

Planning Board
Village of Tarrytown
Regular Meeting
September 26, 2005 7 p.m.

PRESENT: Chairman Friedlander; Members Demers, Tedesco, Stone; Counsel
Shumejda; Planner Geneslaw; Landscape Architect Yarabek; Engineer
McGarvey; Secretary D'Eufemia
ABSENT: Mr. Shroff

PUBLIC HEARINGS – HOLY SPIRIT ASSOCIATION FOR THE UNIFICATION
FOR WORLD CHRISTIANITY (HSA-UWC) – SOUTH BROADWAY – JARDIM
ESTATES LOTS 7 AND 9

Chairman Friedlander read the following Notices of Public Hearing:

Lot 7

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, September 26, 2005, at **7:00 p.m.** at the Municipal Building, 21 Wildey Street, Tarrytown, New York, to hear and consider an application by:

Holy Spirit Association for the Unification of World Christianity (HSA-UWC)
4 West 43rd Street
New York, New York 10036

To consider the application for site development plan approval for property they own on South Broadway, Tarrytown, New York, for construction of a new single family house on Lot 7 of Jardim Estates, pursuant to Section 305-52 of the Zoning Code of the Village of Tarrytown.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 29, Parcel P-67, and is located in an R-60 (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.

Lot 9

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, September 26, 2005, at **7:00 p.m.** at the Municipal Building, 21 Wildey Street, Tarrytown, New York, to hear and consider an application by:

Holy Spirit Association for the Unification of World Christianity (HSA-UWC)
4 West 43rd Street
New York, New York 10036

To consider the application for site development plan approval for property they own on South Broadway, Tarrytown, New York, for construction of a new single family house on Lot 9 of Jardim Estates, pursuant to Section 305-52 of the Zoning Code of the Village of Tarrytown.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 29, Parcel P-69, and is located in an R-60 (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. Norman Sheer, attorney for the applicant, stated Lot 7 is the first lot on the left coming in from Sheldon Avenue. It is a flag lot. The driveway is shown along the flag. Behind the house is a patio. They are planning to screen with Norway Spruce trees at the rear. There will be new trees along the driveway as well.

Mr. Michael Ingles, Treasurer of the Church, stated the proposed height at the ridgeline is 231 ft. The existing house on the left is 199 ft. The homes on Sheldon Avenue are mostly 223 ft. to 234 ft. Mr. Stone questioned the overall height. Mr. Ingles stated at the midpoint the roof will be about 26 ft. Mr. Stone stated the elevation drawings should show the actual grade of the ridgeline of the house, the average grade at the base of the house, and the grade at roadside. That gives a visual picture.

Mr. Sheer stated the permitted Floor Area Ratio is 6,657 sq. ft. and the proposed house is 4,690 sq. ft. (The living space of the house is 5,540 sq. ft. and the garage is 850 sq. ft.)

Mr. Demers questioned whether there is a third floor. Mr. Justin Minieri, architect, replied, "No, there are no fixed stairs going up to the attics."

Mr. Yarabek stated there should be a topographic section to Sheldon Avenue.

Mr. Minieri stated the houses on Lots 7 and 9 have a country feeling. The houses fit the Village of Tarrytown. They are creating houses of a bygone era with porches. The houses will be a variety but will be connected to each other. There will be soft colors

with subtle detailing. There will be shutters and some will have stone and some will have brick.

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

Ms. Roula Nedo, Stephens Drive, stated, "I find it odd that they are saying these houses are comparable to the neighborhood. Sheldon Avenue has small Cape homes. These homes will be substantially larger and will definitely affect the neighborhood. You must look at how high they are and how they are built. We are in a residential community where the homes are not that big – even the Stephens Drive homes. They are saying this is the feeling of Tarrytown and that is misconceiving. It is not the feeling of Tarrytown in that area of Tarrytown. Who is building these houses and who will be in charge? When will this road be opened? It has been closed and my access is now closed. They want to build but they have to make access for us. 6,000 sq. ft. is a big house. That is three times the size of my house. What will happen to all the animals – geese, deer. That is a natural habitat. I don't think that was ever dealt with."

Ms. Cherie Gaines, 612 South Broadway, stated, "I have to agree the design of these buildings is not consistent with the existing houses on Sheldon Avenue. The ridgeline may sound like it is equal but that is because across Sheldon Avenue there are rock formations and the smaller houses are on top of a ridge. One of the things missing from the presentation is the intent of some of the changes. These lots have been rezoned and they are larger but they were not rezoned so we could cover them with massive houses. They were rezoned to permit preservation of open space. It may be that legally and technically they can justify this size but that is not the intent; it is not the neighborhood; and it may not be healthy." Ms. Gaines stated the area is called Pennybridge because there was an active stream and there was a bridge. In order to reach Broadway, people had to cross the bridge and were charged a penny. That stream still exists. At a past Planning Board meeting people talked about the flooding they had experienced after the preliminary work was done on this land. That flooding is nature acting out. The Planning Board required a study of wetlands but that study may not have been adequate. There is water on this land and when monster houses are built there will be more water problems. "You must give serious consideration to planning for the entire site at one time – not piecemeal building by building – so you get an idea of how much impervious coverage you will have. There is an underground stream somewhere there and the Planning Board needs to know exactly how much ground will be covered." Ms. Gaines stated she was concerned about the three car garages. It had always been indicated there would be two car garages. They are proposing to construct with a design that will give over fifty cars automatically to this land. That is not what Sheldon Avenue, the private driveway or South Broadway needs. "I really think everyone needs to slow down and see the entirety of what will be done. I think one of the garages should be eliminated and you must give serious consideration to what kind of surfaces will be used."

