

Planning Board  
Village of Tarrytown  
Regular Meeting  
June 27, 2005 7 p.m.

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

WELCOME TO MR. DEMERS

Chairman Friedlander welcomed Mr. Frank Demers on his re-appointment to the Planning Board. Chairman Friedlander noted Mr. Demers served on the Board in the late 1980s and the Village was fortunate that he is again willing to serve. "We welcome you, and I am sure you will find it very exciting."

APPROVAL OF MINUTES

Mr. Tedesco moved, seconded by Mr. Shroff, that the minutes of May 23, 2005, be approved as submitted. Mr. Demers abstained. All others assented. Motion carried.

PUBLIC HEARING – VIEIRA – 224 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, June 27, 2005, at **7:00 p.m.** at the Municipal Building, 21 Wildey Street, Tarrytown, New York, to hear and consider an application by:

Samuel F. Vieira  
224 South Broadway  
Tarrytown, New York 10591

To consider the application for amendments to previously received site development plan approval for a new six-family dwelling, pursuant to Section 305-52 of the Zoning Code of the Village of Tarrytown, for property he owns at the above address. Requested amendments are for change of materials as follows:

1. Stucco on first level and vinyl siding on second and third levels
2. Construction of retaining wall with stone rather than split block

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 18, Parcel P-28 and is located in an M-2 (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. Vieira stated, "This is a previously approved application. There is a small retaining wall around the rear of the property which serves as a buffer between the Old Croton Aqueduct and the project which was supposed to be split block. During the excavation, we came across a lot of rock and we are now proposing to use that and have a stone retaining wall, which will be more attractive than split block. Originally we were proposing to do the entire building in stucco to match the building in front. The cost to do that is coming in high and the contractors have said to use stucco they would have to use mechanical lifts. In an effort to do away with the heavy machinery, I would like your consideration to do the first level in stucco and on the upper levels we would like to do a high-grade vinyl siding. We are proposing a cedar shake style. I feel it will have nicer shadow lines giving the building more depth and it will also make the building look lower. It is also a low maintenance product. All the trim will remain wood. The only thing which will be the vinyl material are the outer walls. I went to the Architectural Review Board assuming if they were not happy with it this Board would not entertain it, and they were receptive to this change."

Chairman Friedlander reported the following letter dated 6/22/05 from Dr. Berthold and Helen Ringeisen, Prospect Avenue:

"Re: 224 South Broadway

We will be unable to attend the June meeting. However, we would appreciate to know how long and how often an arborist has supervised the construction since the building is too close for the health of the trees. We should appreciate to have copies of the reports. We also want to state our objection to Mr. Vieira's request to use aluminum siding instead of stucco as previously decided. His historic house and all of the buildings in the immediate neighborhood are stucco or brick. We never heard the planning board discuss a 15 ft. or more basement to be excavated. What was the maximum height permitted for this building which is now higher than the house?"

Mr. Vieira stated, "As far as the report from the arborist, the agreement was if any materials had to be stored near the trees, an arborist would be present but I have worked out an agreement with Mr. McGarvey to have all materials dropped off on the north end of the building. I met with Steve Yarabek, the Village's Landscape Architect, on Friday and until the roof frame was done, we had no idea of the extent of the pruning. Mr. Yarabek is satisfied with everything and he wrote a memo today to Mr. McGarvey. We will prune the tree back about 5 ft. off the building and he has asked the safety fence be

moved closer to the house and that would be no problem if approval for the vinyl is received and we don't need the machines. I did an as-built survey of the foundation and it is in exactly the location this Board approved. We are not asking for aluminum siding. It is vinyl. We excavated for a 9 ft. basement. It is not a 15 ft. basement. The height is 35 ft. to the mean height of the sloped roof. The pitch is 9 over 12. That has all been certified in a drawing to Mr. McGarvey."

Ms. Roula Nedo, Stephen Drive, stated, "It seems the developers are getting carte blanche. There is a lot going on in this Village that this Board needs to address. He is changing plans and saying it is better. I would like the Village to be more proactive than reactive. Developers need to be accountable for all the trees they remove. Our Village will get destroyed. Gracemere has been destroyed and next will be Wilson Park. I can see this becoming a pattern throughout the Village."

Chairman Friedlander stated matters before the Planning Board are before them for a long time and are thoroughly reviewed. Sometimes the results are a concern for everyone. At Jardim Estates, Con Ed was responsible for the tree cutting and the Village is working to have them come in before they do tree cutting. There is a gap between what the Village wants and what Con Ed feels they can do. The 224 So. Broadway property was before the Planning Board for a long time and tremendous effort was made to preserve trees and that was largely accomplished.

Ms. Nedo stated, "I don't buy the guise that Con Ed is under State and Federal regulations because developers are not and they have to advise the Village when Con Ed is coming in. The trees that were removed were gorgeous trees and the developers should be responsible to replace those. I know you have good intentions and I commend you for your efforts and time but the bottom line is once you make the commitment to do this, you must do it right."

Mr. Stone stated, "I agree. We must go through the approvals and then we must make sure it is implemented and we will do a better job. We are taking a hard look at significant tree removals."

