

Planning Board
Village of Tarrytown
Regular Meeting
April 24, 2006 7 p.m.

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

APPROVAL OF MINUTES

Mr. Tedesco moved, seconded by Mr. Stone, and unanimously carried, that the minutes of March 6, 2006, be approved as submitted.

Mr. Tedesco moved, seconded by Mr. Demers, and unanimously carried, that the minutes of March 16, 2006, be approved as submitted.

AMENDMENT TO JARDIM ESTATES SUBDIVISION APPROVAL

Mr. Norman Sheer, attorney for HSA-UWC stated that in reviewing the Preliminary Subdivision Approval Resolution, it was discovered that Lot 16 was “potentially” part of the first group of lots to be developed. Because Lot 16 will not be developed as part of the first group given HSA-UWC’s request that Lot 10 be deleted from the first group of lots, Lot 16 should likewise be deleted and made part of the last to be developed.

Mr. Tedesco moved, seconded by Mr. Stone, and unanimously carried, that the Board deletes Lot 16 as being a potential development for Phase I and approves the construction of Lot 16 to be in the last phase of construction.

PUBLIC HEARING – FIRST KOREAN METHODIST CHURCH OF NEW YORK -
500 SOUTH BROADWAY

The Chairman 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, April 24, 2006, at **7:00 p.m.** at the Municipal Building, 21 Wildey Street, Tarrytown, New York, to hear and consider an application by:

First Korean Methodist Church of New York
500 South Broadway
Tarrytown, New York 10591

To consider the application for site development plan approval for property they own at the above address to create a 35 car parking lot.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 3, Block 25, Lots 10A, 12, 14, 22-32 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. Norman Sheer, attorney for the applicant, stated they were still waiting to receive the report from the Village's wetlands consultant. Mr. McGarvey stated the draft report has just been received and copies will be sent to the Planning Board.

Counsel Shumejda stated he had spoken to the Village's wetlands consultant who pointed out some of the proposed mitigation measures are in the rights-of-way of Village streets. Mr. Bruce Donohue, landscape architect for the church, stated that was true with regard to Lakeview Drive. Counsel Shumejda stated the Board of Trustees discussed this matter when it was proposed to do mitigation on other Village lands. Now once again the mitigation is on Village land. "I would think the Village would want the mitigation on the church's land – not on rights of way of Village land." Mr. Donohue stated, "I think this is different because it is the right of way contiguous to the property. It is not across the road as was the other situation." Chairman Friedlander stated if this plan is entertained, it would require the Board of Trustees to make a decision with regard to using Village property for mitigation of this wetlands. The Board of Trustees rejected the concept on the other side of the road. Mr. Tedesco stated, "I would suggest it would be prudent that the applicant develop a proposal for mitigation measures not on Village land and let us look at that. I think the other is fraught with impossibilities."

Mr. McGarvey stated the church will need to look at what utilities are under the shoulder of the road. It may need a Con Edison mark out of the utilities.

Mr. Vincent DelMastro, representing the Glenwolde Association, stated they had prepared a video but would wait to present that until the church amends its plans. He stated Glenwolde is an eighty year old community and the residents feel this will intrude on the integrity of the neighborhood.

Board members unanimously agreed to hold the public hearing open and requested a plan be submitted without mitigation measures on Village owned land.

Mr. Donohue stated they should at least be allowed to plant in the right of way since that will improve the appearance. Counsel Shumejda stated, "You should come up with a proposal that has all the mitigation measures on you own property and then you should have a Plan B with possibly some activity with grading in the right of way."

Ms. Jean Cipriano, Glenwolde, stated the Board must take the wetlands situation into consideration. Along Lakeview there are no existing storm drains and residents have problems with storm water. Ms. Cipriano expressed concern that the church's property was for sale for quite a while and she questioned whether this proposal was to just make the property more marketable.

Mr. Stone stated he was concerned about the number of trees in front of the church along Broadway. "I don't know whether they are specimen trees and I am sure you will look hard at where trees need to be taken out." Mr. Donohue stated he believed only three trees need to be removed, and they are relatively small. He stated they would show this on a plan.

