

Planning Board
Village of Tarrytown
Regular Meeting
March 16, 2006 7 p.m.

PRESENT: Chairman Friedlander*; Members Demers, Aukland, Tedesco, Stone;
Counsel Shumejda; Planner Geneslaw; Engineer/Building Inspector
McGarvey; Landscape Architect Yarakkek; Secretary D'Eufemia

APPROVAL OF MINUTES

Mr. Tedesco moved, seconded by Mr. Demers, that the minutes of February 27, 2006, be approved as submitted. Mr. Stone abstained. All others assented. Motion carried.

AMENDMENT TO JARDIM ESTATES SUBDIVISION APPROVAL RE
DEVELOPMENT PHASING

Mr. Michael Ingles from Unification Church stated Lot 10 was scheduled to be constructed in the first phase of Jardim Estates, along with Lots 7, 8, and 9. Lot 10, however, shares a common driveway with 16 so it would make sense to construct that lot at the same time as Lot 16. They have a buyer requesting to purchase Lot 12. They, therefore, are requesting that the Planning Board allow them to proceed with the site plan approval process for Lot 12 now. The upper road has been completed. They are starting the lower road and expect that to be done in two months with full infrastructure improvements completed in four months. Lot 12's site plan approval process should take about six months. Mr. Ingles stated they knew everyone is concerned about too much construction at one time. They have started building a staging area so all construction equipment for Lots 7, 8, and 9 will be off the road.

Mr. Norman Sheer, attorney, stated they can also bring in the utilities for Lots 12, 13, 14 and 15 at this time.

Chairman Friedlander stated the issue is not having access on both roads, which would be affected by the construction being done simultaneously. The other issue is complaints, which have been received about the condition of the road.

Mr. McGarvey stated, "I have a problem with the road being blocked off. I am worried about people getting past that. In order to consider it they would have to bring in all the utilities for that section now – Lots 12, 13, 14, and 15. They have expressed they can do the staging area for Lots 7, 8, and 9. If they can do it, then I think it can be do-able."

Mr. Inglis stated as part of subdivision approval they committed to a new top coat on the road up to the gates and up to the pond.

Chairman Friedlander stated since the heavy equipment is on the site, there are things that can be done to clean up the existing parkland; e.g., knocking down the shed. Mr. Inglis

stated that is part of the agreement and the Board should just let them know what they want done.

Chairman Friedlander questioned what would happen if the Board approves this and the Village then gets complaints that neighbors cannot get through. Counsel Shumejda stated if a Planning Board condition is violated, a violation notice can be issued. Mr. Dennis Sarna, Project Manager, stated there is a fulltime supervisor on the job and he will have to make sure the residents can get through.

Ms. Cherie Gaines, 612 So. Broadway, stated she uses the driveway for ingress and egress. The trouble with the trucks is partly from matters the developer may not be able to control. She noted recently she was held up for 5 to 8 minutes while a truck hauling soil unloaded. Ms. Gaines requested the developer repave the section of the road from the Gracemere gates down to the pond. Mr. Inglis stated this was a reasonable request. As soon as the asphalt plants open, it will be done. Mr. McGarvey stated they should make sure the potholes are filled so residents are not inconvenienced by the holes but the top course should be done when the whole road is paved.

Ms. Linda Viertel, Gracemere, stated they were told by the church that the top coat would be done when they did the road to Sheldon. That was not done for the winter and it has gotten worse. "However it is done it should be smoothed over in the proper way to be safe. When the final work is done, I would like some oversight so we get some quality work.." Ms. Viertel stated it was the residents' understanding Lot 16 would only be built if something was done with the Jacob house. Lot 16 was never going to be part of the Jardim Estates as the Planning Board went through the phases. "We were told we would only be blocked off to Broadway for one day and it has been a week. It is an inconvenience. It is not the end of the world but someone has to be held accountable. In terms of the wall on Broadway, the church should seed and grade between the stone wall and Broadway. The mailboxes have been moved. Do they have to go back in the front of Gracemere? There should be some mechanism to have those people delivered to them or there should be some more sightly way to locate them." Ms. Viertel stated the developer had promised to clear the Croton Aqueduct. This is the time to clear the diagonal section of the Aqueduct to Broadway. If they are going to build Lot 12, this might be the time to do that work. At the time of the Findings, it was decided that the woods would be cleaned 25 ft. into the property on both sides of the road, including the conservation easement and the Jacob House.