Mr. Tedesco stated the Village has a new Tree Commission and there needs to be an enforcement policy. Ms. Nedo stated it needs to be the developers' responsibility to notify the Village when a utility is coming in. There needs to be an ordinance where the developer notifies the Village in advance. "I understand developers have constitutional rights but they must be held accountable for their actions."

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

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that the Board declares there will be no significant environmental impacts as a result of the proposed amendments for 224 South Broadway.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, to amend the site plan for 224 South Broadway to permit the exterior change in façade materials that were approved by the Architectural Review Board and to also approve the use of the stone excavated on the property to erect the retaining wall in the rear.

PUBLIC HEARING – MARIC – 68 LAKE 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, June 27, 2005, at **7:00 p.m.** at the Municipal Building, 21 Wildey Street, Tarrytown, New York, to hear and consider an application by:

Lake Street Construction  
19-03 Seventy Fifth Street  
East Elmhurst, New York 11370

To consider an application for Subdivision Approval pursuant to Section 263.4 of the Subdivision Regulations of property, consisting of 0.6607 acres, located on Lake Avenue, Tarrytown, New York, into two lots:

Lot 1 to consist of 15,989 sq. ft.

Lot 2 to consist of 12,791 sq. ft.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 14, Block 53, Lots 33, 35, 37, 39 and 41 and is located in an R-7.5 (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. Paul Petretti, engineer and surveyor, stated the property is approximately 128 ft. deep by 228 ft. wide. It is an R-7.5 zone. They are proposing two lots. One will be 15,989 sq. ft. and the other will be 12,791 sq. ft. There is an existing residence, which will be removed. If you do a steep slopes analysis on the entire property, there could be three houses but they do not want to do that. They are proposing two houses. It has been laid out so that each lot, after applying the steep slope analysis, results in the net yield for the R-7.5 zone. The buildings have been laid out to meet the Floor Area Ratio.

Upon inquiry, Mr. Petretti stated the houses will be about 4,400 sq. ft. Mr. Tedesco noted in site plans submitted in May one house was shown as 2,265 sq. ft. and the other was 2,680 sq. ft. Mr. Petretti stated those were first floor calculations.

Mr. Demers questioned the cubic measurement of the rock, which will be excavated. Mr. Petretti stated is 270 cubic yards for one house and 30 cubic years for the other.

Mr. Stone questioned what reduction in house size would be needed to eliminate 90% of the rock excavation. Mr. Petretti stated on the house with the 270 cubic yards you would have to eliminate the basement or the house could be flipped and still have a partial basement. That can be examined; however, it is probably not the best layout.

Mr. Robert Bucci, Union Avenue, questioned, "When you determine the cubic yards of rock, do you assume everything underneath the surface is rock?" Mr. Petretti replied, "Yes." Mr. Bucci stated no one in the area wants to again live through what happened on Putnam Avenue with the extent of rock drilling. He stated these also seem to be very large houses for the neighborhood.

Mr. McGarvey stated he sent the following memo, dated June 22, 2005, to the Board:  
"Re: 68 Lake Avenue, 2-Lot Subdivision

Please be advised that I have performed a preliminary review of the above-referenced subdivision and noticed the applicant is proposing to construct in areas in excess of 25% or greater. In accordance with Section 305-22A of the Zoning Code the Planning Board shall restrict new construction and vegetation removal in these areas. This issue should be addressed by the Planning Board or be referred to the Zoning Board of Appeals for a variance from this requirement."

Mr. Daniel Richmond of Zarin & Steinmetz, attorney for Mrs. Patricia Riedel, adjacent homeowner on Lake Avenue, reviewed with the Board his letter to them dated June 27, 2005. This letter is attached to the Official Copy of these minutes.

Mr. Erdman Riedel, a practicing architect for over 40 years and brother-in-law of Patricia Riedel of 56 Lake Avenue, submitted a diagram to the Board showing steep slopes on this property - in pink the property in excess of 25%, in green the property in excess of 33%. He stated each of these houses, particularly the one next door to Pat Riedel, is on steep slopes. It seems maybe this lot should not even be built upon. Drainage is a problem. Now it is natural surroundings. In the first paragraph of the General Provisions of the Subdivision of Land regulations it states that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties. There isn't a house on that street that approaches 2,000 sq. ft. in total. To double the size and more for these houses is not in character.

Mr. Jonathan Gleit, 64 Barnes Road, stated, "I agree with the comments of the first speaker tonight other than that owners of property have a constitutional right to develop property and that is not so. This Village is over-developed. There is too much traffic in this Village. We see more and more possibilities for development and there is more of a traffic problem and other problems. We have huge developments in Sleepy Hollow and this Village on the waterfront. We expect a huge increase in traffic. With that in mind, the Board must keep the overview in mind. Here there is one house and now there is a proposal for two. We have to restrict these types of propositions. To subdivide and put two houses is the wrong move for the Village. When these lots are developed, you have a serious diminution on the quality of life in the Village. In regard to this property, there should not be two houses. The same applies to the Church of Christ Science property. There should be a buffer established on Prospect so the appearance of that wooded buffer remains the same. The same applies for the property on Midland Avenue. I know the Village Board is going to be considering a prohibition on development on paper streets."