Mr. John Lynch, 10 Crest Drive, stated it would be neighborly and a wise gesture if Unification Church would consider making a hefty donation toward the fire equipment the Village is planning for the South End.

Mr. Sheer stated, "Some people have a short memory of how this property came to be what it is. In the 1980s the site was rezoned from R-15 to R-20 and when we first came to you we had 37 or 39 lots. There was then a two-year moratorium and the Village decided to rezone it to R-60 and we clustered down to R-40. The people who spoke tonight were the most in favor of the large lots."

Mr. Ingles stated the allowable building coverage is 17.5% and they are only proposing 8.9%. Mr. Sheer stated the proposal for Lots 7 and 9 is far less than is permitted.

Ms. Gaines stated large lots do not necessarily mean large houses. "I supported large lots because I supported open space."

Mr. McGarvey stated the original plan showed two-car garages and the engineers have been asked to make sure the third garage was included in the impervious drainage calculations. Mr. Ingles stated it was on the full build out but they will have that clarified.

Mr. Geneslaw stated it would be helpful to have a couple of views from Sheldon Avenue shown – the direction toward the patio and then the back of the garage.

Mr. Stone noted he was not on the Board when the subdivision was reviewed and he questioned to what extent the overall storm water management for the entire property was studied. Chairman Friedlander stated there was a two-year study of this property and there are extensive volumes of engineering and hydrology and trees. "While some people may want to revisit the process step by step, we are not here to do that. There is an FEIS and a site plan and a subdivision. Tonight we are trying to find the best possible building that is compatible for the area. The land was up-zoned twice to gain as much open space as possible and then to build houses that would fit in with the historic character of the area – not necessarily Sheldon Avenue." Chairman Friedlander stated this is the first time the Planning Board is reviewing each individual lot after subdivision and site plan approval. The Board has already reviewed the overall plan.

Mr. Stone questioned, "Have there been changes since the overall plan was looked at in great depth?" Mr. Ingles replied, "No, these are consistent with the DEIS and the FEIS. The building coverages in the FEIS were based on what is permitted in the zoning code and these houses are considerably less."

Ms. Gaines stated she agreed the Board studied the wetlands issue to the extent they were given the information but someone may have made a mistake. The two houses being reviewed tonight are near Sheldon Avenue so what is on Sheldon Avenue is relevant for

these lots. The private driveway does have larger estate houses but Sheldon Avenue does not. Sheldon Avenue is not consistent with the proposed plans. If one of the garages is eliminated, it would make the houses a little more consistent with Sheldon Avenue.

Mr. Demers questioned what the plan is for the private road after Jardim Estates is completed. Mr. Sheer stated the Homeowners Association will own and maintain the road and it will be open – it will not be gated.

Mr. Tedesco stated, “I have been disturbed by the three car garages as well and I think you should look at that. The overall sense I have is when you drive through something that is part old and part new, you should have a sense of continuity. Therefore, I would be sensitive that it is not how these seventeen houses fit in with each other but how they fit with the entire area.”

Mr. Ingles stated there are a number of lots in the subdivision that are substantially smaller than these two lots. Those lots would have smaller houses.

Mr. Sheer stated this project is surrounded by raised ranch houses built in the 1960s and 1970s, which is not the preference of new home buyers today. People today want larger houses.

Chairman Friedlander stated, “It was zoned R-15 and many of us fought for lower density in Tarrytown and to do that you had to up-zone the land. That could have resulted in litigation. Without going through a lot of legal battles, the owners accepted the up-zoning. If we hadn’t up-zoned, there would have been a much larger number of smaller houses. Now after the up-zoning and the reducing of the density, people are saying don’t build anything different than what is comparable to the area. People wanted R-60 and they got that but they are now saying don’t build anything larger than what you could have built when it was R-15. Larger lot sizes have larger houses.”

The Board reviewed the house proposed for Lot 9. Mr. Sheer stated this is the second lot south of Lot 7. There is a lot in between them, which they are not proposing now. A couple of trees will be removed and there is new screening proposed on the south and north and along the entry drive. The permitted Floor Area Ratio is 6,581 sq. ft. and the proposed is 4,577 sq. ft. (The living space of the house is 5,275 sq. ft. and the garage is 900 sq. ft.) No variances are being sought. They are not putting in a full basement in order to save a Norway maple tree. The house is also being moved to save a red oak tree on the south. Mr. Sheer stated this house is lower than the house on Lot 7 and they will get the actual heights for the Board.