Chairman Friedlander stated the original phasing was done with the notion the Village might be able to purchase the lots from Broadway to Gracemere Drive. That time has expired and it is unlikely the Village will be able to raise the money.

Mr. Inglis stated the seeding will be done. The mailboxes will be in a proper receptacle. They have agreed to clean the woods.

Mr. Tedesco moved, seconded by Mr. Demers, and unanimously carried, that the Planning Board approves an amendment to the subdivision approval resolution for Jardim Estates to allow:

1. Construction of Lot 10 to take place during the last phase of construction as this lot shares a driveway with Lot 16, which is in the last phase.
2. Construction on Lot 12 to take place during the first phase of construction. This approval on Lot 12 is conditioned on a traffic management plan for this action that must be submitted for approval by the Building Inspector to insure access through the site is maintained at all times. In addition, the Planning Board requires the aesthetic and functional improvements are to be done now:
 - A. Repaving of the section of the road from the Gracemere gate to the pond in a manner to be approved by the Village Engineer.
 - B. The grading and seeding of the area between the stone wall and Broadway.
 - C. Cleaning the section of the aqueduct and woods as required in the Findings, that cleaning done now and later on as needed and required by the Findings.
 - D. The shed on the property to be knocked down.
 - E. Mr. McGarvey should check the walls and based on his determination, any corrections should be made to the walls.

Chairman Friedlander stated the Planning Board will be reviewing what should be done for the park area.

Ms. Viertel stated Old Croton Aqueduct Directors Alix Schnee and Peter Iskenderian will need to work with the Village on this. The Village, Church, and Rockefeller Preserve people must all agree. When the work is done in the woods the neighbors should be notified beforehand.

HOLY SPIRIT ASSOCIATION FOR THE UNIFICATION OF WORLD
CHRISTIANITY – SOUTH BROADWAY – CONSTRUCTION OF NEW CHURCH –
PLACEMENT OF TEMPORARY TRAILER

Mr. Michael Inglis of Unification Church stated the church is taking longer than they had thought and they need a temporary trailer structure to use as a school room. He noted they submitted a plan showing the location for the trailer. They will need this until the new church is built. Mr. Inglis noted some Sunday school classes had been meeting at the Jacob house in Jardim Estates but now with the construction activity occurring, that is no longer feasible. The trailer will be used for Sunday school classes only. Mr. Inglis requested the approval be for a 30-month period.

Chairman Friedlander suggested there be an 18 month time limit on the approval since it could always be extended if necessary.

Mr. Tedesco moved, seconded by Mr. Stone, and unanimously carried, to approve the location of a trailer at the Belvedere property as shown on the plan submitted; said trailer to be used for Sunday school meetings only for a period of eighteen months. If the Board does not approve the church building, then the trailer would have to be removed unless the Board gives an extension to the approval.

The Board agreed to continue the hearing on the church at their next meeting.

PUBLIC HEARING – PATEMAN – PROSPECT AVENUE – LOTS 3 AND 4

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on **Thursday, March 16, 2006**, 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, Contract Vendee
65 South Broadway, Suite 101
Tarrytown, New York 10591

To consider the application for site development plan approval for property located on Prospect Avenue, Tarrytown, New York, to permit construction of two new single family homes on Lots 2 and 3 of a subdivision approved by the Planning Board on September 26, 2005.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 19, Parcel 64-A 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.

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

Mr. Tedesco moved, seconded by Mr. Demers, that the Board declare itself Lead Agency on this application. Messrs. Demers, Aukland, Stone and Tedesco assented.

Mr. Chuck Pateman, principal of C.M. Pateman & Associates, stated this project was approved in September for a two-lot subdivision. In the subdivision process the Planning Board pretty much went through the site plan process but had recommended they go before the Architectural Review Board to review architectural drawings showing dormers

and a version showing dormers removed before returning to the Planning Board for site plan approval. They did that and the ARB approved the houses with the dormers.

Mr. Tedesco stated the Planning Board approved the three lot subdivision in September 2005 and the Board of Trustees passed a resolution granting a waiver of this project from the Loh Park drainage district. The subdivision approval had many conditions, one of which was that the plans go to the Architectural Review Board showing a scheme with dormers and one without. ARB approved the plans with the dormers.

