

Planning Board
Village of Tarrytown
Regular Meeting
May 22, 2006 7 p.m.

PRESENT: Chairman Friedlander; Members Demers, Aukland, Tedesco, Stone;
Planning Consultant Geneslaw; Village Engineer/Building Inspector
McGarvey; Landscape Architect Consultant Yarabek; *Counsel
Shumejda (late), Secretary D'Eufemia

APPROVAL OF MINUTES

Mr. Tedesco moved, seconded by Mr. Aukland, and unanimously carried, that the minutes of April 24, 2006, be approved as submitted.

PUBLIC HEARING – AGUIAR – 21 UNION AVENUE

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, May 22, 2006, at **7:00 p.m.** at the Municipal Building, 21 Wildey Street, Tarrytown, New York, to hear and consider an application by:

Manuel and Dorothy Aguiar
347 River Road
Briarcliff Manor, New York 10510

To consider the application for site development plan approval for property they own at **21 Union Avenue, Tarrytown, New York**, for removal of existing garage, deck and roof; building a new garage, family room, master bedroom; add ½ story with four bedrooms.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 12, Block 125, Lots 8A and 21 and is located in an R-20 (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. Sam Vieira stated he was assisting the applicant in tonight's presentation. He stated this is an enlarging of the footprint of the existing house and the construction of a second level on a one-story house. The project requires no variances. Originally the proposal was presented as a 1-1/2 story structure; however, there had been some confusion in the

calculations. Those were redone and what is being proposed is actually a two-story house.

Mr. Tedesco noted the area where the addition is proposed is close to the adjacent property but there is a lot of space on the other side. Mr. Vieira stated their intent is to preserve the existing floor plan and flow. Flipping the plan would require re-orienting the plan of the house. It would be a complete redesign. There would also be more site disturbance.

Chairman Friedlander noted Board members visited the property and the concern they had was that to the east there is a large side yard. To the west it is a small side yard and it slopes down and that is where the garage is being added. Mr. Vieira stated where they are proposing the addition causes the least site disturbance and while he understood the Board's concept of balancing on the property, currently that open space to the east provides views through to the Hudson River. Building to the east would diminish that.

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 Board declares itself Lead Agency on this project.

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

Mr. Tedesco moved, seconded by Mr. Demers, that the Board determines there will be no significant adverse environmental impacts as a result of this project. Mr. Aukland abstained. All others assented. Motion carried.

Mr. Tedesco moved, seconded by Mr. Stone, that the Board approves the house addition at 21 Union Avenue subject to:

1. Approval by the Building Inspector
2. Payment of any outstanding escrow fees prior to the issuance of a building permit
3. Approval by the Architectural Review Board
4. Signing of the site plan by the Planning Board Chair.

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

PUBLIC HEARING – BROADWAY TARRYTOWN (C-TOWN SUPERMARKET) –
106 – 114 NORTH 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, May 22, 2006, at **7:00 p.m.** at the Municipal Building, 21 Wildey Street, Tarrytown, New York, to hear and consider an application by:

Broadway Tarrytown
106-114 North Broadway
Tarrytown, New York 10591

To consider the application for site development plan approval for property they own at the above address to permit 3' 8" front addition and expansion of grocery store into former restaurant and bookstore space.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 4, Block 15 Lot 11 and is located in an RR (Restricted Retail) 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. Tom Abillama, architect, stated this is an application for a 3 ft. 8 in. addition in front of the existing C-Town supermarket and extending along the property across the space of the vacant stores. They will be expanding the supermarket into the full space and be able to provide additional aisles and wider aisles and more cashier stations. This application will actually alleviate the parking burden since the restaurant had a higher parking requirement. Last month the Board requested outdoor seating and planting and they have provided that. There is a 30 ft. wide area from the new addition to the curb, which allows for a full sidewalk where seating and planting can be provided as requested.

Mr. Stone stated the Board's intent had been that the outdoor seating be in lieu of this 3 ft. 8 in. addition. Then the building would not jut out beyond the other row of stores.

Mr. Abillama stated this small addition allows them to do something meaningful for the building. They can still provide the seating on the outside.

Mr. Stone stated the Board was trying to not have the building extend closer to the street than the adjoining building. They could still restructure the front façade without bringing it out 3 ft. 8 in.

Mr. Tedesco agreed with Mr. Stone. He stated 3 ft. 8 in. is large when applied to the whole building. It affects the streetscape. "I don't think what you would gain justifies

spoiling that streetscape. You can make changes to the façade without moving the building out.”

Mr. Demers reported receipt of the following memo dated May 19, 2006, from Robert Geneslaw, the Village’s planning consultant:

“Broadway Tarrytown (C-Town Supermarket)

There are several issues before the Board at this time, and the public hearing will provide the opportunity for neighbors and others to offer comment.