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

Mr. Tedesco stated the Board had talked about making one more attempt to obtain some parking for the church from neighboring facilities. "We indicated that while the applicant has made such a request of those entities, perhaps there should be a push participated in by the Board of Trustees, the Planning Board and the Village Administrator. We are looking at a project that will have a big impact for only 35 spaces." Mr. Norman Sheer, attorney for the church, stated if that is to be done, it must be led by the Village government since his client has tried. He noted the church still needs parking for the weekday events. A church representative noted the church has an early morning prayer service from 5:30 to 6:00 and attendees frequently stay at the church until 7:30 a.m. They cannot use Rushneck because they are open before parishioners leave. The church also has services on Wednesday, Thursday, Friday, and Saturday evenings with parishioners arriving at 7:30 p.m. 32 to 35 parking spaces will satisfy this need.

Mr. Donohue stated when they began discussions with the Village they indicated the church needed 80 to 100 spaces so when the Village approaches the commercial entities they should be looking at that number. The church would also need a five year commitment to those spaces.

Mr. Demers stated the number of spaces keeps shifting and he wanted to know the lowest possible number needed for the weekday needs. Tonight was also the first reference to morning services. Mr. Sheer stated they could do a survey of the actual number of people who come to these events on a daily basis.

Mr. Demers questioned how long the church property was on the real estate market. Ms. Vickie Parks, a church member, stated it was exactly six months beginning in May or June of 2004.

Mr. Tedesco stated he would draft a letter, on behalf of the Planning Board, for submission to the Board of Trustees requesting outreach to neighboring facilities seeking permission for parking for church members.

PUBLIC HEARING – FERRY LANDINGS, LLC – 4 DIVISION STREET –
SUBDIVISION (DPW FACILITY)

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, April 24, 2006, at **7:00 p.m.** at the Municipal Building, 21 Wildey Street, Tarrytown, New York, to hear and consider an application by:

Ferry Landings, LLC
485 West Putnam Avenue
Greenwich, Connecticut 06830

To consider an application for Subdivision Approval, pursuant to Section 263.4 of the Subdivision Regulations, of property they own at 4 Division Street, Tarrytown, New York, to allow subdivision of a 1.31 acre parcel for transfer of ownership to the Village of Tarrytown.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 1, Parcels 12, 13A and part of Parcel 13 and is located in a Waterfront General Business (WGBD) Zone.

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

The certified mailing receipts were submitted.

Mr. David Singer, attorney for the applicant, stated, “This is an application for a minor subdivision in connection with the Ferry Landings project and in conjunction with the Memorandum of Agreement between the applicant and the Village. This will allow the applicant to convey the site on which the Department of Public Works is situated to the Village.”

No one appeared to address the Board on this matter.

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 determines there will be no significant adverse environmental impacts as a result of this action.

Mr. Tedesco moved, seconded by Mr. Demers, and unanimously carried, that the Planning Board approves the subdivision of Sheet 1, Parcels 12, 13A, and part of Parcel 13 consisting of 1.31 acres for conveyance of this property by Ferry Landings LLC to the Village of Tarrytown subject to review by:

1. Frank Fish
2. Michael McGarvey
3. Special Counsel hired by the Village regarding the Memorandum of Agreement
4. The confirmation by EEA, Inc. that the environmental remediation at the site has been satisfactorily completed
5. And subject to any other condition or limitation imposed by the Memorandum of Agreement regarding this property.

PUBLIC HEARING – MORICCO – 32 PROSPECT 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, April 24, 2006, at **7:00 p.m.** at the Municipal Building, 21 Wildey Street, Tarrytown, New York, to hear and consider an application by:

Frank Moricco
55 Susan Drive
New City, New York 10956

To consider the application for site development plan approval for property he owns at **32 Prospect Avenue, Tarrytown, New York**, for construction of a new single-family residence.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 18, Parcel 30 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. David Resnick, attorney for the applicant, stated this matter has been before the Village for approximately four years. In June 2004 the property received a number of

variances from the Zoning Board of Appeals at which time there was lively public comment. The variances were approved by the ZBA with a number of conditions:

1. Approval of plans by the Building Inspector
2. Approval of plans by the Architectural Review Board
3. Obtaining a building permit within two years
4. No construction equipment on the aqueduct or the Continental Manor property
5. No blasting
6. Payment of required recreation fees.