Mr. Lance Nelson, 52 Sunnyside Avenue, submitted a statement to the Board, which is attached to the official copy of these minutes.

Ms. Debra Martin, 65 Lake Avenue, stated Lake Avenue is a narrow street. Her great grandparents lived in her house and she wants to continue living in the neighborhood. "I remember when it was all woods. I know things are changing but I don't want to see something foolish. We want something that fits with the neighborhood. We don't want something that will destroy the land it is on and the character of the neighborhood."

Mr. Kenneth Roe, 40 Lake Avenue, stated he is the grandson of the original builder of 68 Lake Avenue. The property is all rock. The existing house was built on top of bedrock which runs under the dead end of Lake Avenue. 65, 67, and 71 Lake Avenue are built on the same rock. These houses would feel the vibration when jackhammers start to remove the rock. The front of 40 and 56 Lake Avenue have a blacktop curb running along the side of the road. The road base is poor. Flooding problems exist for the homes. Hundreds of cubic yards of rock would have to be removed to put in foundations and run water and sewer lines. If the builder does not use the rock, it would have to be trucked out and possibly damage the street. The trucks can't turn around but will have to back out and will cause a traffic hazard. This will definitely be a repeat of what happened on Putnam Avenue.

Ms. Rose Rennert, 71 Lake Avenue, submitted a petition stating:

"We, the undersigned, are strongly opposed to the proposed division of 68 Lake Avenue. We believe it will negatively impact our quality of life and will create noise pollution, lead to a heavy increase in traffic, eliminate open space, result in the loss of trees, and otherwise change the character of our neighborhood and cause other undesirable changes."

Ms. Rennert stated 39 people have signed the petition.

Ms. Rennert stated, "I believe my house is on the bedrock. My basement rattles six days a week (from the Putnam Avenue development.) I can't live through this again. I have two children, 9 and 11, and they play on that street. Now there will be no way they can do that for the next two years. I use the street to park my car and I am concerned about that. Will they have to widen the road? Can I have someone look at my foundation so if there are cracks, they will have to cover that? I think the residents will lose if there is a 4,000 sq. ft. house. It would be a huge monstrosity. I am upset about this and hope you will vote to oppose the subdivision."

Mr. John Lockwood, 50 Sunnyside Avenue, referred to Section 263-17F (Preservation of Natural Features) of the Subdivision Regulations and questioned an assessment of how well they abided by that regulation on Putnam Avenue. He referred to Article II, Section 147-11 (Critical Area Designated) and questioned whether the Lake Avenue property falls within that area. In regard to Section 305-22 (Wetlands, Steep Slopes, Hilltops, Ridgelines, and Hillsides), he asked for an assessment if any of these apply. If it does, then Paragraph D states, "No new structures or buildings may be erected on the hilltop as defined in Subsection A(3)."

Mr. John Lynch, 10 Crest Drive, stated this is a Critical Environmental Area and the first purview is with the Village Board, not the Planning Board, because this is a subdivision in the Critical Environmental Area.

Mr. Jim Walter, Crest Drive, stated there needs to be further review of paper roads.

No one further appeared to address the Board.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, to continue the public hearing at the Board's July meeting.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that the applicant address the following issues:

1. Confirmation by an engineer the amount of rock proposed to be removed
2. Submission of a color-coded map by an engineer or land surveyor showing the exact location of the 25% or more steep slopes and the steep slopes between 15% and 25% and said map should conform with the slope map requirements in Section 305-22E
3. Submission of a soil and erosion plan
4. Submission of a Full Environmental Assessment Form
5. Submission of a landscaping and screening plan
6. Submission of a site plan showing the homes within 200 ft. and the heights of those homes and the heights of the proposed houses

7. Submission of a 3-Dimensional Model or models of the proposed development, including size relative to surrounding buildings, building materials and architectural styles and basic landscaping; and environmental data
8. Plan showing preservation of trees and natural features
9. A review of the application of Section 305-22 to the property
10. How the Critical Environmental Area applies to the property
11. Re-Notice of Application to include site plan review.

Mr. Tedesco stated, "I have been to Lake Avenue three times. I personally see several major items:

1. Construction in areas with possible excessive steep slopes
2. Serious potential erosion and drainage problems
3. The size of the homes is not in keeping with the surrounding neighborhood and would change the character of life in the neighborhood

All of my observations say there could only be one home on this property. I would ask the applicant to seriously consider that possibility."

Mr. Petretti stated preparing a 3-D Model now doesn't make sense. "I am an engineer and submitted the calculations. You have an engineer and he can review my numbers. If there is one lot, the F.A.R. would allow a 6,000 sq. ft. house. That isn't what you want."

Chairman Friedlander stated, "You need to do the work we suggested. It is not only the F.A.R. The environmental issues are much more paramount to determine what can go there."