1. The expansion of the supermarket space formerly occupied by a restaurant and bookstore will reduce the amount of parking needed to meet zoning code requirements, since restaurants have a higher parking standard. However, an expansion of the store is likely to lead to more shoppers and shoppers taking more time in the store. The increased number of checkout lines, if staffed adequately, will offset some of the above factors.
2. The Board has asked the applicant to make informal parking space utilization surveys, and this information supplemented by observation by Planning Board members, will help to establish how to handle parking.
3. Truck deliveries to the site are difficult. Based on our observations, the unloading and loading operations are about as efficient as they can be, given the physical limitations. A larger store will likely cause an increase in the number of truck movements and longer delivery times, both of which will tend to complicate customer parking and maneuvering. Removing the fence on the southerly side of the unloading area and allowing trucks to circulate through the rear of the site could ease truck circulation and maneuvering. This would appear to require the consent of the neighboring property owner.
4. Planning Board members have expressed concern about the visual impact of moving the front wall of the building several feet closer to Broadway and the impact this would have on the streetscape. At the present time, there are three separate façade treatments along the front, C-Town, the bookstore, and the restaurant. The expanded supermarket would bring one façade treatment running the length of the building, one of the longer unrelieved facades on Broadway, without the opportunity for customer entrances and the street activity that is important to a downtown.
5. One potential method of creating a positive visual impact would be by placing small café tables and chairs along the front of the store, so that customers can have a place for coffee and a pastry, or a sandwich at lunchtime, selected from the take-out counter of the supermarket. The front of the store could have glass bi-fold or accordion doors or some similar treatment. This linear area could supplement the ‘flower shop’ corner near the columned entrance to the store providing color, visual interest and an opportunity for C-Town to sell more prepared and take-out items without paying rent for the sitting area.

6. We would also suggest some low monument type flower boxes or similar features projecting from the building at the ends of the sitting area or some other design solution meeting the same objectives. This would provide the opportunity for permanent landscaping along the front of the building to help soften the extended facades.”

Mr. Demers stated he is concerned about the parking and truck deliveries are already a problem. A larger store will create a greater problem.

Mr. Abillama stated they are trying to get their neighbor to allow the trucks to go through their property, which would alleviate the need for the trucks to back up.

Mr. Tedesco stated the larger store will generate more customers and resolving the situation with the trucks is critical. Mr. Stone noted the Ferry Landings project as well as Ichabod’s Landing will bring customers who will drive. Mr. Abillama stated they will have more cashiers so it will move faster.

Chairman Friedlander stated it will be a bigger store and people will shop longer. When people queue up, it causes a backup into the aisles. There should be a queuing system where people line up and when a cashier opens up, they move to that location so no one ever blocks the aisle. Mr. Abillama stated psychologically people would feel it is a long line and they won’t want to do it.

Mr. McGarvey stated the entrance to C-Town is bad and something needs to be done regardless of this application.

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

Mr. Aukland stated he would like to see a reconfiguration of the interior to see if there is some way of opening the front to have it open in summer and be glassed in the winter.

Mr. Demers stated there should be a forecast of what amount of parking would be needed for a supermarket the size of which is proposed. All Board members agreed a consultant should look at this and advise the Board.

Chairman Friedlander stated if the checkout counters were on the north, people would be near their cars and could quickly egress. That could work well with a queue system as well. Mr. Stone stated that would also allow putting the takeout section to the west where it would directly interact with people sitting at the tables. That would increase the store’s business particularly between April and October.

All agreed to continue the hearing next month.

PUBLIC HEARING – COLLADO – 116 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, May 22, 2006, at **7:00 p.m.** at the Municipal Building, 21 Wildey Street, Tarrytown, New York, to hear and consider an application by:

Albert Collado (116 South Broadway, LLC)
116 South Broadway
Tarrytown, New York 10591

To consider the application for site development plan approval for property he owns at the above address to permit extension of driveway and creation of two additional parking spaces.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 15, Block 57, Lots 37 and 22-A and is located in an R-10 (Residential) Zone.

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

The certified mailing receipts were submitted.

Mr. Collado stated his engineering office is located here and the intent is to extend the existing driveway and create a parking area in the rear for four cars. The parking currently in the driveway (2 cars) would be eliminated.

Ms. Gina Conto stated she and her sisters own the house at 120 South Broadway where her father resides. Mr. Collado stated he had reviewed the plans with Ms. Conto's father but had been unaware he was not the owner. Mr. Collado reviewed the plans with Ms. Conto.

Mr. Collado stated they would excavate the backyard and the wall will be pushed back. A new wall would be parallel to the property line.