At that time the ZBA was the lead agency and did a negative declaration. Thereafter, Mr. Moricco applied to the Architectural Review Board and received their approval in April 2005. Both Boards visited the property. Mr. Moricco thereafter applied for a building permit and received that in August 2005. Mr. Moricco went to the Village in February 2006 to inquire about the recreation fees and was told he could not break ground because of a new regulation that would require site plan approval, which is why they are here tonight. This is a single family home on a small footprint where there had been an existing home.

Mr. Sean McCarthy, architect, stated this site is located on Prospect Avenue on the north side of the street across from Transfiguration School. The site formerly had a house owned by Maureen Slattery, which was destroyed by an arson fire and was never rebuilt. The existing foundation is still on the site. Application was made to the ZBA and the variances were received to reconstruct the house. The triangular property is only 1,558 sq. ft. They have reduced the footprint of the house to try to minimize the requested variances. The total square footage of the house is 1,464 sq. ft. There will be a full basement, which will house the utilities. All the utilities will be new and the house will be fully sprinklered. The first floor will have a living room, kitchen with sliding glass doors to the back yard and stairs to the second floor, which will have a master bedroom, bathroom and second bedroom which meets the minimum space requirement. There will be a loft area in the attic with a small powder room and access to a deck in the rear. The house is only 18 ft. wide. A variance for height was not requested. They also managed to get one parking space, which the previous house did not have.

Mr. Stone stated he had visited the property and was having trouble visualizing how a house could be built on this small lot. He questioned the height. Mr. McCarthy stated the ridge height is about 31 ft. They did not encroach on the light exposure plane.

Mr. Berthold Ringeisen, 43 Prospect Avenue, stated he thought the house was going to be brick. Mr. McCarthy stated the Architectural Review Board approved stucco and stone.

Ms. Tara Van Tassel, a resident of Continental Manor, neighboring condominium complex, stated there is not a lot of space to get to the property without coming onto their property or the Aqueduct's property. "I am concerned where the construction vehicles

will be. If they are on Prospect Avenue, that is directly across from the school. With Hitachi there, it is a difficult area during rush hour. I am concerned about safety.”

Mr. McCarthy stated safety has been a primary issue and it was difficult to get a contractor who would stage the project. They can only do small portions of the work at a time. There will be a construction entrance where probably only two vehicles can park and when each phase of the construction is done, it will open up how many people can work. They have advised the contractors that no materials could be placed at the curb line. Once the foundation goes in, they will have to use the footprint of the house to store the materials.

Mr. Ringeisen requested that Mr. McCarthy cite the variances that were received. Mr. McCarthy stated they were:

1. Has front yard setback of 3 feet in an area requiring 25 feet. (§305-9)
2. Has side yard setbacks of 3.0 feet and 3.0 feet in an area requiring a minimum of 12 feet. (§305-9)
3. Has combined side yard setbacks of 6.0 feet in an area requiring combined side yard setbacks of 26 feet. (§305-9)
4. Has rear yard setback of 16.5 ft. where 28 ft. is required. (§305-9)
5. Has one (1) parking space where (2) parking spaces are required. (§305-19D)
6. Off street parking space is located in front yard (§305-19.C.3a)
7. Has 39.6% building coverage in an area permitting only 22%. (§305-9)
8. Has 39.6% total building coverage in an area permitting only 27.5% (§305-9)
9. Has lot size of 1,558 square feet in an area requiring 10,000 square feet. (§305-9)
10. Has lot width of 42 ft. where 100 ft. is required. (§305-9)
11. Proposed building wall will encroach upon the 45° light exposure plane (§305-9)
12. Has a floor area ratio of .94 (1,464 sq. ft.) where .43 (670 sq. ft. is permitted. (§305-107)

Mr. Aukland questioned, “Have there been any changes since those variances were approved that would require additional variances?” Counsel Shumejda replied, “Just that the application now needs site plan review by this Board.” Mr. Aukland stated, “which is process, not content.”

Mr. Ringeisen stated there is now an easterly deck facing the Aqueduct. He stated he thought the distance from the Aqueduct needed to be 50 ft. and a variance was not received for that. Counsel Shumejda stated he did not believe the Aqueduct setback provision was applicable in this area but that will be confirmed.

