

Planning Board
Village of Tarrytown
Regular Meeting
April 25, 2005 8 p.m.

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

PUBLIC HEARING – ARMESTO – 111 NEPERAN ROAD – SUBDIVISION

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, April 25, 2005, at **7:00 p.m.** at the Municipal Building, 21 Wildey Street, Tarrytown, New York, to hear and consider an application by:

Antonio and Rosalia Armesto
111 Neperan Road
Tarrytown, New York 10591

For subdivision of their property at 111 Neperan Road/14 LeGrande Avenue consisting of 30,023 sq. ft. into two lots:

Lot 1 to consist of 16,498 sq. ft.

Lot 2 to consist of 13,525 sq. ft.

Subdivision was previously approved on January 28, 2002, but has lapsed.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 8, Block 29, Lot 20 and is located in an R-10 (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. David Vendetti, 15 Croton Avenue, attorney and son-in-law of the applicants, stated this is a renewal of an approval previously granted in 2002. The approval lapsed because part of the condition of that approval was that they obtain C.O.s or pre-date letters for both houses. The house at 14 LeGrande Avenue needed to have some work done to bring it up to current codes. That has now been accomplished and both houses have C.O.s or pre-date letters in the files.

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

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that since C.O.s/pre-date letters exist for both houses (111 Neperan Road and 14 LeGrande Avenue), that the subdivision be approved as proposed.

PUBLIC HEARING – KING – 27 MECHANICS AVENUE

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, April 25, 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.

This matter was heard last month but was re-noticed since all neighbors within 100 ft. had not been notified.

Mr. King stated the application is for the demolition of an existing house and construction of a new single-family house. No variances are required. The parking spaces have been relocated to the rear as was required last month.

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

Ms. Tina Whitely, 20 Mechanics Avenue, and Ms. Diana Pratt, 86 Wildey Street, requested to review the plans. Mr. King reviewed the plans with both.

Upon inquiries from the residents, Mr. King stated the whole area will be fenced off during the construction; the house will be stick built; there will be a silt fence to take care of runoff.

Mr. McGarvey stated asbestos and rodent abatement will be provided and the Village's dust control ordinance will make sure everything is wet to keep dust down. If there is water during excavation, a plan will have to be submitted to show how the water will be diverted.

No one further appeared to address the Board.

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.

PRELIMINARY PRESENTATION – MALONSO – 25 KERWIN PLACE

Mr. John Turnquist, architect, stated the proposal is to add a second floor to the existing house. This will add 2 bedrooms – 924 sq. ft. They are scheduled to go to the Zoning Board of Appeals on May 9th due to the existing non-conforming conditions – the total lot area is required to be 10,000 sq. ft. and 8,517 sq. ft. exists; the minimum front yard setback for a corner lot is 25 ft. and 25 ft. and 17.8 ft. exist. They are not extending the footprint of the existing house.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, to schedule a public hearing for May 23, 2005, to consider the site plan amendment for 25 Kerwin Place.

PRELIMINARY PRESENTATION – ZOLLO – 21 SOUTH BROADWAY

Mr. Sam Vieira, architect, stated Mr. Zollo is the contract vendee for this property. He would like to convert the first floor dwelling area into a business and increase the off street parking from one space to three spaces. The present use requires ten off street parking spaces and the proposed use would require 13 off street parking spaces. They are

scheduled to appear before the Zoning Board of Appeals on May 9th regarding the parking and also for the rear and side yard setbacks for the parking area. Both rear and side yards are required to be 10 ft. and 5 ft. is proposed in the rear and 1 ft. is proposed on the side.

Mr. Tedesco questioned whether the off street parking spaces would be available for residents of the house at night. Mr. Vieira stated they would.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, to set a public hearing for May 23, 2005, to consider the site plan amendments for 21 South Broadway.

CONTINUATION OF PUBLIC HEARING – WRIGHT – 13 JOHN STREET

Chairman Friedlander reported the applicant has requested an adjournment until the Board's next meeting. No one appeared to address the Board on this matter. The Board unanimously agreed to adjourn the hearing until their May meeting.