Mr. Stone stated he would like to have another site visit to establish exactly which trees will stay and those that will be removed and Mr. Yarabek should be at that meeting. Mr. Sheer stated revised plans showing these adjustments would be sent to Mr. Yarabek and they will locate the houses on the lots before the Board re-visits.

Ms. Gaines stated Lots 7 and 9 are close to Sheldon Avenue, which is a neighborhood, and these houses needed to be sensitive to that. It was not as much a concern about the houses along South Broadway. She again expressed concern about the three car garages.

Chairman Friedlander stated the Board did approve two-car garages; however, even with a two-car garage, it doesn't preclude families from having more than two cars.

Mr. Sheer questioned whether it would be wise for them to present these two houses to the Architectural Review Board at this time. The Board stated he should present these plans to the ARB and they should send recommendations back to the Planning Board.

Ms. Linda Viertel, Gracemere, requested when the Board does another site visit that neighbors be advised.

Ms. Viertel questioned the status of a traffic study for the South End of the Village. Counsel Shumejda stated the Board of Trustees is in favor of it but the Planning Board will have to determine how the cost is borne by the various applicants. Chairman Friedlander stated everyone agrees the study is necessary and how it will be paid for will be determined.

Mr. Tedesco moved, seconded by Mr. Demers, and unanimously carried, to continue the hearing at the Board's next regular meeting.

PUBLIC HEARING – POWERS – 34 LINCOLN 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, September 26, 2005, at **7:00 p.m.** at the Municipal Building, 21 Wildey Street, Tarrytown, New York, to hear and consider an application by:

Donna Powers
34 Lincoln Avenue
Tarrytown, New York 10591

To consider an application for Subdivision Approval, pursuant to Section 263.4 of the Subdivision Regulations, of property located at 34 Lincoln Avenue, Tarrytown, New York, consisting of 15,000 sq. ft. into two lots:

Lot 1 to consist of 7,500 sq. ft. on which a single-family house exists

Lot 2 to consist of 7,500 sq. ft. on which a new single-family house is proposed

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 26, Block 82, Lot 1 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. Robert Barstow, architect, submitted revised plans showing to-scale architectural renderings of the house at 46 Lincoln Avenue, the existing house on proposed Lot 1 and the proposed new residence on Lot 2. He stated the new house is proposed to be 2,500 sq. ft. with a two-car attached garage. The new construction would conform in every way with the existing zoning code. The only variance will be for the existing house on Lot 1. Two trees would have to be removed – a 6-inch maple and an 8-inch maple.

Upon inquiry from Mr. Tedesco, Mr. Barstow stated the Powers family plans to move into the new house and they will rent the existing house. No changes are planned for the existing house.

Mr. Stone stated the buildings around the area are quite modest. He expressed concern about the size of the proposed house compared with the houses across the street. Mr. Barstow stated the average house size in the area is about 2,300 sq. ft. They are proposing 2,500 sq. ft., which is modest for the area. It is well below the coverage that is permitted.

Mr. Stone stated the Board needed the dimensions – heights, widths – shown on the drawing.

Mr. Tedesco noted the new driveway would be on Lincoln Avenue and he questioned whether they had checked sight distances. Mr. Barstow stated they had not; however, it is about 100 ft. from the corner and it is a residential street.

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

Mr. Geneslaw stated the driveway for Lot 2 is short in length and does not have a turn around so the sight distance is important. Mr. Barstow stated this is a very low traffic neighborhood where many of the houses require driving into the driveway and backing out onto Lincoln Avenue. Mr. Geneslaw stated it would be difficult to provide a turn around so it is important that the Board is satisfied with the sight distance. Mr. Barstow stated he would do further studies for the Board's review.

Chairman Friedlander stated, "You should lay out the portion of the street. We want to see if anything blocks the sight in both directions. You should show the driveways across the street also to show where they come out."

Mr. Demers stated, "In view of the fact you will have to get a variance and you would need a recommendation from this Board for that variance, would you consider reducing the size of that house? This seems large compared to the other houses on the street. Now this is a nice open area and you are proposing to cover it up."

Mr. Barstow stated they would look at that. From Greenburgh's records, they found some of the houses are over 3,000 sq. ft. in the immediate area and they go down to 1,800 sq. ft. and 1,600 sq. ft. "We are not trying to max out the envelope which would allow us to build over 3,000 sq. ft. We are downsizing due to their financial status as well. The house and the architecture and the square footage do have some flexibility at this point."

Mr. Demers stated, "You are allowed 24% and that is what you show and you have a house that is a rectangle." Mr. Barstow stated, "That is a one dimensional elevation drawing. I will place the proposed structure on the site plan to show we are not using the entire envelope that the zoning code allows."