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

Mr. Frank Moricco, property owner, stated, “I bought the property from Ms. Slattery. It was a hardship case. The house was burned down in arson and she did not have the funds

to replace the house. What we had to do is conform to the existing footprint. I would suggest the house we are proposing would be an improvement. Now there is just a hole there. What we are proposing is a 2-1/2 story building that is stone and stucco and I think it conforms to homes in the area. There were several visitations to the site by the Zoning Board and Architectural Review Board. This is just a procedural thing.”

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

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

Mr. Tedesco moved, seconded by Mr. Aukland, that the Planning Board determines there will be no significant environmental impacts as a result of this proposal. Mr. Stone abstained. All others assented.

Mr. Tedesco stated, “The Planning Board has some concerns about several things – the third story room and the size and height of the home because of the small lot, but due to the varying heights and sizes of buildings in the area, and that the applicant has provided one parking space where none existed for the prior home, and given the thorough study of the Zoning Board of Appeals and Architectural Review Board and their reasoned approvals, the Planning Board feels for this unique property and circumstances, the site plan should be approved.”

Mr. Tedesco moved, seconded by Mr. Aukland, that the Planning Board approves the construction of the single family house at 32 Prospect Avenue subject to:

1. Approval by the Building Inspector particularly in regard to storm water and drainage and also for safety measures needed to be taken during construction and the importance of keeping Prospect Avenue free of construction vehicles and always open to traffic.
2. Approval by the Zoning Board of Appeals for required variances, which would include confirmation that a variance is not needed for the distance from the Aqueduct.
3. Approval by the Architectural Review Board
4. No construction equipment being on the Aqueduct or on the Continental Manor property.
5. No blasting being done during construction.
6. Approval of a landscaping and screening plan by the Village’s Landscape Consultant.
7. Payment of any outstanding escrow and recreation fees prior to the granting of the building permit.
8. Signing of the site plan by the Planning Board Chair.

Mr. Stone abstained. All others assented. Motion carried.

CONTINUATION OF PUBLIC HEARING – SCHEUBLIN – 10 HIGHLAND AVENUE

Mr. Larry Nardecchia, engineer for the applicant, submitted revised plans to the Board. “The last time we had a pool on the site plan. We agreed to take that off. We have done that on the revised plans and all the trees have been more accurately calibrated. The Board requested to see the elevation for the new ridge.” Mr. Nardecchia presented a plan showing the existing house, the proposed house and the maximum permitted by code. He stated the height to the midpoint is currently 15 ft.; 22 ft. is proposed, and 30 ft. is the maximum permitted. The height to the ridgeline is currently 20 ft.; 25-1/2 ft. is proposed and 33 ft. is the maximum permitted. The minimum allowed pitch is 3-1/2 on 12; however, you would not want a roof that flat because of snow loads. They are proposing 5-1/2 on 12. The actual height increase is about 5-1/2 ft.

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

Mr. Geneslaw noted Reference 6 on the revised plan still refers to the pool and that should be corrected.

Mr. Tedesco moved, seconded by Mr. Stone, 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 significant adverse environmental impacts as a result of this proposal.

Mr. Tedesco moved, seconded by Mr. Demers, and unanimously carried, to approve the house addition at 10 Highland Avenue subject to:

1. Approval by the Building Inspector
2. Approval by the Architectural Review Board particularly in regard to the new siding and roof shingles proposed
3. Given that this original application included a pool, if there is a further application to the Building Inspector for a pool, such pool must lie outside the drip line of any significant or specimen trees and also adhere to all setback requirements.
4. Payment of any outstanding escrow fees prior to granting of the building permit
5. Signing of the final site plan by the Planning Board Chair.

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

*Chairman Friedlander recused himself on this application.

Mr. Tedesco chaired this portion of the meeting.

Mr. Chris Pateman stated they had been requested to make the houses smaller. They looked at ways to minimize the disturbance. They have relocated the driveway for Lot 4 from the right side to the left side and were able to re-grade and save some substantial trees. There were also several trees on the right side where they had been encroaching the drip lines and those will all now be saved. On Lot 3 they have reduced the living space by about 20% (800 sq. ft.) That house is now down to 3,395 sq. ft. Both homes comply with height and both are in compliance with all zoning codes.