Chairman Friedlander, for the record, reported receipt of the following letter, dated June 13, 2005, from Mary T. and Hans G. Hartmann:

"This letter is in regard to the proposed subdivision at 68 Lake Avenue. Our house is at the corner of the proposed subdivision and immediately north of the Riedel property. We suggest that the proposed two house subdivision be limited to one house. This would avert much aggravation and concern as well as retaining some of the beauty of our area. The building of a house next to the Riedel property and immediately southeast of us will entail the taking down of many large trees and breaking up of rock. Our area has lost many trees and a hillside in the past year with the new development on Putnam Avenue. We have had to listen to the constant noise from the breaking up of rock. We would appreciate a break. Furthermore, maintaining the rock and trees would provide a buffer from another large house and we would have protection from storm water runoff. A buffer has been maintained between our house and the current two house development on Putnam Avenue. It provides privacy and prevents storm water runoff onto our property. It would be advantageous for us if that buffer could continue up the hillside towards Lake



Avenue. The Planning Board was very helpful to us in the planning of the two houses on Putnam Avenue and we continue to depend on your support.”

PUBLIC HEARING – C.M. PATEMAN & ASSOC., INC. (CONTRACT VENDEE) –  
CHURCH OF CHRIST SCIENCE PROPERTY AT CORNER OF PROSPECT  
AVENUE AND BENEDICT 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, June 27, 2005, at **7:00 p.m.** at the Municipal Building, 21 Wildey Street, Tarrytown, New York, to hear and consider an application by:

C.M. Pateman & Associates, Inc., Contract Vendee  
65 South Broadway  
Tarrytown, New York 10591

To consider an application for Subdivision Approval, pursuant to Section 263.4 of the Subdivision Regulations, of property located at the intersection of Prospect Avenue and Benedict Avenue, Tarrytown, New York, consisting of 3.20 acres into three lots:

Lot 1 to consist of 27,404.85 sq. ft. on which a new single-family house is proposed  
Lot 2 to consist of 15,509.36 sq. ft. on which a new single-family house is proposed  
Lot 3 to consist of 2.134 acres which will continue in ownership by the First Church of Christ Scientist

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 19, Parcel P-64A and is located in an R-15 (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. Chuck Pateman stated, “Subsequent to the last meeting we submitted a package on June 9<sup>th</sup> which we believe responded to comments that evening. We have submitted a landscaping plan for each lot showing the proposed plantings and trees to remain. There will be no rock removal. We have submitted a drainage analysis for the two lots and two dry wells for each lot are proposed. We have retained an environmental consultant to review the existing pond and that letter is in your package. We have submitted a subdivision plat. We have provided a steep slope analysis. We have shown the slopes over 25% and we have no construction in those areas. The only ones are in the rear

portion of the site and some around the pond and a few areas around the church. We have presented the site plan.”

Mr. Chris Pateman stated, “The project will have two single family lots on the southwest corner of the existing property. None of the trees on the lot retained by the church will be removed. Lot 2 will have 3,450 sq. ft. of Floor Area Ratio which includes a portion of the garage. We are filling the front to bring it to the level of the road. There are no wetlands within 100 ft. Lot 3 is on the corner where Prospect makes the bend. It will have 3,600 sq. ft. of Floor Area Ratio. We have maintained a downward slope on the driveway to save the existing Beech tree.”

Mr. Stone stated, “I am disappointed by the number of trees that are to be removed. There are a lot of significant trees that will be removed. I think you need to go back and do a closer look at tree preservation.” Mr. Chris Pateman stated that many of the trees are dying or dead and those can be identified. Mr. Chuck Pateman stated they are working with Steve Lopez, Landscape Architect. In addition to the tree removals, they are planting 24 trees. Machinery will be working in the area and the Landscape Architect looked at what he felt would not survive and then he came up with a replanting plan.

Mr. Demers questioned, “On Lot 3 have you considered putting the garage and driveway on the eastern side?” Mr. Chris Pateman stated the sight distance regulated where they put the driveway. Mr. Chuck Pateman stated in the packets they submitted photographs to show the sight distances. They reviewed the report from the Village’s Traffic Consultant, Adler Consulting, and provided the sight distances as recommended by them.

Mr. Tedesco stated, “When you go by there, it is a forest. What effect does removing all that greenery have on the drainage? Should we hire an independent drainage consultant?” Mr. McGarvey stated, “I looked at the drainage analysis and for the amount of increase of impervious area, they are proposing two dry wells on each lot. It is not a large area.” Mr. Chris Pateman stated, “Our dry wells are double the size required. We also don’t want to leave trees with a three to five year life span because they become a liability to the new homeowner.”

Chairman Friedlander questioned, “What about the drainage for the church pond – will this have any impact?” Mr. Chuck Pateman stated, “We are not providing any direct flows into the pond. There would be no impact on the existing pond. There will be 62 trees on the two lots when we are finished.”

Ms. Linda Viertel stated it is important where the trees are saved. The size of the trees is important and the Village should retain the services of its arborist. “I think we should have that consultation.” Mr. Stone agreed the Village’s Landscape Consultant should review the project. Mr. Chuck Pateman stated he would be happy to have Mr. Yarabek review the plan with Mr. Lopez and have them both walk the site with the Planning Board.

Mr. John Lynch, 10 Crest Drive, stated there are 36 inch willows on the church's property and the buffer which will be removed is protecting Prospect Avenue. "I think there needs to be a moratorium on steep slopes. I am going to bring up eminent domain to the Village Board."

Mr. Stone questioned, "What is the clear height to the apex of the roof?" Mr. Chris Pateman stated he thought it is 28 feet." Mr. Stone requested that be indicated on the drawings.