Mr. Tedesco stated there is concern that the turning radius is small and the Board wants to be sure there is enough protection with the wall. Mr. Collado stated the wall was designed by a structural engineer. The wall is shown being stepped just above grade. Ms. Conto's father asked it be a little taller to give him more privacy, which could also be done.

Discussion followed on the setbacks. Mr. Collado stated he had been advised that variances would not be necessary; however, he could review that further.

It was suggested that Mr. Collado arrange a meeting on site with Ms. Conto and her sisters to review the proposal. Mr. Tedesco suggested other key neighbors should be contacted as well.

Mr. Stone suggested that Mr. Collado have his structural engineer attend the next meeting.

Mr. Tedesco stated the steep slopes are a great concern but there is also a safety issue with a school across the street. The Board will need information on the topography. Mr. Tedesco stated he wanted clarification on the setbacks as well.

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

CONTINUATION OF PUBLIC HEARING – PUTNAM AVENUE HOMES – HILLSIDE STREET

Mr. Chris Pateman requested an adjournment of this matter until the Board's next meeting. All agreed.

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

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

Board members noted two written comments had been received – one from Michael Farley, 21 Neperan Road and one from Daniel Richmond of Zarin and Steinmetz. These were sent to the applicant.

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

Chairman Friedlander stated this matter will be the subject of a special meeting scheduled for June 14, 2006, at 6 p.m. at Village Hall.

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

Chairman Friedlander stated this matter will be the subject of a special meeting scheduled for June 14, 2006, at 6 p.m. at Village Hall.

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 last month they showed a slide presentation. The Board requested that be done again this evening.

Mr. Charles Hoover, architect, presented the slide presentation and reviewed the revised architectural renderings from different elevations.

Mr. Earl Ferguson, design consultant, stated the architecture for original submissions by the church was felt by the Board to have a commercial aesthetic. They have not changed the footprint of the buildings since it needs to satisfy the functional requirements. Their goal was to try to create a more harmonious approach in the appearance of the buildings. There will be stone foundations; the claddings will be natural cedar siding; there is a heavy timber frame for all the bridges and the pergola; there would be standing seam metal roofs on the shallow roofs in a dull gray patina; there would be creative and aggressive landscaping.

Upon inquiry, it was stated the distance from the Aqueduct is 150 feet and it is about 200 ft. from Mrs. Getz' property.

Mr. Demers stated while he appreciated the progress, it still looked like a lot of flat bare surfaces. They are large buildings and they are bare. The pergola is large. "You have done a lot to put it into natural surroundings, but it is still stark." Mr. Aukland stated it has an institutional aura.

Mr. Ferguson stated there has been discussion about reducing the size and scale of the pergola. Upon inquiry from the chairman, Mr. Hoover stated the pergola is about 50 ft. in diameter.

Mr. Hoover stated the size of the educational building is about 40 ft. x 130 ft., 2-1/2 floors, with twelve classrooms and church offices. The worship building is about 20,000 sq. ft. and can hold about 1,000 people for high holy days. For regular services there are usually 400 to 500 people.

Chairman Friedlander stated he would like to see drawings with different heights, which might present a better design.

Upon inquiry, Mr. Hoover stated these buildings would not be visible from Lyndhurst.

It was questioned whether in the future the Belvedere building could be subdivided from this property. Mr. Michael Inglis of the Church stated they have signed a conservation easement with Scenic Hudson, which prevents them from ever subdividing this property. He stated he could provide a copy of that.

Mr. Tedesco stated he was impressed with the siting of the buildings on the property and the use of natural materials; however he felt the pergola needed to be scaled down and he agreed it still has an institutional look. He suggested the church involve the Architectural Review Board in the refinement process. A revised drainage plan has been submitted and that should be sent to Dvirka and Bartilucci. The Board also needs input from the Police Department and Fire Department. There may also be a need for screening of the parking from Lyndhurst.

Mr. Tedesco questioned the status of moving the entrance. Mr. Sheer stated they have worked that out with the Department of Transportation.

Chairman Friedlander stated there should be a plan for the layout of the parking.

Mrs. Monica Getz, Shadowbrook, stated she would like a landscaping plan on the border of her property and along Broadway. She expressed concern about the pergola. Mrs. Getz noted her carriage house is facing directly into these massive buildings.

Chairman Friedlander stated the Board received today the cumulative traffic study report prepared by Adler Consulting, which they would be sharing with the applicant.

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

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

Mr. Norman Sheer, attorney for the applicant, stated they had submitted a booklet, which has all the plans that have been discussed. In that package are two very different plans that came about from talking to some of the neighbors. Some neighbors felt if the parking could be moved to the south, a lot of the objections would be taken care of. He noted he advised neighbors that would then take them into the Broadway buffer, but that seemed preferable to some of the neighbors.