CONTINUATION OF PUBLIC HEARING – 455 HOSPITALITY, LLC – 455 SOUTH BROADWAY

No one appeared on behalf of the applicant. No one appeared to address the Board on this matter. The Board unanimously agreed to adjourn the hearing until their May meeting.

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

Chairman Friedlander reported the applicant has requested an adjournment until the Board's next meeting. No one appeared to address the Board on this matter. The Board unanimously agreed to adjourn the hearing until their May meeting.

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

Chairman Friedlander reported the applicant has requested an adjournment until the Board's next meeting. No one appeared to address the Board on this matter. The Board unanimously agreed to adjourn the hearing until their May meeting.

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

Mr. Norman Sheer, attorney for the applicant, stated the meeting with the neighbors was held the week before last. Tonight, they wanted to talk about trying to get a notice of completion from the Board. At the last meeting the Board discussed the Village hiring a

storm water drainage retention firm, and the Board agreed that matter could be discussed during the course of public hearings. They received a copy of the memo from Mr. McGarvey in which he indicated he cannot have his comments until the storm water drainage consultants' report is received by the Board. The DEIS was submitted in February and Mr. Geneslaw's comments were received in March and the applicant has submitted responses to Mr. Geneslaw's comments. Mr. Sheer stated they would like Mr. McGarvey's comments to be treated the same as the consultant's comments. There are many more issues to discuss during the public hearings. Neither the Board's interest or the Village's interest will be harmed by proceeding this way. The notice of completion should be done as soon as possible. The applicant can then respond to the public and the Board as far as the comments received thus far.

Counsel Shumejda stated the plan is premised on a cluster arrangement and the Board of Trustees has not yet acted on that. Mr. John Saccardi, planner for the applicant, stated their proposed action is the conventional plan. The preferred alternative is the cluster.

Chairman Friedlander questioned how Mr. McGarvey felt about moving forward without comments from the drainage consultants and himself. Mr. McGarvey stated his review cannot be completed without a site plan.

Mr. Saccardi stated they are looking for a completeness review for SEQRA. The site plan detail will come later. Mr. McGarvey stated he had no problem with that.

Mr. Geneslaw stated he received the revised pages today and he will be reviewing those. "My only reservation on the drainage is if the public will have enough information when the document is released. If the consultant and Mr. McGarvey have established there is enough of an acceptable solution for the drainage, then I think we can accept it at the next meeting." Mr. McGarvey stated, "I think that would be do-able by the next meeting."

Mr. Tedesco stated Adler Consulting, the Village's Traffic Consultant, refers to omissions and those should be done before the DEIS is determined complete.

Chairman Friedlander questioned whether any new ideas came out of the meeting with the residents. Mr. Saccardi stated they discussed the evolution of the cluster plan. There were some comments that will come up and be discussed with the Board during the public hearings on the DEIS.

Upon inquiry from the Chairman, Counsel Shumejda stated the Special Lakes Setback has been adopted by the Board of Trustees. It is 300 ft. from the edge of the water or 300 ft. from the wetlands, whichever is greater. Mr. Saccardi stated both the conventional plan and the preferred cluster plan anticipated that.

Ms. Linda Viertel, Gracemere, questioned whether there could be another cluster plan that would transfer some of the density from the south side to the north side. Chairman

Friedlander stated the Board could ask for that as part of the DEIS process. Mr. Saccardi stated that is why they want to get an accepted document so the process can move forward.

Residents expressed an interest in at least being able to see the preferred cluster plan prior to the DEIS being released. It was suggested the applicant make copies of the preferred cluster plan available to residents at Village Hall.

Mr. John Lynch, Crest Drive, stated he is very concerned about storm water management. This needs to be available out front, not later. The public should have the information before the DEIS is declared complete.