Mr. Pateman submitted an aerial photograph of the area. He noted 120 White Plains Road is a 200,000 sq. ft. office building; 150 White Plains Road is an 80,000 sq. ft. office building. Most of the houses on Eunice Court are small in size – 21 Eunice Court is 976 sq. ft. and 25 Eunice Court is 1,630 sq. ft. The homes on Hillside Street range from 1,800 sq. ft. to 2,100 sq. ft.

Mr. Tedesco stated there has been some reduction in house size, but the homes are still significantly located in steep slope areas. The Board had suggested the applicant consider significantly smaller homes to provide minimum intrusion into the steep slopes. The Board felt if the intrusion was small they could recommend variances for it. The second possibility might be one house on the two lots. The original houses proposed were significantly larger than surrounding homes. The reason for asking for much smaller homes was to avoid disturbance on the steep slope areas. “We know that currently homes are bigger than years ago, but we expressed a desire they be more in conformity with the neighborhood.”

Mr. Tedesco stated Section 305-55 of the zoning code states that in considering the approval of the site development plan, the Planning Board should take into consideration the public health, safety and general welfare and the comfort and convenience of the public in general and the residents of the immediate neighborhood in particular and shall make any appropriate conditions and safeguards in harmony with the general purpose and intent of this chapter and particularly in regard to achieving a site layout which would have no adverse effect upon any properties in adjoining residence districts by impairing the established character or the potential use or properties in such districts.

Mr. Tedesco stated, “In addition to our concern about the steep slopes, we were also hoping the homes would come down in size more in comparison to the surrounding area although not equal to them.”

Mr. Pateman stated, "We have greatly reduced the width and some of the depth on the houses. We have reduced the mass and disturbance on the steep slopes. Many of the homes are single story homes. They could come in for second stories and be larger than the homes we are proposing. We have reduced impervious surface and coverage. We have reduced the volume of the rock cut for the retaining walls."

Mr. Demers questioned how much the houses are still encroaching on the steep slopes and how far out of scale the houses are with the surrounding homes. Mr. Pateman stated there is no way to not encroach on the steep slopes. Mr. Stone stated the proposed houses are still about twice the size of the homes in the neighborhood. That is significant.

Ms. Lillian Bagnatto, 22 Eunice Court, stated she is concerned about the steepness and the driveways. She stated the houses on Eunice Court are way below these houses. Mr. Pateman stated they have proposed buffer plantings to help screen lights. They are sensitive to that. They will be providing a plan to show this. They would need permission to provide those plantings on the Village right of way.

Mr. Tedesco stated the Board needs to know the areas of the steep slopes.

Mr. Auckland stated the applicant must show why building on the steep slopes is o.k. for this property.

Mr. Richard Blancato, attorney for the applicant, stated, "My client purchased these two lots after the subdivision was approved less than three years ago. Steep slopes ordinances are actually adopted to reduce density. I have had comments with environmental experts and there is no environmental uniqueness about steep slopes as long as protections are taken. If the proper methods are taken, there should be no problems with the steep slopes. This is a Village of steep slopes. This building (Village Hall) is on steep slopes. The library is on steep slopes. Over 50% of properties in the Village are built on steep slopes. As long as the proper engineering, drainage and erosion are taken, there is no problem building on steep slopes."

Mr. Tedesco stated there is not a lot of undeveloped area left in Tarrytown and many people are looking at protecting things on property that are on steep slopes. It is to prevent some lands in Tarrytown with unique character from being built on. The Planning Board will be reluctant to set a precedent for building on steep slopes. Therefore, it would behoove the applicant to consider smaller homes. If the intrusion on the steep slopes can be reduced, it might tempt the Planning Board to recommend a variance.

Mr. Pateman stated the Village is going to be inundated with applications because of this law because existing homeowners will need variances every time they try to do anything.

Mr. Blancato stated if they can't use the property for the permitted uses under the zoning code, it is a confiscation of property. "I think the Board of Trustees will have to take a hard look at this. I don't know another municipality that prevents building on steep slopes."