Mr. Stone questioned, "Could the houses be moved back?" Mr. Chris Pateman stated it might be possible to move Lot 2 back, not Lot 1. He stated they would review that and look at it with Mr. Yarabek as well.

Mr. Demers questioned the size of the replacement trees. Mr. Chris Pateman stated they will be 2 inch to 3 inch caliper.

Mr. Geneslaw stated, "One of the attributes of the church property is the green area. It would be beneficial to leave more of the trees along the property line. I understand maintaining the front lines for both houses but moving Lot 2 back could provide some visual interest. I think the sight distances will work. The driveways seem to be located as best possible."

Mr. Shroff stated, "This is a distinct property in terms of its beauty. I think you must address how you will maintain the character of this unique piece of land. I think tucking Lot 2 behind the church might preserve the view corridor."

Mr. Tedesco stated, "If you could encourage the church to reforest it could provide a screen for the house on Lot 2. In addition to the clear heights, you should show the size of houses relative to the houses on Prospect Avenue."

Mr. Victor Flores, who resides at the corner of Benedict and Highland Avenues, stated the new houses across from him on Highland have been under construction for 2-1/2 years and have had numerous problems. "I would ask the Board to take that into account when reviewing this proposal."

Mr. Benjamin Child, Prospect Avenue, stated there is no safety on the street and numerous accidents have occurred. They sent a petition to the previous Mayor but received nothing in response. In the past there were talks about speed bumps and making Prospect Avenue a one-way street and those should be reconsidered. Additional stop signs might help slow people down. The increased sight line created by these houses will cause people to drive even faster. "I am glad what you are saying about trying to preserve the trees. If you move the houses back from the street, you move them closer to my house and there needs to be adequate screening. There is concern also about

drainage. Retaining the water in dry wells will increase the amount that drains onto my property. It should be moved into the pond or existing storm drains.”

Mr. Jonathan Gleit, 64 Barnes Road, stated, “I think moving it back is a good idea and it would make sense to have one building on the property. That could accommodate the neighbors and the rest of the community. With respect to the height, you should look at the houses on Prospect. The driveways go down. If you talk about leveling this property, those houses will seem higher.”

Mr. Fred Ellman, 151 Prospect Avenue, stated the land price equals the ratio to the development and the development results in these very large homes. There is no Master Plan in Tarrytown. The Board needs to review the character of the neighborhoods. The homes that are on the abandoned Detmer Avenue will be looking at the back lot lines of these houses. “I think this project should be voted down. There should be homes more in keeping with this neighborhood.”

Mr. Steve Ward, 143 Prospect Avenue, submitted a letter dated June 24, 2005, from Tracy Ellis-Ward, 191 Prospect Avenue. This letter is attached to the Official Copy of these minutes.

Mr. Ward stated that safety is an issue and the school buses will not stop. As a result, Ms. Ellis-Ward must drive here children to school and now these houses will add two more families.

Mr. Chuck Pateman stated, “A lot of the comments I think can be addressed. Developers do have rights. This project is completely within the codes of the Village. We are willing to work with you. There needs to be certain respect for developers who submit plans that work. This is not our first project in Tarrytown. I have worked in Tarrytown for 25 years and have always done the right thing.”

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, to establish an escrow account in the amount of \$5,000 for this project.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, to continue the hearing at the Board’s July meeting.

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

Mr. Mark Fry stated, “We have been working on this for about 30 months to erect a third office building on a site with two other office buildings. We submitted our DEIS and have submitted our second set of revisions. We would like tonight to request our notice of completion subject to the comments you have received from Mr. Geneslaw. We have been in contact with Steve Yarabek, the Village’s Landscape Consultant, but he has not

yet seen the final plans which were Federal Expressed to him today and you could make final landscaping plans subject to Mr. Yarabek's approval."

Mr. Peter Karas of Insite Engineering reviewed with the Board plans for preferred Alternative 8. He stated all the comments from the Board and the public have been incorporated into the plans.

Mr. Tedesco noted Alternative 8 shows the removal of the six parking spaces in the steep slopes. He questioned whether that preserves the 40 inch maple tree. Mr. Fry replied that it does. Mr. Tedesco stated this plan has come a long way from the initial submissions.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that pursuant to the State Environmental Quality Review Act the Planning Board accepts the Draft Environmental Impact Statement for Crescent Associates as complete for review by the public and involved and interested agencies subject to incorporation of adequate responses to Mr. Geneslaw's comments and approval of the landscaping plan by Mr. Yarabek.

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

Chairman Friedlander noted the applicant has requested an adjournment until the Board's July meeting.

No one appeared to address the Board on this matter.

Board members unanimously agreed to continue the hearing at their July meeting.

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

Chairman Friedlander noted the applicant has requested an adjournment until the Board's July meeting.

No one appeared to address the Board on this matter.

Board members unanimously agreed to continue the hearing at their July meeting.

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

Mr. Norman Sheer, attorney for the applicant, stated, “We believe we have submitted our responses to all Mr. Geneslaw’s comments. We have received no new comments. We are hoping you will give us our notice of completion.”