Mr. Sheer noted they have seen the wetlands consultant's report. The Village Board said they don't want to see mitigation on Village property. The wetlands consultant's report says this isn't a great wetlands and some of the mitigation might improve the wetlands.

Mr. Stone stated he had reviewed the newly submitted Alternatives 4 and 5. Plan 5 has a positive because it keeps the parsonage but some wetlands has to be sacrificed for that. The difference in Plans 4 and 5 is that Plan 5 uses less wetlands.

Mr. Sheer stated they had not considered these proposals because they felt the Planning Board would feel strongly about getting into the Broadway buffer but the neighbors feel strongly about Walter Street.

Mr. Stone noted Lakeview Drive is quite narrow and he questioned whether it could be used for ingress and egress. Mr. Sheer stated they need to review that.

The Board reported receipt of the following memo dated May 19, 2006, from Robert Geneslaw, the Village's planning consultant:

"First Korean Methodist Church of New York

There are several significant issues based on the previous information submitted, Board evaluation, comments from the public and additional material including recent plan modifications.

1. The plan now proposes 32 parking spaces, which is reportedly sufficient to meet most needs, but not nearly sufficient to meet Sunday worship service needs. It was the latter interest that led to the initiation of the request before the Planning Board.
2. Mr. Tedesco communicated to the Board of Trustees and asked for cooperation/participation in establishing contact with owners/operators of nearby non-residential properties to seek assistance in making existing parking available on Sundays. We do not know the outcome of that communication, but if achievable, would be an optimal solution.
3. The current plan (revised 5/01/06) shows no existing wetland within the Lakeview Drive right-of-way. The prior plan (rev. 4/03/06) showed wetland mitigation within the right-of-way. As noted in the letter report of B. Laing Associates, Inc., wetlands mitigation in the right-of-way would either preclude improvements to the roadway or the future loss of the wetland mitigation if roadway improvements are to be made.
4. If wetland mitigations were undertaken within the site and up to the right-of-way line, the natural wetland system would not recognize the right-of-way line and there would be some migration of material back and forth to the disadvantage of the area receiving mitigation.
5. Lakeview Drive, as an entrance to Glenwolde, is a narrow paved road. There are few infrastructure elements along the road that would tend to confirm that it is a public road. Unless it has already been demonstrated that this is a public road, confirmation should be obtained by the applicant. If it is not, the applicant will have to demonstrate that it has the right to use the road.

6. Lakeview Drive is shown on the plan as having a paved width of 13 – 14 feet. This is not wide enough to safely carry two-way traffic, particularly for drivers not familiar with this condition.
7. As noted by the neighbors, the boundary on the west is made up of commercial neighbors, one of whom (Rushneck Motors) has in the past allowed parking for Sunday services. The commercial activities are relatively well screened from the residential community. The removal of the pastor's home and its replacement with parking is likely to weaken the residential integrity of this section of Walter Street and is a planning issue to which the Board should give serious consideration. The same principle could apply along Broadway to the north, through most of the Village."

Mr. McGarvey stated there would need to be a review as to whether Lakeview Drive is a public street.

Mr. Tedesco stated Alternatives 4, 5, and 3C take the mitigations out of the right-of-way. They achieve a ratio, and 5 saves the parsonage. The Village should re-consult the wetlands consultant because 4 and 5 involve removing a lot of wetlands and replacement of a lot of wetlands. Alternative 3C is similar to the prior Alternative 3 in that a small amount of wetlands is removed and a small amount is replaced. 3C, 4, and 5 involve removing a lot of trees, which was not present before. The Village's Landscape Consultant should review those trees. Mr. Bruce Donohue, Landscape Architect for the church, stated the type of trees and their condition is included in the Appendix of the EAF.

Mr. Sheer noted if Lakeview Drive is not a public street, they may have the right to mitigate in that street.

Mr. Aukland stated he felt the removal of the rectory and replacing it with a parking lot hurts the character of the neighborhood.

Mr. Stone stated he was concerned about using Lakeview Drive as an ingress and egress. He also expressed concern about the large loss of trees in the new plans.

Mr. McGarvey questioned what percentage of the planting plan is shrubs – not trees. Mr. Donohue stated it is about 60% shrubs. Mr. McGarvey stated a planting plan should be submitted without the shrubs because it is confusing since the green on the plan looks like trees, which it is not.

*Counsel Shumejda arrived at the meeting.