Mr. John Saccardi stated that is not how SEQRA works. The Lead Agency determines if the DEIS is complete and then it can be released to the public. Chairman Friedlander stated complete refers to the scoping document and says all the issues have been addressed in the scoping session. It is up to the Board, with assistance from their consultants, to determine whether to accept it or not. Once the DEIS is accepted, there will be ample time for public participation and the applicant will have to do what the Board wants and the Board will wait until everything is satisfactory before moving to the FEIS.

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

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

CONTINUATION OF PUBLIC HEARING - HOLY SPIRIT ASSOCIATION FOR THE UNIFICATION OF WORLD CHRISTIANITY (HSA-UWC) – SOUTH BROADWAY

Mr. Norman Sheer, attorney for the applicants, stated they have submitted the Long Environmental Assessment Form for the West Rock Family Church. They are waiting for Mr. Geneslaw's comments. Mr. Geneslaw has advised the Village is considering hiring its own consultants for traffic and storm water management and he requested that be done soon.

Chairman Friedlander stated the document shows a bridge across to Belvedere and there was indication there could be double the traffic if there were bigger events and it was his understanding this would not be the case. Mr. Sheer stated that is not the intention and that will be clarified.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that the Village hire a Traffic Consultant and a Drainage Consultant to review the application for the West Rock Family Church.

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

Chairman Friedlander reported the applicant has requested an adjournment until the Board's next meeting. No one appeared to address the Board on this matter. The Board unanimously agreed to adjourn the hearing until their May meeting.

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

Chairman Friedlander reported the applicant has requested an adjournment until the Board's next meeting. No one appeared to address the Board on this matter. The Board unanimously agreed to adjourn the hearing until their May meeting.

CONTINUATION OF PUBLIC HEARING – CALIBER BUILDERS – 612 SOUTH BROADWAY

Chairman Friedlander reported the applicant has requested an adjournment until the Board's next meeting. No one appeared to address the Board on this matter. The Board unanimously agreed to adjourn the hearing until their May meeting.

PRELIMINARY PRESENTATION – BEATON/SERY – 143 MIDLAND AVENUE

Chairman Friedlander reported the applicant has requested an adjournment until the Board's next meeting. No one appeared to address the Board on this matter. The Board unanimously agreed to adjourn the matter until their May meeting.

PRELIMINARY PRESENTATION – MARIC – 68 LAKE AVENUE

No one appeared on behalf of the applicant. No one appeared to address the Board on this matter. The Board unanimously agreed to adjourn the matter until their May meeting.

PRELIMINARY PRESENTATION – NEW CINGULAR WIRELESS SERVICES, INC. – 1 RIVER PLAZA

Ms. Lucia Chiocchio, Cuddy & Feder, attorney for the applicant, stated they are proposing to install twelve panel antennas and related equipment cabinets on the rooftop at 1 River Plaza which is a building with existing antennas. Two sectors will be mounted below the existing Sprint antennas on the north and south walls of the existing penthouse at a height of 102 ft. The Sprint antennas are 107 ft. in height. The antennas will be painted to match the penthouse. The third sector will be mounted on the rooftop, to the south of the existing penthouse, on an enclosure that surrounds the equipment cabinets. These panel antennas will be painted to match the proposed enclosure. They have submitted a visual analysis, a cumulative inventory report, a sector analysis, and a report

on other sites that were investigated. These antennas are needed to provide wireless coverage along Route 9.

Chairman Friedlander questioned whether other alternatives along Route 9 had been explored. Ms. Chiocchio stated they had and those maps were submitted.

Chairman Friedlander stated in past applications, the Board has asked to review a company's master plan. Ms. Chiocchio stated that has been provided but she can submit more detail on each of the sites. The sites are identified on the maps.

Mr. Tedesco moved, seconded by Mr. Shroff, that the Board set a public hearing for the Board's May 23, 2005 meeting to consider the installation of a co-located wireless telecommunications facility on the roof top at 1 River Plaza.

Upon inquiry, it was noted a \$2,500 escrow account has been established by the applicant.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that the Village hire the appropriate consultants to review the proposal.