Mr. Geneslaw stated he had not received the supplemental information. Mr. John Saccardi, planner for the applicant, stated they had sent it to him several days ago via Federal Express and he did not understand why it had not been received. He stated he had extra copies tonight.

Mr. Sheer stated they had not received the report from the Village’s drainage engineer although there had been an understanding that the Board felt they could move forward with the notice of completion subject to that being received.

Dr. Roger London, 185 Wilson Park Drive, issued a statement to the Board, which is attached to the Official Copy of these minutes.

Mr. Saccardi stated, “These are important comments but there is a missing piece. What we need to do is accept the DEIS so it can be made public. We had a wetlands survey done as did the Village. There is a lot of material in the DEIS. The issue at hand is accepting the DEIS which makes it available to the public so the process can begin. Comments like Mr. London’s can then begin the process. We want to move this onto the public forum.”

Mr. Sheer stated, “A lot of the issues Dr. London raises have been addressed. We are getting comments from people who don’t know what is before you.”

Ms. Linda Viertel, Gracemere, stated, “The Village has had Frank Fish (planner) walk this property and he has come up with some excellent alternative proposals and at what part of the process should those be considered? That material was made available to the Board of Trustees.” Chairman Friedlander stated, “That material has not been made available to us.” Mr. Saccardi stated, “All those comments – as comments from the Planning Board after their site walk – will be incorporated into the FEIS.” Ms. Viertel stated, “He brought up multiple alternatives which I believe should be considered in the DEIS.” Mr. Saccardi stated, “We have complied with the scope and we will consider alternatives in the FEIS.”

Chairman Friedlander stated, “A number of discussions were made about changes that would be desirable to have in the DEIS during the Planning Board’s site visit. Now we are being told Frank Fish has a number of alternatives. Why can’t those be incorporated in the DEIS?” Mr. Sheer stated, “We understand Frank Fish is working with the Village Board. What he is proposing will influence the plan the Board ultimately approves.”

Mr. John Lynch, 10 Crest Drive, stated, "This is in the Critical Environmental Area and the main purview is with the Village Board." Mr. Lynch stated the lakes are in a serious situation.

Dr. London questioned, "Will you be willing to entertain at this time that you are in fact going to be able to answer possible or partial acquisitions that you have never seen? I would at least want to know what your consultant is suggesting."

Mr. Kevin McManus of WCI Spectrum stated, "We are willing to look at alternatives. We would love to see what Frank Fish is suggesting. We need to get the information out."

Mr. Tedesco stated, "One of my concerns is the Tarrytown Lakes. It has been designated a Critical Environmental Area by the Village and the County. The single most important thing is the preservation of the Lakes. It is a unique natural resource. I would be hesitant to declare this complete until I have read the full consultant's report. I would also like the applicant to address if the issues raised by Dr. London have been addressed in the DEIS and if so, where, and maybe some of them can be addressed in the FEIS."

Mr. Tedesco requested that Mr. McGarvey contact the Village's drainage consultant to see if they can do a full hydrology study.

Mr. Sheer stated, "Dr. London's letter is not part of the scope. It should be and will be addressed. At some point the DEIS has to be accepted as complete. That is the beginning point. We need to hear from the public on what we have done so far. This Board has the right to say we need to do more."

Ms. Cherie Gaines, 612 South Broadway, stated, "The scoping is optional. It is not a SEQRA requirement. It is part of the process used to assist everyone in coming to good judgments. While it would be helpful to me as a member of the public, to know what is in the document, it is also helpful to me to be discussing a complete document. What is apparent is that during the course of these months it has been recognized there are additional issues of additional depth that may indeed need greater clarification before people like me get involved. I am hearing there are additional comments and reports and they are not incorporated into an initial draft. Before you accept anything is complete, you must be sure the revision is complete so what is submitted to us is as complete as possible."

Mr. Sheer stated, "We are getting comments from people who are not aware of what has been done to date."

Mr. Saccardi stated, "This was one of the most comprehensive scoping sessions of any process I have been involved in. This was the extreme of good scoping."

Chairman Friedlander stated, "We did commission the report from the hydrologist. We all recognized the Lakes was the most important thing and that should be part of the DEIS. The burden is on us to obtain that as quickly as possible and have that incorporated. We need that as the basis for reviewing the DEIS." Mr. Sheer stated, "You are having a consultant to review our work." Chairman Friedlander stated it is uncomfortable for the Board not to have the hydrology study.

Ms. Karen Brown, 5 River Terrace, questioned if there is an amount of time after the DEIS is accepted for the Board to render a decision. Mr. Geneslaw stated the Board would have to hold a public hearing within a certain time period. Mr. Sheer stated the public hearing would have to be closed and that is the Board's discretion.

Mr. Demers stated the DEIS has to be as complete as possible for the public to review before the Board starts the clock ticking. "We cannot be rushed into the second stage of the process until the DEIS has the things the Board is looking for."

Mr. Sheer stated, "Every time we come here something else comes up to prevent the notice of completion."

Chairman Friedlander stated, "We need the hydrology report and then I think we would be more comfortable with accepting the document as complete."

The Board unanimously agreed to continue the hearing at their 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, "We have submitted an expanded long Environmental Assessment Form and we are questioning whether the Board needs additional information."