Mr. Demers stated Tarrytown has given a great deal of consideration to the issue of steep slopes. It is a quality of life issue. There is intense development and if not careful, the results can be an ugly and dangerous Village. There are already serious problems with water flow. "We can't build wherever we want and as much as we want. We intend to hold the line on this. The chairman has given you two very good options and I do hope you will consider those options seriously."

Mr. Pateman stated, "I think the main problems are the water problems and I think that is better handled by Mr. McGarvey. People who own property don't want those properties confiscated. The answer is a proper drainage plan. Slopes themselves are of no great import. What has to be protected is the effect of building on slopes on adjoining properties."

Mr. Tedesco stated, "We have a strong point in protecting the steep slopes. We invite you to give us a proposal with reasonable size houses, which would be a much less intrusion into the steep slopes. We must believe the variance is minimal."

Mr. Pateman stated they have reduced the value of these houses by about \$300,000 and he did not believe they could reduce the size of the houses much more. He stated the houses could be crammed closer together to reduce the encroachment on the steep slopes, but he did not feel that was good planning.

Mr. Pateman stated many of these steep slopes were man-made when the road was put in. Mr. Yarabek stated that is the type of information that should be provided as part of mitigation measures.

Ms. Linda Viertel, Gracemere, stated she has a house on top of hers that is built on steep slopes (prior to the current legislation.) "I have lights in my windows all the time. I have eroded property. My basement floods. The water table is changing because we are building on every square inch. There are steep slope laws and wetland laws. Developers are building on steep slopes and they want to build on wetlands. It is not a taking. If a house of moderate size is built, that is not a taking."

Mr. John Lynch, Crest Drive, questioned, "Do we know how much will be excavated?" Mr. Pateman replied, "We don't have that as yet, but it will be significant." Mr. Lynch stated when you excavate out you reduce the water table for the area. The concept for the steep slopes is for the people at the bottom of the slope."

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

*Chairman Friedlander returned to the meeting.

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

Chairman Friedlander stated the applicant is still preparing the Final Environmental Impact Statement.

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

This portion of the meeting was recorded by a court stenographer and that transcript is attached to the official copy of these minutes.

Ms. Jennifer Curran of HDR/LMS reviewed with the Board a wildlife evaluation, which she prepared for the applicant. Ms. Curran stated she will be finalizing her draft and it will be submitted in written format.

A number of people addressed the Board including, Cathy Ruhland, Daniel Richmond, Michael Farley, Francesca Spinner, Elizabeth Siegel, Robert Geneslaw, John Lynch, Camilla Calhoun, Roger London, Ann Barshall, Norman Sheer.

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the public hearing on the DEIS be closed.

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the Planning Board accepts the DEIS as complete subject to the following:

1. All the drainage storm water studies received by the Village together with all their recommendations be included in the FEIS; specifically these are the PCI study of the Lakes, the Dvirka & Bartilucci report and the report of Dr. Paul Mankiewicz of the Gaia Institute.
2. Of the alternative cluster plans that have been considered, the 14 lot cluster designated B-1 should be developed as the preferred alternative in the FEIS.
3. The applicant include the bird and wildlife studies conducted in the Spring 2006 as well as the one in the Fall of 2004 in the FEIS.

The Board established a 21day timeframe for written comments to be submitted.

CONTINUATION OF PUBLIC HEARING – FERRY LANDINGS, LLC AND FERRY
INVESTMENTS – SITE PLAN (MIXED USE DEVELOPMENT)

This application was adjourned.

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

This application was adjourned.

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 they had revisited the architecture for the church.

Mr. Earl Ferguson stated he was a design consultant for the schematic design approach, which they would present this evening. He stated they have tried to address the Board's concern about the proposed buildings' exterior appearance. The Board had felt the buildings' assembly had a commercial aesthetic.

Mr. Ferguson reviewed with the Board in a slide presentation revised architectural renderings. Slides were presented from north, south, east and west elevations.

Mr. Charles Hoover, architect, stated the entry point for the buildings is a circular plaza. It is a significant exterior space. Mr. Demers questioned whether there was a reason for making it so large. Mr. Hoover stated it is like a spire might be for another church. It is 54 ft. wide and it is 40 ft. above the plaza level – but this is a first attempt and it is preliminary.