Upon inquiry from Mr. Stone, Mr. Pateman stated there have been no changes to the plans since the subdivision approval.

Mr. Demers stated some clearing on the property has begun. Mr. Pateman stated one of the conditions of the subdivision approval was that the underbrush be removed so the Planning Board could re-walk the site before any trees are removed.

Mr. Tedesco questioned whether anyone wished to address the Board on this matter.

Mr. John Lynch, Crest Drive, stated the storm water was one of the reasons for the moratorium. There is an overflow weir and this system acts as a sediment control. By putting this valve at the bottom of the retention pond, the gravity sedimentation aspects of the pond are superseded by water retention and capability. As soon as there is over an inch of rain an hour, the turbidity will go out of control. In order for that valve to be put in, there needs to be dredging. The scale of these new homes is way bigger than what is there now. Any new subdivision home should be going through the Local Waterfront Revitalization Program and the Waterfront Consistency Review.

Mr. Jim Walter, Crest Drive, stated he is very conscious about the construction at Hackley School. The increased flow of water leaving that hill across the football field ends up at that pond. It will increase significantly. If anything is done to weaken the holding power of that dam, it will be a disaster.

Mr. Tedesco moved, seconded by Mr. Demers, that the hearing be closed. Messrs. Demers, Aukland, Stone and Tedesco assented.

Mr. Tedesco moved, seconded by Mr. Demers, that the Planning Board determines there will be no severe adverse environmental impacts as a result of the site plans for the two single family houses on Prospect Avenue. Messrs. Demers, Aukland, Stone and Tedesco assented.

Mr. Tedesco moved, seconded by Mr. Stone, that the Planning Board approves the site plans for the two new single family homes on Prospect Avenue subject to:

1. Approval by the Building Inspector/Village Engineer particularly in regard to storm water/drainage which includes the raising of 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.)
2. The applicant must complete the drainage improvements in accordance with plans prepared by Dvirka & Bartilucci, consulting engineers.
3. Approval by the Architectural Review Board. (This approval has already been received.)
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, including a performance bond for trees to be preserved in an amount recommended by the Village Landscape Consultant and approved by the Village Attorney. If it is found to be impossible to obtain the bond, the applicant will have to return to the Board and measures to deal with that can be determined by the Village's Landscape Architect.
7. The applicant must provide an escrow account for an arborist to visit the site during construction to check tree removal and preservation. The amount is to be determined by the Village Landscape Consultant. The arborist is to be chosen in consultation with the Village Landscape Consultant and approved by him.
8. 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. All trees the applicant wishes to be removed should be marked and identified.
9. Before the removal of designated trees, a site visit will be held by the Planning Board and Village Landscape Consultant for a final inspection and verification.
10. Inspection of the final landscaping and screening on a site visit by the Planning Board and Village Landscape Consultant before the issuance of a Certificate of Occupancy.
11. Before subdivision plans are approved, Con Ed and utility companies must review the plan and sign off on the plan as to where utility lines would go, so that the Planning Board is assured that all trees designated to be preserved will not be damaged or removed as a result of those lines.
12. Payment of any outstanding escrow fees and recreations fees prior to the granting of a building permit.
13. Signing of the final site plan by the Planning Board Chair.
14. New construction and vegetation removal prohibited in areas designated as wetlands, steep slopes, hilltops, ridge lines and hillsides.

The Board was polled on the resolution. Messrs. Demers, Aukland, Stone and Tedesco assented.

*Chairman Friedlander returned to the meeting.

PUBLIC HEARING – SCHEUBLIN – 10 HIGHLAND AVENUE

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on **Thursday, March 16, 2006**, at **7:00 p.m.** at the Municipal Building, 21 Wildey Street, Tarrytown, New York, to hear and consider an application by:

Mr. and Mrs. Jeremy Scheublin
10 Highland Avenue
Tarrytown, New York 10591

To consider the application for site development plan approval for property they own at the above address to permit construction of a full second story addition to existing 1-1/2 story house and addition of rear yard in-ground pool.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 19A, Block 105A, Lot 55 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. Larry Nardecchia stated they have appeared before the Zoning Board of Appeals and received a variance since this lot only has a 70 ft. frontage where 75 ft. is required. That is the only variance that was required for a pre-existing non-conforming situation. The lot is actually oversized because it has 10,500 sq. ft. in an area which requires 7,500 sq. ft. The existing house meets all zoning requirements. The proposal is to make the existing 1-1/2 story house a 2 story house. The size of the house currently is only 1,050 sq. ft. The footprint of the house is not being changed. They have gone to the Architectural Review Board and received their approval as well. The only change to the existing site is that they are proposing a swimming pool. The pool has been moved away from the trees. The pool is in the middle of the backyard. It has fencing around it and will be screened with Cyprus trees.