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

Mr. Adam Balkin issued the following statement:

“My name is Adam Balkin. I live at 1 Glenwolde Park with my wife and on-year-old son. We are among the most affected by the parking lot plan as our home borders church property. We are relatively new residents, having moved in just under a year ago. My wife and I are not rich; we did not buy our home with trust fund money; our parents are or were all school teachers. My point here is that we work very hard and made many sacrifices in order to buy our home. We love the house, the property, and the neighbors. Our one concern before buying was the proximity to Route 9, though our fears were assuaged by residents who told us the ‘small forest’ next to our home provides a great sound, sight and even pollution buffer. So you can imagine our concern when shortly after we moved in, we heard of plans to destroy that wooded area all to make just three hours each week a little more convenient for some members of the church. Since we’ve lived here, we’ve come to realize that wood area means so much more than just a pretty entrance into our neighborhood. As the church knows firsthand, heavy rains bring lots of water to our area and often times our basements. To replace trees and plants and soil (which right now help soak up the water) with pavement would be nothing short of disastrous. Ironically, after our wettest day last year, it was the church that may have suffered the most water damage. It even organized a neighborhood meeting in order to petition the town for help. Not to mention, allowing any organization to destroy designated wetlands sets a dangerous precedent. In fact, when this issue came up a few months ago, I and another neighbor hand delivered letters to the Mayor and Trustees on behalf of the Glenwolde Park Homeowners Association. The letter laid out all our objections. Everyone, starting with the Mayor, insisted that the plan would not go through because under no circumstances would the Board set the precedent of destroying wetlands for any reason. Now, I am not going to claim to be an environmental activist, but the environment does matter to me, especially as a new parent who thinks of the world my son will live in. So the thought of knocking down trees and plants and other foliage to make way for a parking lot – anywhere – and yes, especially in my backyard, is like a horrible movie scene. Really, do we have too much green in Tarrytown that we’re willing to knock down trees anywhere to make room for a parking lot? Now, as far as the church goes, from my experience and understanding, the congregation has always been a kind and friendly part of the neighborhood. But, I have a few concerns here. According to public record, the church tried unsuccessfully to sell this property a few years back. Our greatest fear if this parking lot goes up is what the next neighbor would bring. Once you start paving the way through those woods, I see no reason why this Board or a future one won’t just give permission to finish off the job. We all know full well a parking lot makes this property more attractive for a sale. I know, this area is supposed to be zoned only for some sort of religious building. But forgive me for being skeptical as we’re here discussing a plan that destroys wetlands that ‘aren’t to be disturbed.’ Another concern here, there is some sort of element that apparently hangs out on church property late at night, probably on weekends. Why do I say that? Well, every Sunday morning as I walk my son in his stroller, I see a fresh batch of beer bottles and trash along the church property. Frankly, from a sanitation point of view, if it wasn’t for the residents of

Glenwolde Park, that trash would stay there forever. We clean it up, not the church. My bigger concern though is that their property seems to be attracting some sort of element right now as an overgrown forest. Pave the way for cars and people to really hang out, and you may as well just triple the nightmare residents are imaging already.

From my understanding, the church has always been a great neighbor to the residents of Glenwolde. That is why I pray there is some solution for them – just not a solution that requires ripping down essential trees and other foliage. We have always been accepting of their cars along our streets on Sundays and we would love to try and help broker some sort of deal with a nearby business and a nearby parking lot. Kraft opens its lot to Lyndhurst. The car repair place next to Mobil is empty on weekends. The JCC and those other buildings around there might be a possibility. I don't believe all of those options have been fully explored.

And this is the most important part. Glenwolde Park is home to around two dozen families, among them twenty children between the ages of two months and thirteen years. The American Lung Association just released its annual State of Air report that rated New York as the state with the most dangerous levels of air pollution. It said that particle pollution (more commonly called 'soot') and ozone (more commonly called 'smog') are so bad here that it's as if every one of us is living with a smoker. Now as you listen to this next part, remember this area you're considering destroying, these trees, are the only thing that stands between all of us residents and the cars on Route 9. The Center for Urban Forest Research found that:

1. A single large tree cleans 330 pounds of carbon dioxide from the air each year
2. A single large tree absorbs ten pounds of air pollutants including four pounds of ozone and three pounds of particulates each year.
3. And a single large tree intercepts 760 gallons of water in its crown each year, thereby reducing flooding and runoff.

So again, I beg you, for the neighborhood's future, for our children's future, please do not accept a plan that will forever destroy our homes in the name of a project that addresses a problem that occurs just one morning a week - incidentally, one morning a week for a whole bunch of people who do not live, nor vote, in Tarrytown."

Mr. Balkin submitted the following letter dated May 22, 2006, on behalf of Wendy Maples, 7 Glenwolde Park, who could not be present:

"I would like to voice my distinct opposition to the parking lot proposed by the First Korean Methodist Church located at 500 South Broadway.