Mr. Stone stated, "We understand you may be within the zoning requirements, but we are looking at how the house stands in regard to the character of the neighborhood. We would like to see the actual building dimensions on the site plan including the dimensions of the clear height of the building."

Mr. Demers moved, seconded by Mr. Tedesco, and unanimously carried, that the Board declares itself Lead Agency on the project.

Mr. Tedesco moved, seconded by Mr. Demers, and unanimously carried, to continue the hearing at the Board's next regular meeting.

CONTINUATION OF PUBLIC HEARING – WHEATLEY – 100 SO. BROADWAY

Mr. Sam Vieira, architect, submitted amended drawings showing the elevations with the addition of the heights. The height to the mid point of the roof is shown. As an average grade it is 22'-6 3/4". To the center portion it is 26'-9 1/2". Both are well below the 30 ft. allowable for the R-10 zoning district.

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

Mr. Stone questioned the clear ridge height of the existing building. Mr. Vieira stated it is about 12 ft.

Mr. Vieira stated they have been before the Architectural Review Board and they approved the design but they requested the awning be removed and Mr. Wheatley will also remove the sign. This makes the building more architecturally correct. The building is being spruced up.

Upon inquiry from Mr. Stone, Mr. Vieira stated no trees will be removed since the footprint is not changing. Mr. Wheatley stated the beech tree will not be touched but the tree on the other side may need some minimal pruning.

Mr. Geneslaw stated visually the building will appear to be more than twice the current height; however, it will blend in better with the other houses in the area.

Mr. Demers suggested there should be planting around the mechanical room in the rear. Mr. Wheatley stated he had planned to do that.

Mr. Tedesco moved, seconded by Mr. Demers, and unanimously carried, that the hearing be closed.

Mr. Tedesco moved, seconded by Mr. Demers, and unanimously carried, that the Board determines there will be no adverse environmental impact as a result of the proposal.

Mr. Tedesco moved, seconded by Mr. Stone, and unanimously carried, to approve the second story addition to the existing single story building at 100 South Broadway subject to:

1. Approval by the Building Inspector including an appropriate tree protection plan for the trees on site and including appropriate screening around the structure in the back
2. Signing of the final site plan by the Planning Board Chairman
3. Approval by the Architectural Review Board
4. Payment of any outstanding escrow fees
5. Payment of recreation fees.

CONTINUATION OF PUBLIC HEARING – VILLAGE OF TARRYTOWN –
SUBDIVISION NEPERAN ROAD

The certified mailing receipts were submitted.

Mr. Tedesco moved, seconded by Mr. Demers, and unanimously carried, to continue the hearing at the next regular meeting of the Board.

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

Mr. Mark Fry stated they received a Notice of Completion on June 27th subject to:

1. Mr. Geneslaw's final review of the revised DEIS. Responses to all his comments were given to him tonight.
2. Mr. Yarabek's comments about a Tree Protection Plan, which has been addressed.

Mr. Tedesco stated the Board would like to see the revisions and they would like a statement from Mr. Geneslaw and Mr. Yarabek that their comments have been adequately responded to before the Board starts the public hearing process on the DEIS.

Mr. Tedesco moved, seconded by Mr. Demers, and unanimously carried, to continue the hearing at the next regular meeting of the Board.

CONTINUATION OF PUBLIC HEARING – FERRY LANDINGS LLC AND FERRY INVESTMENTS – WATERFRONT PROPERTY – SITE PLAN MIXED USE DEVELOPMENT

Chairman Friedlander reported this matter has been adjourned to the Board's next regular meeting.

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

Chairman Friedlander reported this matter has been adjourned to the Board's next regular meeting.

CONTINUATION OF PUBLIC HEARING – 455 HOSPITALITY LLC – 455 SOUTH BROADWAY (DOUBLETREE HOTEL)

Mr. Richard Blancato, attorney for the applicant, stated tonight he would address three issues – an update of the traffic analysis, their reply to Mr. Yarabek's comments on landscaping, and minor changes in the calculations of coverage.

Ms. Ann Cutignola of Tim Miller Associates, Inc., traffic consultants for the applicant, stated her office has been in contact with John Canning of Adler Consulting, traffic consultants for the Village, and as a result they have made some adjustments to their traffic study. They have made adjustments to the traffic signal configuration for both the p.m. and Saturday conditions. The additional No Build Projects identified were added to the p.m. analysis. In consideration of the traffic distribution from 155 White Plains Road, 50% of the traffic identified was distributed to eastbound I-287 via Route 9, the other 50% was distributed eastbound on White Plains Road to access I-287 farther east. Trip

generation to approximate usage of the existing 4,000 sq. ft. ballroom was calculated as half of the project generated traffic and added to the Saturday no-build conditions. Distribution of 75% of the project generated traffic was added to the Saturday peak hour volumes to evaluate Saturday build conditions. Additional details regarding the parking to be provided for the project have been included in Section 6.0 of the Traffic Study. The applicant's surveyor is in the process of conducting a land survey of the area from 200 feet north of the Double Tree driveway to 400 feet south of the Kraft/General Foods driveway.