Chairman Friedlander stated Mrs. Getz, the Taconic State Park Commission and Lyndhurst representatives should be invited to the next meeting in order to obtain some public comment. The Board will also formulate questions for their next meeting.

Mr. Tedesco requested that a copy of the renderings be put at the Warner Library and the Village could then post on the web site that the renderings are available for review.

All Board members agreed that the hearing be continued at their next meeting.

PRELIMINARY PRESENTATION – SCOGNA – 49 EMBREE STREET

Mr. Robert Scogna stated they are proposing to add a second story to their one story house. The house footprint will be the same.

Mr. Stone noted that when looking at the house from the front, on the left hand side there are significant trees and the Board will need to know how the pruning will be done.

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the Planning Board sets a public hearing on this application for the May meeting.

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

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

PRELIMINARY PRESENTATION - BROADWAY TARRYTOWN (C-TOWN SUPERMARKET) – 106-114 NORTH BROADWAY

The Board reviewed plans for a proposed 3 ft. 8 in. expansion to the front of the building and the expansion of the supermarket into the former restaurant, pizzeria, and bookstore space.

Mr. Tedesco stated the Board reviewed this at their staff meeting and had concerns about the entire building coming out the 3 feet 8 inches. It will have an impact on the streetscape. The Board is also concerned about the parking since this lot is always crowded and even though there was a restaurant there, for the past few years it did not generate a lot of customers.

Mr. Geneslaw suggested there be a parking count taken at various days and times during the week. That would show how much parking is needed for the store now and it can then be projected how much would be needed with the expanded space.

Mr. Sale Saleh, owner of the building and supermarket, stated even though the restaurant had not been too busy, it generated ten or twelve cars parking for two or three hours. In the morning there is no problem. The biggest parking problem comes from people using this lot and going to the library, the funeral home, and even Village Hall. The reason they are expanding the store is to increase aisle widths to make it better for the customers. There are 37 parking spaces. Mr. Saleh stated they also have a lot of walking customers who reside in the area. They also provide phone-in and delivery service.

Mr. Tedesco stated if the building were not expanded the whole 3 ft. 8 in., there could be a nice outdoor space for selling flowers, plants, and having tables for people who purchase take-out food at the supermarket.

Mr. Demers stated it should be researched whether there was ever an agreement to keep the sidewalk space clear. He stated a parking survey needed to be done and moving the building out 3 ft. 8 in. will destroy the streetscape.

Mr. Saleh stated they are trying to unify the look of the building. They are not getting a lot of increased shelf space. They are making the aisles wider and making it more convenient for the customers. "There is nothing that says we can't expand the building. I have researched that. As far as parking, I don't believe it will be a problem."

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the Planning Board sets a public hearing on this application for the May meeting.

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

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

PRELIMINARY PRESENTATION – AGUIAR – 21 UNION AVENUE

Mr. Sergio Marin, architect, reviewed with the Board plans for expanding the house at 21 Union Avenue. The existing garage will be removed and a new garage, family room, and master bedroom will be added as well as a ½ story addition with four bedrooms. No variances will be needed. The slope will not be disturbed and no trees will be taken down.

Chairman Friedlander questioned what the height of the house will be. Mr. Marin stated it will be 26 ft. to the mid point.

Mr. Stone suggested the Board visit the property after their staff meeting on May 11th. Board members agreed.

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the Planning Board sets a public hearing on this application for the May meeting.

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

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

PRELIMINARY PRESENTATION – COLLADO – 116 SOUTH BROADWAY

Mr. Albert Collado reviewed with the Board plans to extend the driveway to create two additional parking spaces. He stated he has his engineering offices at this property. They currently have two parking spaces and this would allow that to expand to four spaces.

Mr. Geneslaw stated the parking would be on the steep slopes. Mr. Tedesco also expressed concern about the retaining wall. Mr. Collado stated the wall was structurally designed.

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the Planning Board sets a public hearing on this application for the May meeting.

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

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

The Board agreed to visit this property after their staff meeting on May 11th.

MEETING ADJOURNED 11:58 p.m.

Kathleen D'Eufemia
Secretary