For over 25 years I have lived in Glenwolde and paid taxes to the Village for the ability to live in the home I have loved for many years. One of the main reasons for living in this area was for the quiet and residential nature of this charming and historic landmark area. Not for it to be turned into a parking lot!

In addition, I am very concerned about the wetlands that will be destroyed by this terrible project. I have voted for my state and local representatives to protect our environment and wetlands – the Governor, Mayor, and County Executive have promised to protect the

wetlands. Do they know about the potential abandonment of what they had promised to their constituents?

In addition, Glenwolde was created without sidewalks. It has a very narrow street and having more traffic and cars in our little neighborhood will be unsafe for our children and for all of us!

Please stop the parking lot. It is an environmental and dangerous problem that needs to be stopped – Now!

Mr. Balkin submitted the following letter from Lee Barclay, 7 Glenwolde Park, who could not be present:

“My name is Lee Barclay. I reside at 7 Glenwolde Park, Tarrytown, New York. I am writing to voice my overwhelming objection to the proposed construction of a parking lot for the First Korean Methodist Church located at 500 South Broadway.

My objections are about environmental, traffic and safety issues, as well as maintaining the character of the neighborhood. The wetlands issue should be enough to stop this project dead in its tracks. I am amazed we are still considering this. We need to keep and restore the natural wetlands we have, not cover them over with blacktop. As for the traffic and safety issues, this is a quiet, peaceful family-oriented neighborhood and is full of children of all ages. These happy playful children spend many hours on their bikes and skates and playing in the neighborhood – especially on weekends. A parking lot will attract many cars to the street of Glenwolde that is too narrow to accommodate this traffic and since there are no sidewalks, this is a real danger. Not only the children playing will be at risk, those of us driving to work or to the store will be at risk as well. The entrance to Glenwolde south of the church is very narrow and has poor visibility. This will create a dangerous and possible fatal risk of injury and possible death.

Therefore, I urge the members of this board not only to vote against the proposed parking lot, but also put this issue to an end and no longer subject us to the stress and anguish that has gone on for so long. We do not deserve to be made to fight time after time after time on this issue. The neighborhood has spoken many times loud and clear! This parking lot is not welcome! Please hear us.

I also urge the board to request that the church abide by the town’s rules and not cut down additional trees without permission. They have already started to create a parking lot without the board’s permission.

I would also like to bring a very serious concern to the board that has arisen from the development across from Kraft Foods. A water treatment runoff was made that has created a potential water problem that may attract mosquitoes this season. The runoff water is sitting stagnant and not getting to the pond. With West Nile virus still a potential health threat I feel this is a serious issue, especially now that the town owns this property. Please look into this.”

Mr. McGarvey stated the problem with the runoff at Jardim Estates is being corrected.

Ms. Ildiko Szalay, 14 Walter Street, stated she lives next door to the rectory yet she never received notice of these proceedings. She stated last year the church had a meeting with neighbors and she saw a plan. Now she is seeing a different plan.

Mr. Donohue provided Ms. Szalay a copy of his submission to the Planning Board, which details the progression of this project.

Ms. Szalay stated they have had a serious water problem in the area. When there is heavy rain, she cannot walk in her backyard. If they want to create a parking lot, they must have drainage. Every house on Walter Street has a problem.

Ms. Linda Viertel, Gracemere, stated she has been driving on Walter Street every day, several times a day, and there is no parking problem. Compromising wetlands is an unacceptable practice. It is a disaster in that area. Once a wetlands is compromised, it opens the doors to developers. The Village has gone to great lengths to preserve historic South Broadway. She stated she understood that the residents of Walter Street don't want the parsonage torn down but the wetlands must also be protected. She questioned whether the Village has to allow this parking lot. Counsel Shumejda stated the Planning Board does not have to grant site plan approval for a parking lot. They must determine it on its merits. Mr. Demers questioned, "Would you hold to that in spite of the law which provides certain constraints on Planning Boards and Zoning Boards in dealing with churches?" Counsel Shumejda stated he would since land use controls still apply. He noted a municipality cannot question a need for an expanded use of a facility. Mr. Sheer stated a Planning Board and Zoning Board must go the extra mile to mitigate the use. It is not the same as an application for a commercial use. It is a religious use.

Mr. Tedesco stated this Planning Board will go the extra step. He noted he sent a memo to the Mayor and Board of Trustees requesting a concerted effort with the Planning Board be made to contact all the surrounding entities to see if the required 32 parking spaces can be obtained. The Board of Trustees has agreed to such a meeting being set up and Chairman Friedlander will contact the Mayor and arrange that concerted effort. "I think that is important because my great concern is any significant disturbance into wetlands is a very big negative. The impact would be so huge for very little gain. I am hoping a rational solution can be found."