Mr. John Canning stated the applicant has reviewed the items he requested be reviewed. The traffic study shows on a Friday evening you can expect an additional 100 trips. This will increase delays by about 2 seconds on the individual movements. Most of their traffic comes from the Thruway or from north on Route 9. There are level service F conditions on the southbound left turn but they are not related to the hotel. On Saturdays the delays are approximately one-half of what they are on Friday evening. They also provided a more detailed evaluation of their parking analysis which shows under the Village code they are required to provide 487 parking spaces and they are proposing 521. They can also operate valet parking service.

Chairman Friedlander noted Friday evening going south on Route 9, the road is very congested from 4 p.m. to 6 p.m. Mr. Canning stated the existing congestion is due to the narrowing of the lanes. What is being proposed by Double Tree will not add appreciably to the congestion.

Chairman Friedlander questioned how the problem gets resolved. Mr. Canning stated New York State DOT must be persuaded to get two lanes northbound from Kraft to the Double Tree driveway. It can be determined how much the road may, or may not, have to be widened.

Mr. John Lynch, 10 Crest Drive, stated the Planning Board must review what they are going from and what they are going to. The Hilton was no way near Double Tree's design occupancy level. Double Tree will produce a large increase in traffic.

Ms. Cutignola stated the Hilton was operating at 50% to 60% occupancy. The traffic studies were taken when the hotel was operating at 80% occupancy level. One of the objectives of the project sponsors is to provide a facility that can house and feed conferences. "We have tried not to take too much credit for that in the traffic study."

Mr. Stone questioned how they determined the percentage of cars turning north and south. Ms. Cutignola stated they looked at the cars from the existing hotel driveway.

Chairman Friedlander stated the study should evaluate 7 a.m. to 9 a.m. traffic also. If the hotel has conferences with morning registration, that is when people would be coming in.

Mr. Marc Shapiro, project coordinator, stated the characteristics of the hotel will change with the ballroom. The traffic in some cases will be much less. This will be a meetings and group hotel and the ballroom is the reason for being in the hotel. Conferences are usually a two-day turnaround. The social function use is limited to the gaps when they don't have people in the hotel. "The money comes from the rooms, not the ballroom."

Ms. Cutignola stated, "I understand what you are saying about trips in the morning but they won't be more than the p.m. counts."

Mr. Norman Sheer, attorney for Unification Church, stated the church, as part of the Jardim Estates project, is being required to install a new traffic signal at the Kraft Foods driveway.

Mr. John Lynch stated the critical point on Route 9 is at Prospect Avenue. If the lights are put in unison, it will make it worse.

Chairman Friedlander stated two lanes have to be kept and the bottlenecks eliminated.

Ms. Cutignola stated, "We feel we have addressed the comments specific to this site to the extent we have been asked and we will provide a survey to assist the Village in its petition to the State. We would ask you consider this project based on its impacts and its merits.

Mr. Tedesco questioned, "Have you responded to Mr. Yarabek's September 8 comments?" Mr. Shapiro stated they have and their landscape architect is working directly with Mr. Yarabek. Mr. Yarabek stated he has received an E-Mail and they have agreed to every point in his memo. Overall, no major specimen trees are being lost and significant screening along the south is being proposed. Where the new parking is going, there will be a full screening. The site will be enhanced with the additional screening.

Mr. Tedesco questioned what "re-thinking" has been done in regard to the storm water drainage plan. Mr. Martin Brockstedt stated the grading of the parking lot has been raised on the south side. They have introduced civil engineering issues. They are raising the land slightly at the property line. They have re-graded the entry driveway areas. Mr. Tedesco asked how this would affect neighboring properties. Mr. Brockstedt replied, "We are keeping the water on our property and we are trying to keep their water off our property." Mr. Blancato noted the changes are reflected on the current plans.

Mr. Demers stated, "I would not want to add unnecessarily to any of the traffic problems we already have. I realize your contribution to the traffic problem is moderate in light of everything else. You are increasing your facilities and in order to do that you are asking for a variance in total coverage and you will need that recommendation from this Board. Aren't you going to make a profit and would the hotel be viable without that variance?" Mr. Shapiro replied, "The hotel will not achieve its financial hurdles without the

additional space. We would operate at a loss and would not be competitive with the other hotels. That is why the Hilton sold the hotel. They did not want to make the capital investment to do that. Given the Mother Nature problem we faced on June 29th and the hotel being closed and the negotiations with the insurance company, there will be approximately \$15,000,000 spent in total renovation of this hotel. That is far in excess of what the owners originally anticipated. The original estimate was about half. Yet they still are willing to proceed. This will be a first class facility. Its specialness to the community will be significant.”

Mr. Blancato stated after a meeting with Mr. McGarvey, they have adjusted their calculations on coverage and they have reduced the height of the ballroom by 1 ft. 3 in. so they will not require a height variance.