PRELIMINARY PRESENTATION – SPIRIT OF TARRYTOWN STEAMSHIP COMPANY, INC. – 236 WEST MAIN STREET

Mr. Chuck Pateman stated he and Mr. Steve Cross, owner and operator of Striped Bass Restaurant, are proposing to operate a tour boat out of the Tarrytown Boat Club facilities at the foot of Main Street. Mr. Pateman stated they felt this would be good for the Village of Tarrytown and the Tarrytown Boat Club. They are also proposing some programs for the schools. Mr. Pateman requested the Planning Board make a recommendation to the Board of Trustees that this be permitted. The issue is parking. They could purchase parking spaces in the commuter lot and Mr. Cotter of Ferry Landings has also said they could park on his property.

Chairman Friedlander questioned how many people would be using the boat. Mr. Pateman stated there would probably be 80. They have been approved for 149; however, that would not be comfortable for the proposed use. It was previously a whale watching boat and it is being renovated for this new use.

Mr. Tedesco questioned the hours of operation. Mr. Pateman stated there would be two tours on the weekends and one during week nights. There might be a special occasion for school children or a party.

Mr. Pateman stated he did not know if this application required site plan review. Counsel Shumejda stated it did since it is at least an enlargement, if not a change, of use.

Mr. Pateman stated it is not on the boat club property. It is in the water so it is not actually a site plan. Counsel Shumejda stated where the boat will moor is Tarrytown underwater land. He questioned whether the access to that is on Tarrytown land or boat club land. Mr. Pateman stated it is both. Counsel Shumejda stated it is then a site plan.

Mr. Pateman stated Mr. Cross has taken traffic counts in the commuter lot from 9:00 a.m. to 9:45 a.m. and from 5:15 p.m. to 5:45 p.m. The least amount of available parking was on April 7 when 39 spaces were available at 9:30 a.m. On April 22 at 9:30 a.m., 111 spaces were available. At 5:45 p.m. there are a minimum of 100 spaces to a maximum of 167 spaces available each day. If the boat leaves at 5:30 p.m. or 6:30 p.m., it would appear there is adequate parking based on 80 passengers.

Mr. Pateman stated they will submit a survey showing exactly what exists on the property for the record.

Mr. Pateman stated they are willing to provide one parking space for every three customers, which is what the zoning code requires for restaurants. They would also be willing to have this approved on a one-year trial basis.

Mr. Geneslaw questioned whether food and beverage service would be served on board. Mr. Pateman stated it would out of the Striped Bass Restaurant.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, to set a public hearing for the Board's May 23, 2005, meeting to consider the docking and operating of a tour boat at the Tarrytown Boat Club.

The Board suggested that traffic surveys be provided for the public hearing with special concentration on Thursday and Friday evenings from 5 p.m. through 9 p.m.

STATEMENT – VICTORIA WEISEL – 8 WASHINGTON PLACE

Ms. Victoria Weisel, 8 Washington Place, made a statement to the Board about the recent home construction at 80 Van Wart Avenue. She expressed her anger that tear-downs and house additions are destroying some of the older Village neighborhoods. She stated Tarrytown "needs to brainstorm with other towns about innovative alternatives to preserve the ambient qualities of what makes an old rivertown a true old rivertown. We must also network about and draw upon the expertise of consultants – like Buckhurst, Fish and Jacquemart, Inc., the consulting firm the town has been communicating with regarding waterfront development issues. Perhaps these consultants can advise us on successful controls for similar development and zoning dilemmas and differentiation. From the looks of all construction around town, we need this expertise as quickly as possible...before all small homes with yards are demolished and covered over without a trace."

Chairman Friedlander stated Ms. Weisel should share her concerns and comments with the Board of Trustees. He requested that as she obtains legislation from other communities that she also share that with the Planning Board and Board of Trustees.

APPROVAL OF MINUTES

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

MEETING ADJOURNED – 9:30 p.m.

Kathleen D'Eufemia
Secretary