Upon inquiry from Mr. Tedesco, Mr. Nardecchia stated there will be new siding and new asphalt roof shingles.

Mr. Nardecchia stated they will do this work under two separate permits – the work on the house will be done first and then the pool will be done later.

Mr. Stone stated he would like to see on the plans the height to the ridge of the roof. He stated he would also like to visit the property to see heights of existing homes in the neighborhood.

Mr. Tedesco questioned whether anyone wished to address the Board on this matter.

Mr. John Lynch, Crest Drive, stated he was concerned about the pool. It is an increase in the footprint, and the Village's F.A.R. regulations should include that.

Mr. Nardecchia stated the specific plans for the pool have not yet been done. All apparatus for the pool will be in the basement.

In regard to the height of the house, Mr. Nardecchia stated they could flatten the roof, which would make it lower, but it would not be as aesthetically pleasing. Mr. Tedesco stated the Board should look at that.

In regard to the pool, Mr. Yarabek, the Village's Landscape Consultant, stated the oak tree and locust trees need to be looked at and a different configuration for the pool may be necessary.

Mr. Kyle McGovern, 35 Barnes Road, stated he did not have any negative comments about the house. His backyard abuts this one and his concern is the pool. He noted the Tarry Crest pool is in this neighborhood and people living in the Crest get preference for membership. There are options for this family with regard to the pool. "I am happy to see someone moving in and making improvements."

Mr. Nardecchia stated he had just spoken with his client and they will remove the pool portion of the application and perhaps submit it another time.

Mr. Scheublin stated, "The house is not livable. We are paying two mortgages. We are trying to get in there as soon as possible. We were careful to make sure the house would look similar to the one next door."

Mr. Stone stated they should submit plans showing the height to the ridge of the house for the 5 by 12 pitch and also for the reduced pitch. Mr. Tedesco stated those plans should be submitted in ample time to allow review by the Board prior to the next meeting.

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

CONTINUATION OF PUBLIC HEARING – SISTERS OF THE SACRED HEART OF MARY – 50 WILSON PARK DRIVE – SUBDIVISION

Ms. Susan Fasnacht of Charles H. Sells, Inc. stated at the last meeting they were requested to prepare a slopes map, which they have done. None of the slopes meet the 25% or greater slope.

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

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

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 Planning Board approves an application by the Sisters of the Sacred Heart of Mary for Subdivision Approval, pursuant to Section 263.4 of the Subdivision Regulations, of property located on Wilson Park Drive and Beech Lane, Tarrytown, New York, consisting of 8.4 acres into two lots:

Lot 1 to consist of 0.9725 acres (42,362 sq. ft.) on which a new single-family house is proposed. This parcel is a triangular plot measuring 450 feet along the western side of Wilson Park Drive by 360 ft. along Beech Lane by 350 ft. through the existing property owned by the Religious of the Sacred Heart of Mary

Lot 2 to consist of 7.4130 acres (322,910 sq. ft.) which will remain in the ownership of The Sisters of the Sacred Heart of Mary

Subject to approval by the Building Inspector.

CONTINUATION OF PUBLIC HEARING – PUTNAM AVENUE HOMES – LOTS 3 AND 4 ON HILLSIDE STREET

The Board noted the applicant has requested an adjournment. No one appeared to address the Board. It was unanimously agreed to continue this hearing at the Board's April meeting.

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

The Board stated the applicant is in the process of preparing the F.E.I.S. All agreed to continue the hearing at the Board's April meeting.

CONTINUATION OF PUBLIC HEARING – WILSON PARK HOME AND LAND COMPANY, LLC – SUBDIVISION

This portion of the meeting was recorded and transcribed by a Court Stenographer and that transcript represents the official portion of these minutes.

