.

Chairman Friedlander suggested the Planning Board set a public hearing on this application to start the process but stated the Board may want to adjourn the hearing to allow for the Zoning Board to proceed before the Planning Board decides the application.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, to set a public hearing for March 28, 2005, to consider the site plan showing renovations for the property at 13 John Street.

PRELIMINARY PRESENTATION – CAPPUZZELLO – 100 MACARTHUR LANE

Mr. Sam Vieira, architect, stated this is a second story addition over a first floor footprint and no variances are required. There will also be a new covered front entry and steps. Everything is in conformance with the code.

Mr. Vieira noted if the intention of the new amendment to the code, which is sending these applications to the Planning Board, was to notify the neighbors about potential development, that could be done by making the Architectural Review Board require a mailing. That is not done now. The surrounding neighbors – even if it is the 100 ft. radius – would be notified of the project. If that cannot be done, then maybe the Planning Board can streamline the process by not having a preliminary presentation and going right to public hearing. “I would also petition to reduce the amount of the application fee. An escrow fee should also not be imposed.”

Trustee Drew Fixell stated the Architectural Review Board only reviews the appearance of the house and not how the house is situated on a lot. There are planning issues.

Chairman Friedlander noted the Board is reviewing this matter and he thanked Mr. Vieira for his comments.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, to set a public hearing on March 28, 2005, on the site plan for a second floor addition at 100 MacArthur Lane.

PRELIMINARY PRESENTATION – KING – 27 MECHANICS AVENUE

The Board reviewed plans for demolition of an existing house and construction of a new single-family house at 27 Mechanics Avenue. No variances are required.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, to set a public hearing on the site plan for a new single-family house at 27 Mechanics Avenue.

PRELIMINARY PRESENTATION – 455 HOSPITALITY, LLC – 455 SOUTH BROADWAY (DOUBLE TREE HOTEL)

Mr. Richard Blancato, attorney for the applicants stated, “The Hilton was purchased by an LLC which will become a Double Tree Inn. They are proposing major renovations. The hotel is run down and not functional. They will be expanding and creating a grand ballroom, which will be able to be divided for different functions or be the large room. They will move the lobby north and the restaurant will go where the lobby is now. The existing tennis court in the rear will be removed to provide additional parking so the parking will be in excess of the code requirement. Two variances will be needed. One is for the principal building coverage - 20% is permitted, 20.60% exists, and 24.85% is proposed. The second is for the height – 25 ft. is permitted and 28 ft. is proposed.”

Upon inquiry, Mr. Blancato stated the increased height will be for the ballroom which is being expanded to the rear. Mr. Geneslaw stated a sight line drawing should be submitted showing the heights.

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

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that the Planning Board establishes an escrow account in the amount of \$10,000 for this project.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that the Planning Board sets a public hearing for the Board’s March 28, 2005, meeting to consider the site plan amendments for 455 South Broadway.

CHANGE OF STARTING TIME FOR MARCH MEETING

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that the starting time for the Board’s March 28, 2005, meeting be 7 p.m.

MEETING ADJOURNED 9:55 p.m.

Kathleen D’Eufemia, Secretary