Mr. Sheer stated they have never discussed it as a 32 space issue. That is not realistic. The point of talking to other property owners has to do with the large number of people who can't park at this site on Sundays.

Mr. Demers stated the Board has heard that parking during the week is not an issue. The applicant has continued to change the numbers. "We have before us an application for 32 spaces, which we think may be possible to find in the neighborhood among other business owners. I don't see how the church can say that the 32 spaces are absolutely necessary during the week when they appear to do quite well without them."

Mr. Sheer stated they will do a survey of how many people need to park during the week. The number of spaces have been reduced, however, not because of church need, but because the Planning Board and Village Board indicated the number would not fly. Having these 32 spaces at Rushneck might be fine but having them at the diner which is too far for people, especially elderly people, is not a fine substitution.

Chairman Friedlander stated the church has existed for ten years and found the parking at Rushneck satisfactory. Only because Mr. Rushneck said they could no longer use that parking, it caused this application. "We are going to try to arrange adequate parking as was before. You are now claiming you need the 32 spaces for the weekdays. Where were you going to get the other 80 spaces?" Mr. Sheer stated wherever people could find parking.

Mr. Demers stated if they are claiming undue hardship, they must prove that. If there is sufficient parking during the week, why would it be undue hardship not to have those 32 spaces on site? Mr. Sheer stated they will do the survey. He noted they also need parking in the evening. Mr. Demers stated last month they said it was for religious services in the morning.

Chairman Friedlander stated the church originally said 80 spaces were needed for Sunday services. The Planning Board is now told it is 32 spaces during the week and that is in the evening. There is still the original parking problem, which was 80 spaces. "I don't know how many spaces the church had at Rushneck, and it would be helpful to know that, and if something to replace that were found, are we looking at 80 or 112?" Mr. Sheer stated Rushneck provided 40 or 50 spaces. Chairman Friedlander stated the Board should find out if they ever provided parking for the church at night.

Chairman Friedlander stated, "We should see how many spaces we can get from the neighborhood property owners – how many, where, and when. You should do your survey. I will contact Mr. Rushneck."

Mr. Tedesco stated the Board understands the church's need, and they will arrange to have the meeting with neighboring business to see what parking can be obtained.

Ms. Jean Cipriano, 2 Glenwolde, stated she has been a resident for six years and there has never been an issue with parking on Lakeview Drive on Sundays. If there had been an issue and cars from the church were blocking the street, residents would have called the Village. The Board should consider that. This street is clearly narrow. "I don't see the problem during the week and neither do my neighbors."

A resident stated it is unfortunate this is getting emotional; however, he was a little suspicious because this lot will be expensive and he felt the church could offer to pay for insurance, or even for rental, for spaces elsewhere for a lot less.

Ms. Vicki Park, a church member, stated in March 2005 Mr. Rushneck contacted the church saying they would be opening on Sundays and as of the last Sunday in March the church could not park there any longer. She then sent letters to all area businesses requesting to use their parking on Sundays and all said no. This proposal was the last resort. "We wanted to avoid building a parking lot, but if all our neighbors say no, it left us no choice. There is some confusion about the numbers needed. I think our neighbors feel we are fabricating the amount of space needed. We took a survey for a month and we have signatures of the drivers. We have 112 families attending services. The number of spaces needed has not been reduced. We are saying we need at least 32. That won't solve our problem but it is 32 fewer spaces that we have to worry about. We have a lot of elderly and disabled. We have reduced the number of spaces at your request. A lot of our neighbors are saying they don't see cars on the street and that is because for the time being we can park at Rushneck but we don't know how long that will last. We don't have a contract with them. From time to time they have sales going on in the spring and fall and then we can't park there."

Mr. Joel Fisher, 5 Glenwolde, stated we are talking about destroying a neighborhood for three hours a week. There is no parking problem during the week. On Sundays there are cars, but neighbors have lived with that. "I understand about the elderly and the disabled. Those people need to be dropped off."

Mr. Donohue stated in the revised applications they submitted a parking needs study for the church.

Chairman Friedlander stated the meeting with area businesses would be arranged.

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

PUBLIC HEARING – SCOGNA – 49 EMBREE STREET

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, May 22, 2006, at **7:00 p.m.** at the Municipal Building, 21 Wildey Street, Tarrytown, New York, to hear and consider an application by:

Robert Scogna
49 Embree Street
Tarrytown, New York 10591

To consider the application for site development plan approval for property he owns at the above address to permit a second story addition to existing one-story, one-family residence.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 26, Block 80, Lot 21 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. Stone noted when this addition is put on, there are trees that will need to be pruned. He expressed concern about those trees. Mr. Scogna stated he had a tree surgeon look at the trees and he expressed concern about one tree. If that tree has to be removed, it will be replaced.