Mr. Tedesco gave an overview of the three reports, which have been received by the Village:

1. Preliminary Lake Management Report – Tarrytown Reservoirs
Prepared by Professional Consulting, LLC dated January 2006
2. Tarrytown Lakes Watershed Drainage Study Storm Water Management Plan
Prepared by Dvirka and Bartilucci Consulting Engineers dated December 2005
3. A Zero-Discharge Program for Development on Slopes in the Village of Tarrytown, New York
Prepared by Paul S. Mankiewicz, Ph.D. and Todd McDonnell, M.P.S dated March 3, 2006

Dr. Paul Mankiewicz reviewed his report with the Board and residents.

The Board recommended that the Board of Trustees hire someone to do a wildlife study in the Spring.

CONTINUATION OF PUBLIC HEARING – FERRY LANDINGS LLC AND FERRY INVESTMENTS – WATERFRONT PROPERTY

The Board stated they have scheduled a joint work session with the Architectural Review Board for Thursday, March 30th, at 6 p.m. at Village Hall.

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

The Board reported the applicant has requested an adjournment. No one appeared to address the Board on this matter. It was unanimously agreed to continue this hearing at the Board's April meeting.

PRELIMINARY PRESENTATION – FIRST KOREAN METHODIST CHURCH OF NEW YORK – 500 SOUTH BROADWAY

Mr. Norman Sheer, attorney for the applicant, stated they have sent a memo to Mr. McGarvey suggesting that the Village consider hiring the same wetlands consultant as was used on Jardim Estates to review the Korean Church's application.

The Board suggested Mr. McGarvey contact several possible wetlands consultants to determine availability to review this application and he should report back to the Board as soon as possible.

Mr. Tedesco stated the Board had previously suggested that the Church contact area corporations to see if they would allow the Church to use some of their parking. The Church did that and no one was agreeable. Double Tree, Kraft, Tarrytown Diner, Bridge Plaza Shopping Center, JCC, Rushneck, Mavis Tire all have spaces. He suggested one more effort be made to prevent the necessity for this project.

Mr. Sheer stated if the Board wishes to proceed this way, the Village will need to write to those property owners. That would carry much more weight. The parking at those sites might help for the Sunday services. The reason the Church wants the 35 spaces is for activities taking place during the week. They would like to move forward with the application for the 35 spaces while pursuing the offsite parking for Sundays.

Mr. Tedesco stated when the Village hires a wetlands consultant, that person will need to look at:

1. Storm water and drainage
2. Function and effectiveness of:
 - A. The remaining wetlands not being disturbed
 - B. The created wetlands
 - C. The effect of the loss of the wetlands buffer
 - D. The road that breaks the wetlands in two.

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

This matter is the subject of a public hearing at the Board's April meeting.

PRELIMINARY PRESENTATION – FERRY LANDINGS LLC – 4 DIVISION STREET – SUBDIVISION

The Board reported receipt of an application by Ferry Landings for a proposed subdivision of the property at 4 Division Street where the Department of Public Works building has been built to allow transfer of that property to the Village of Tarrytown.

Mr. Tedesco moved, seconded by Mr. Stone, and unanimously carried, to set a public hearing for the Board's April meeting on the proposed subdivision of the property at 4 Division Street.

Mr. Tedesco moved, seconded by Mr. Stone, and unanimously carried, that the Board declares its Intent to be Lead Agency on the proposed subdivision of the property at 4 Division Street.

PRELIMINARY PRESENTATION – MORICCO – 32 PROSPECT AVENUE

The Board reported receipt of an application from Frank Moricco, 32 Prospect Avenue, for site plan approval for a new single-family house. The applicant has received variance approvals from the Zoning Board of Appeals and Architectural Review Board approval.

Mr. Tedesco moved, seconded by Mr. Stone, and unanimously carried, that the Planning Board sets a public hearing for their April meeting on the site plan application for 32 Prospect Avenue.

Mr. Tedesco moved, seconded by Mr. Stone, and unanimously carried, that the Planning Board declares its Intent to be Lead Agency on the site plan application for 32 Prospect Avenue.

MEETING ADJOURNED – 11:15 p.m.

Kathleen D'Eufemia
Secretary