Mr. Tedesco stated, "There was always the question about whether this requires a subdivision since there cannot be two principal uses on one lot." Counsel Shumejda replied, "In my opinion there needs to be a subdivision so you don't have two principal uses on one lot." Mr. Sheer questioned, "What if the lot is conveyed to a related entity?" Counsel Shumejda stated, "To whom it is conveyed is not my issue." Mr. Sheer stated, "Both lots are conforming lots and they are separate tax lots." Counsel Shumejda stated, "A tax lot has no legal significance beyond collecting taxes." Mr. Sheer stated, "Belvedere is a religious use and it is like a parish house." Mr. Michael Ingles, a church member, stated, "The church is held there on Sundays."



Chairman Friedlander questioned, "Is it a multi-family residence?" Mr. Sheer replied, "No." Chairman Friedlander questioned, "Are there children on that property?" Mr. Ingles replied, "There are caretakers and some church members."

Ms. Gina D'Onofrio of Saccardi & Shiff, planners for the applicant, stated, "We are still waiting for comments from your consultants. That was one of the comments we were asked to respond to but we are waiting for the comments from your consultants."

Chairman Friedlander stated, "I am concerned about a connection between the properties because a church on one piece and a residence on another piece has a big difference." Mr. Sheer stated, "We will not be adding to the use. We are shifting the church use of the current property to this property."

Mr. Tedesco stated the trees to be removed should be shown on the tree survey. Mr. Ingles stated they will also show replacement trees.

Board members stated they will need more information on traffic, drainage and engineering. All agreed a site visit should be arranged.

#### CONTINUATION OF PUBLIC HEARING – CALIBER BUILDERS – 612 SOUTH BROADWAY

No one appeared on behalf of the applicant.

Ms. Cherie A. Gaines, 612 South Broadway, stated she would like her letter, dated May 25, 2005, to be made a part of the record. Board members agreed. This letter is attached to the Official Copy of these minutes.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that the hearing be adjourned to the Board's July meeting. Resolution passed 10:45 p.m. 6/27/05

The Secretary was requested to send a letter to the applicant stating if no one appears at the July meeting, the matter will be removed from the Board's agenda.

#### MISCELLANEOUS PUBLIC COMMENT

Ms. Linda Viertel, Gracemere, stated, "I spoke at the last Board of Trustees meeting about the length of time we worked with the Planning Board about the trees at Jardim Estates. In light of that we have asked the Board of Trustees to re-look at their Tree Code and perhaps give it to the Environmental Advisory Council to consider maybe an increased dba replacement plan, larger fines, larger bonds on trees that are destroyed. A memorandum of agreement should be created so Con Edison can't come in and decide where trenches will be put in. They should have to come to the Village Engineer. When

Walgreens came up there were going to be islands with trees. I would like there to be some follow up with that developer.”

Counsel Shumejda stated, “In regard to Con Ed, every applicant could be required to go to Con Ed before final approval and have them agree in writing as to where their trenches will be and what trees will be removed and that can then be monitored.”

Ms. Karen Brown, Wilson Park Drive, stated, “There should be an inventory on land that can be subdivided so we will know where these pieces are.”

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

Mr. Richard Blancato, attorney for the applicant, stated at the last meeting the Board had a lot of questions about how the property would look and tonight they would make a visual presentation. A traffic study has been submitted by Tim Miller Associates.

Mr. Tom Bauer, landscape architect, reviewed with the Board renderings for the property. He noted they focused on the front of the building and the rear courtyard area. They are creating a richer landscape at the front of the building creating an elegant estate-like look – like a country club. The property has mature pines, maples and flowering trees. That will be the basis for where they begin. They are creating an improved circulation pattern. There will be a water feature, which will be thematic in the front and back. The landscaping will be more colorful. It will be a more desirable entry for the guests. There will be an outdoor terrace for the restaurant in the area where the lobby is currently. All the trees on the perimeter will be maintained. About 14 trees will be lost because of the expansion of the ballroom. Those are not of high quality – four are crabapples and one is a small dogwood. A year-round courtyard is being created. There is a swimming pool, which is important in the summer. Beyond that there is a sun deck that will be furnished with chaises and tables and chairs and beyond that is a snack area. In addition, there is an aquascape which is shallow water falling from a higher elevation to a lower elevation. It will be lit at night. There is a narrow walkway so guests can meander. A lot of color will be added to the landscape.

Upon inquiries from the Chairman, Mr. Mark Shapiro, project coordinator, stated the hotel has 250 rooms and the swimming pool is 20 ft. wide by 40 ft. long. They find most people use the pool area for sunbathing, not swimming. There is also an indoor pool. The new ballroom is 8,000 sq. ft. with an additional 7,000 sq. ft. of pre-function area and then there is the outdoor veranda, which is 4,500 sq. ft. The ballroom will seat 600-650 people for dinner. The conference maximum would be 650 but if done theater-style, it can be 800.

Mr. Stone noted the traffic study was based on 533 people. Mr. Shapiro stated the reality is the hotel will be using the 500-550 range. Mr. Tedesco noted the traffic consultant

indicated there may have to be adjustments made for the signal timing. Mr. Shapiro stated it is just a matter of the D.O.T. making the changes within the light system. It is programmed. There will be wait times adjusted for the day and hour but the adjustments would be slight.