Mr. Brockstedt stated the revised coverage calculations show the following: Existing principal building coverage is presently 22.3% and 27.06 is proposed where 20% is permitted. Accessory building coverage is presently 3.54% and .41% is proposed where 5% is permitted. Total building coverage is presently 25.84% and 27.46% is proposed where 25% is permitted.

Mr. Shapiro stated the hotel as it exists today is non-conforming. Mr. Blancato stated today’s zoning standards were not in effect when the hotel was built.

Mr. Blancato stated, “We would like to proceed to the Zoning Board of Appeals because we are under several time restraints and we would like to make application and have a recommendation from this Board and have a conditional approval.”

Mr. Stone stated he did not consider the minor increase in coverage to be a big issue. “The traffic issue is a concern.” Mr. Shapiro replied, “And we will partner with you to work on that. It is in our best interest to do so.”

Mr. Demers stated, “We have had the assurances from the developer that they can’t make a go of it without making these changes and I would recommend the variances.”

Discussion followed about the SEQRA review. The Planning Board noted they are the lead agency and if in fact they had not yet taken action on this application before the matter went to the ZBA, how that would be handled. Counsel Shumejda stated if that occurs, the ZBA can do a SEQRA review on the sole issue before them, which would be the variance for coverage.

Ms. Cutignola stated she knew the Planning Board was concerned with the overall Route 9 traffic study but she requested the Board not hold this application until that study is completed. “We feel we have proven our particular project will not create an additional problem. We support the traffic study going forward but it ought not be contingent on

the finalization of that Route 9 study. That should be an extended study because it is a complicated issue.” Mr. Geneslaw agreed stating, “The approval of the site plan should not be contingent on the cumulative traffic study.”

Upon inquiry from Ms. Linda Viertel, Gracemere, about the area where valet parking will be created, Mr. McGarvey stated that could be done with grass block pavers, which would be a more aesthetic approach to that parking area since it will not always be used for parking.

Mr. Lynch stated this is changing from a lodging hotel to a conference center and the south end of the Village will suffer with the traffic from that.

Mr. Tedesco moved, seconded by Mr. Demers, and unanimously carried, that the applicant should seek approval from the Zoning Board of Appeals for the building coverage, and the Planning Board recommends that variance approval.

Mr. Tedesco moved, seconded by Mr. Demers, and unanimously carried, that the hearing be continued at the Board’s next regular meeting.

CONTINUATION OF PUBLIC HEARING – MARIC – 68 LAKE AVENUE

No one appeared on this application.

The Secretary advised the Board that no new information has been received since June and there has been no communication from the applicant.

Mr. Tedesco moved, seconded by Mr. Demers, and unanimously carried, that this matter be removed from the Board’s agenda.

CONTINUATION OF PUBLIC HEARING – C.M. PATEMAN & ASSOC., INC., CONTRACT VENDEE – CHURCH OF CHRIST SCIENCE PROPERTY AT CORNER OF PROSPECT AND BENEDICT AVENUES

*Chairman Friedlander recused himself on this application. Mr. Tedesco chaired this portion of the meeting.

Mr. Chuck Pateman stated this project involves the subdivision of two residential lots from the existing Church of Christ Science property at the corner of Benedict and Prospect Avenues. At the last meeting the Board asked for several items. A revised Environmental Assessment Form has been provided. The revised date on the plans has been done. Tree removal and tree assessment plans have been submitted. A new drainage report has been submitted. They have provided information on sidewalks and will provide those should that be decided by the Board.

Mr. Geneslaw stated he had reviewed the plans prepared by Timothy L. Cronin, Jr., P.E. as well as the landscape plan by Stephen Lopez dated rev. 9-05 and offered the following comments. Lot 3 has no driveway turnaround on the Lopez plan. The erosion control and tree removal plan by Timothy Cronin dated rev. 9/7/05 shows Lot 3 with a driveway turnaround. The Lot 2 turnaround is not in the same place as on the Lopez plan. It would be helpful to add tree protection zone as shown on the Cronin plan to the Lopez plan – and resolve inconsistency with sight easement as shown on the Lopez drawing. The applicant prepared a proposed Environmental Assessment Form, Part 11, and his firm found no impacts that would be more than slight to moderate and these would be mitigated by the plan as revised.

Chuck Pateman stated the driveway turnaround was added at the last meeting. “We got it in but it has no impact on the landscaping plan. The site plan and engineering plan would be controlling.”

Chris Pateman stated he had submitted height dimensions on new drawings. The average grade to the midpoint of the mean roof is 29 ft. 3 in. The height measurement from the proposed grade at the front of the house is 26 ft. 9 in.

Mr. Stone stated the top ridge of the house will be 31 ft. above road side grade. The elevation number should be shown.

Chris Pateman stated this is the lowest house that can be built without sacrificing the architectural design of the house. Mr. Demers questioned what would happen to the architectural style if the attic dormers were removed. Chris Pateman stated the dormers, which will cost them more money to put in, were done to break up the roof. Chuck Pateman stated they could present plans with and without the dormers to the Architectural Review Board.