Mr. Demers questioned why the Village should consider a variance for a 5% increase in building density for something that will increase the traffic on Route 9. Mr. Blancato stated this hotel has not changed in more than thirty years. It is tired and needs renovation. In order to compete in the marketplace, the ballroom size needs to be increased and in order to do that a small variance on coverage is needed as well as a small variance in height. Even with that variance, on Broadway you won't see the addition.

Counsel Shumejda stated the biggest impact for the Village is traffic. Mr. Blancato stated the traffic study shows it is a minimum impact.

Chairman Friedlander stated he has spoken to the Mayor and some of the Trustees and the traffic consultant needs to look at the cumulative impacts of all the projects on South Broadway. In the last two years the traffic has worsened beyond anyone's imagination. Part may be from the striping on Broadway and some may be an increase in school buses. There are two known housing developments – Jardim Estates and the former JCC property and there is another piece of land owned by Phillip Morris Company. "I am having a meeting tomorrow with our traffic consultant to see what it would cost for the cumulative study so we can see where we stand from all the development. We want successful businesses but we don't want to strangle ourselves."

Mr. Blancato stated the waterfront development will have a tremendous impact on traffic. This will have very little impact. "When you consider all the developments on Broadway, there will be impacts and maybe the road will have to be designed better but that is not our responsibility – it is up to the Village and the State."

Chairman Friedlander stated, "We have to mitigate the development that occurs. I am not saying this has to bear the full responsibility. Sometimes it takes more than one group to go to the D.O.T. to get the changes." Mr. Shapiro stated, "We are not disagreeing with that. The cumulative impacts are a concern to everyone. We would like clarification what this will do to the process we are in. There is a significant financial impact on the owners if this is delayed."

Mr. Shapiro noted the hotel will now be more of a corporate center. The ballroom space will be used by the residents. People will come and stay at the property. It will no longer be guests coming to the hotel rooms and the ballrooms being used by other groups. The traffic impact will not be as great as some might think.

Mr. John Lynch, 10 Crest Drive, stated, "One of the most profound comments I have heard is why would we want to have zoning variances for something that will increase

traffic on Route 9. The Hess station has increased the traffic. There should be input from the police department and traffic accident reports and how they have increased in this Route 9 corridor.”

Mr. Blancato questioned whether they could proceed with the Zoning Board of Appeals and Architectural Review Board. Chairman Friedlander stated they could – but without any recommendation from the Planning Board.

The Board suggested the landscaping plans be sent to Mr. Yarabek and Chairman Friedlander requested that Mr. Yarabek also be asked to review the landscaping on the perimeter of the property.

Mr. Tedesco noted the Board had also asked for a long Environmental Assessment Form. Mr. Geneslaw stated revised plans were also going to be submitted. Mr. Blancato stated they have the revised plans and they are 99% what the Board already has. Mr. Shapiro noted Con Ed vaults are being left where they are.

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

CONTINUATION OF PUBLIC HEARING – NEW CINGULAR WIRELESS SERVICES, INC. – 1 RIVER PLAZA

Chairman Friedlander stated this application is being adjourned since all requested materials have not been submitted.

No one appeared to address the Board on this matter.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, to continue the hearing at the Board’s July meeting.

WRIGHT – 13 JOHN STREET

Chairman Friedlander stated this matter has been removed from the Board’s agenda since required variances for the project were not received.

GALGANO/GHEEN – 22 HIGH STREET

Chairman Friedlander reported the applicant has withdrawn this application.

PRELIMINARY PRESENTATION – BEATON/SERY – 143 MIDLAND AVENUE

Mr. Norman Sheer, attorney for the applicants, stated, “At the last meeting we scheduled a meeting to discuss the roads and that meeting was cancelled and it was never

rescheduled.” Counsel Shumejda stated he had to attend a Special Meeting of the Board of Trustees that evening and was unable to have that meeting.

Counsel Shumejda stated the access is an issue. The applicant has to have access to a public street. The access from Midland Avenue is not clear and there are major issues with the access to Crest Drive.

After discussion, it was agreed that Counsel Shumejda should send a memo to the Board expressing his opinion and he should provide a copy of that to Mr. Sheer and Mr. Richmond, attorney for one of the neighbors, so they can respond to that memo.

Mr. Daniel Richmond stated the Board of Trustees is holding a public hearing in July to consider a moratorium on paper streets.

#### PRELIMINARY PRESENTATION – WHEATLEY – 100 SOUTH BROADWAY

Counsel Shumejda stated due to the late hour, the attorney for the applicant had to leave. The application is to put a second story on the building at 100 South Broadway for an apartment. The building is currently being used as an office. This is an R-10 single-family district. The office use is a pre-existing non-conforming use and an apartment is not a permitted use. The premises also has no off street parking. Area variances are needed for the property and the parking and a use variance is also required. If variances are received, the applicant will need site plan approval from the Planning Board.

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that the Planning Board refers this application to the Zoning Board of Appeals.

#### ADJOURNMENT

Mr. Tedesco moved, seconded by Mr. Shroff, and unanimously carried, that the meeting be adjourned – 12:15 a.m.

Kathleen D’Eufemia  
Secretary