Mr. Yarabek stated he felt given the studies that have been done, the maximum number of trees possible are being saved. Replacement trees will be 4” caliper. They have agreed to a walk-through if additional screening is needed. They will also be planting trees on the church’s property to replace trees that have been lost over the past few years. “Overall it is a good plan.”

Mr. Tedesco questioned whether anyone wished to address the Board.

Ms. Linda Viertel, Gracemere, stated there should be consideration for a bond and also native species should be used. Chris Pateman stated the valuation of the trees is being done so the bond amount can be established and he noted all the varying tree species existing and being planted.

Mr. John Lynch, 10 Crest Drive, stated on June 29th the church’s pond was way over capacity. Chris Pateman stated that was a 200 year storm. Chuck Pateman stated, “We

are required to study our site and that is what we have done. We are also saving an additional 100,000 gallons of water downstream. We have analyzed our site and we have adequately accommodated the storm water from our site and we are helping the Loh Park area. We have gotten the best possible provisions and we have presented a plan that is ready for approval.”

Mr. Tedesco moved, seconded by Mr. Demers, and unanimously carried, that the hearing be closed.

Mr. Tedesco moved, seconded by Mr. Stone, and unanimously carried, that the Planning Board determines there will be no adverse environmental impact as a result of the subdivision.

Mr. Tedesco moved, seconded by Mr. Demers, and unanimously carried, that the Planning Board approves the three-lot minor subdivision subject to:

1. Approval by the Building Inspector/Village Engineer particularly in regard to stormwater/drainage which is to include final approval/sign-off by the Village's consultant, Dvirka and Bartilucci.
2. In addition to the detention basins proposed by the applicant in the storm water drainage plan, the applicant agrees to raise the weir elevation to the existing pond on Lot 1 by 1 foot, which will allow for the detention of an additional amount of water (approximately 101,000 gallons.) If there is any problem with that, the developer will create some other mitigating measure to be approved by the Planning Board.
3. Approval by the Architectural Review Board. The recommendations of ARB are to be sent to the Planning Board, which will make the final approval on architecture. The applicant is to submit to ARB their proposed architectural drawings and also a version with dormers removed and a reduced roof pitch. ARB is to be notified that the Planning Board's concern is their desire to balance aesthetics with a possible reduced building height.
4. Use of equipment no larger than a 315 CAT excavator and a 416 CAT backhoe without approval by the Building Inspector to prevent damage to trees.
5. Approval of a landscaping and screening plan by the Village's Landscape Consultant. (The plan to include some trees appropriately added to Lot 1 as a buffer to the new homes and to mitigate the loss of trees on Lots 2 and 3.)
6. A detailed tree protection plan and tree preservation plan to be approved by the Village Landscape Consultant.
7. If any trees, which are designated to be preserved, are damaged due to site work and subsequently need to be removed, the applicant agrees to replace them in kind. If this is not possible, payment of the assessed value of the trees will be made to the Village.

8. The applicant must provide an escrow account for an arborist to visit the site during construction to check tree removal and preservation. The amount of the escrow account is to be determined by the Village's Landscape Consultant. The arborist is to be chosen in consultation with the Village's Landscape Consultant and approved by him.
9. The applicant also agrees to perform any treatment and pruning of existing trees deemed necessary by the Village's Landscape Consultant at a time the consultant deems most appropriate.
10. The applicant will provide additional trees and screening as required by the Planning Board in a site visit to be held before the granting of a Certificate of Occupancy.
11. Adherence to Section 305-61 (Part 14) of the Zoning Code dealing with the tree replacement fund, for the removal of trees with a 10-inch caliper or greater.
12. There will be a final site visit before any trees are removed. Trees designated for removal will be marked on the site. The Village's Landscape Consultant will accompany the Board on this site visit.
13. Payment of any outstanding escrow fees and appropriate recreation fees.
14. Signing of the final site plan by the Planning Board Chair.

*Chairman Friedlander returned to the meeting.

APPROVAL OF MINUTES

Mr. Demers suggested the following amendment to the draft minutes of August 22, 2005:

Page 11, Paragraph 3, amend last sentence to read:

With the proposed planting there will be a net gain of five trees.

Mr. Tedesco moved, seconded by Mr. Stone, that the minutes of August 22, 2005, be approved as amended. Chairman Friedlander abstained. All others assented. Motion carried.

PRELIMINARY PRESENTATION – BEATON/SERY – 143 MIDLAND AVENUE

No one appeared on this application.

The Secretary reported there has been no communication from the applicant.

Mr. Tedesco moved, seconded by Mr. Demers, and unanimously carried, that the matter be removed from the Board's agenda.

PRELIMINARY PRESENTATION – DENARDO/RANCIC – 118 SHELDON AVENUE

No one appeared on this application.

The Secretary reported there has been no communication from the applicant.

Mr. Tedesco moved, seconded by Mr. Demers, and unanimously carried, that the matter be removed from the Board's agenda.

PRELIMINARY PRESENTATION – HOLY SPIRIT ASSOCIATION FOR THE UNIFICATION OF WORLD CHRISTIANITY (HSA-UWC) – SOUTH BROADWAY - NEW WEST ROCK CHURCH

Mr. Norman Sheer, attorney for the applicant, stated, "We have returned with an amended application. We originally came in for the parcel to the south but there was discussion about the bridge so we have a site plan for the West Rock Church parcel and the Belvedere property. I know there has been discussion about some of the applicants paying for an overall traffic study. A church is a non-profit making entity. We will not be generating any more traffic. The church activities, which take place on the Belvedere parcel will move to the adjacent parcel."

In response to an inquiry from Mr. Stone, Mr. Sheer stated the educational center is not a new use. The church will be Phase I of the project and the educational building will be Phase II.

Mr. Sheer stated the church's contribution to an overall traffic study should be nothing or very small. He noted they have conducted a traffic study relative to their proposal and the Board has received that.

Upon inquiry from Chairman Friedlander, Mr. Sheer stated the size of the educational building, which is two floors, is about 12,000 sq. ft. to 14,000 sq. ft. but will also house church offices.

Mr. Sheer stated the real traffic generation is church services; however, they don't anticipate any increase in the number of people using the site.

Chairman Friedlander stated the square footage of all buildings on the property should be shown.

Mr. Stone noted there are a number of outstanding memos, which will need responses.

Mr. Tedesco stated the proposed building is modern style architecture; however, this is an historic area and a more historic style building would probably be more appropriate for the site.

Mr. Sheer stated they went to the Architectural Review Board and showed them the plans for the contemporary building and they were unanimous in feeling it was appropriate.

Chairman Friedlander stated he understood there are zoning restraints; however, “these buildings have flat roofs. I am not convinced we are gaining a lot by having lower heights and sacrificing architectural beauty. We do give variances if they improve aesthetics.” Mr. Inglis stated the building was designed to fit the site.

Mr. Demers stated it looks like a modern office building – not a church. “I don’t think it fits with the historical context.”

Mr. Demers stated at the public hearing he would like to go through the Environmental Assessment Form since he feels there are inconsistencies.

Mr. Tedesco moved, seconded by Mr. Demers, and unanimously carried, to set a public hearing for the Board’s regular October meeting on the site plan for HSA-UWC West Rock Church on South Broadway.

PRELIMINARY PRESENTATION – MARYMOUNT CONVENT – 32 WARREN AVENUE

Mr. Craig Hunt of Sullivan Architecture stated, “The sisters would like to do some site improvements. It is primarily about straightening the drive beds and increasing pedestrian activity and creating additional parking for events and funerals. We are maintaining the same curb cuts. We are adding a driveway loop to better facilitate turnarounds at St. Jude’s. We are adding trees and adding storm drains and catch basins. I have brought a copy of the site plan of trees to be removed and new planting and impervious drainage calculations. The drawings have been sent to Mr. Yarabek. He wants some clarifications which I will be happy to do.”

Mr. Tedesco stated, “It would be helpful to have an overall site plan showing what is going to be removed and an overlay showing everything that will be added. That would help us see what is going and what is coming.” Chairman Friedlander added, “You should also bring the old site plan for the whole property.”

Upon inquiry, Mr. Hunt stated the total impervious area currently is 36.2% and that will be increasing by 1.4%.

Mr. Tedesco moved, seconded by Mr. Demers, and unanimously carried, to set a public hearing for the Board's regular October meeting on the site plan for Marymount Convent, 32 Warren Avenue.

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

Mr. Tedesco moved, seconded by Mr. Demers, and unanimously carried, that the Planning Board sets an escrow account in the amount of \$2,500 on this project.

HESS GASOLINE STATION – SOUTH BROADWAY

Mr. McGarvey stated as a follow up to the Board's concerns about the lighting at the Hess gas station on South Broadway, he had a meeting with their representatives. They have agreed to install sleeves to reduce the light level from the fascia of the canopy. In addition, the lights in the rear (southeasterly) side of the canopy, facing the store, will be permanently turned off and all yard lights will have house shields installed.

Mr. Tedesco moved, seconded by Mr. Demers, and unanimously carried, to preliminarily approve the reduced lighting plan proposed by Amarada Hess Corporation subject to final approval, after implementation, by Mr. McGarvey and the Planning Board.

COMPREHENSIVE ROUTE 9 TRAFFIC STUDY

The Board expressed their desire to have the Village move forward with a comprehensive Route 9 study per the proposal submitted to the Village by Adler Consulting. Discussion was held on how this study should be financed. The Board determined that the cost should be shared by Double Tree Hotel, Crescent Associates, West Rock Church, and the Village of Tarrytown.

ADJOURNMENT

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

Kathleen D'Eufemia
Secretary