The Board questioned whether anyone wished to address them on this matter. No one appeared.

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

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 Board determines there will be no significant adverse environmental impact as a result of this project.

Mr. Tedesco moved, seconded by Mr. Stone, and unanimously carried, that the Planning Board approves the second story addition at 49 Embree Street subject to:

1. Approval by the Building Inspector
2. Approval by the Architectural Review Board
3. Any tree pruning necessary to construct the addition must be overseen by the Village's Landscape Consultant or the Village Tree Warden. If a tree needs to be removed, the Village's Landscape Consultant or Tree Warden shall approve a suitable replacement tree
4. Payment of any outstanding escrow fees before the issuance of a building permit
5. Signing of the site plan by the Planning Board Chair.

PRELIMINARY PRESENTATION – SWIFT – 15 BIRCH WAY

Mr. Sam Vieira, architect, stated the proposal is to remove a single story garage and replace it with a 1-1/2 story house addition. They are also proposing a covered porch along the front of the house. It is a very odd shaped lot and it is undersized. It is an R-15

zone and the lot has about 11,500 sq. ft. In addition to being undersized, it is on the bend. The subdivision occurred around the house and the property lines moved close to the house. There are two sheds on the property. One will be removed and the other will be moved.

Chairman Friedlander questioned why both sheds aren't being removed. Mr. Vieira stated the family needs storage but it is almost impossible to put it anywhere where it would be conforming. There is a sanitary sewer easement in the rear and it can't go there.

Chairman Friedlander stated, "If we are allowing something more in a non-conforming area, it would be helpful to take away some of the non-conformity." Mr. Vieira stated the removal of the shed is an option the Planning Board could request.

Mr. Demers stated the Board is being asked to add to a non-conforming property and the suggestion is that in return the applicant take away one of the more obvious, and possibly more ugly, non-conforming features. Mr. Vieira stated he would discuss this with the owners and if they agree, it would be eliminated from the site plan.

Mr. Demers questioned the reason for entertaining an addition for something that is so clearly non-conforming. Mr. Vieira stated this house in the context of the neighborhood is very small. The rest of the homes were built after the granting of the subdivision. The hardship is that nothing could be added onto this home without requiring the Zoning Board to review it. They are not creating a house much larger in scale to the surrounding homes and they are attempting to maintain the setbacks they have control over. They are also trying to preserve the trees. Mr. Vieira stated he made the addition 1-1/2 stories because there is no basement and this will allow some of the storage from the garage to go into the attic space.

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

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

Mr. Tedesco moved, seconded by Mr. Stone, and unanimously carried, that the Planning Board sets a public hearing for June 26th on the site plan for 15 Birch Way.

JARDIM ESTATES – INFRASTRUCTURE

The Board reported receipt of the following memo dated May 22, 2006, from Stephen Yarabek, the Village's Consulting Landscape Architect:

"Subject: Jardim Infrastructure

I met with the project Landscape Architect on Wednesday 17 May to review the punch list discussed at the 25 April Planning Board Special Jardim Workshop. At that meeting a list of my concerns, the board's concerns, the neighbor's concerns (via Linda Viertel Memo) and SHPO's concerns were discussed. The project representatives agreed that all of the concerns would be addressed. At my recent meeting many of the issues were not addressed. I have asked Mr. Donohue to sit down with the applicant in order to develop a written response to every concern and a schedule for completion.

Questions raised at the 17 May meeting include:

1. To what extent is debris removal required within the Village open space parcels? Should brush and mulch piles be removed?
2. To what extent does the stone wall north of the Broadway entrance have to be repaired? Similar to the reconstructed wall to the south?
3. Mr. Donohue will evaluate and respond to SHPO's request for tree removal where Croton Aqueduct meets the Jardim development roads, infrastructure etc. S. Yarabek recommends that mature and/or historic trees be protected.
4. What is the extent of pond dredging and vegetative restoration required?
5. What is the extent of required private road right of way plus, cleanup?

Personal Observations:

1. After our meeting I observed new ponding occurring at the east side of the road leading to Sheldon Avenue near lots 9 and 10. A large amount of stone debris is located at the Northwest corner lot 10/southwest corner of lot 9. This fill may increase ponding in an area where numerous 40" dbh and larger sycamore and Beech trees reside. The proposed contours for lot 9 do not show fill in this area. However there is a note "fill in low area". The applicant should investigate if this fill has blocked the former culver under the road that maintained up slope drainage to the ponds a Broadway. The culver should be restored to alleviate the ponding situation, thereby restoring the area's hydrology.
2. The issue of selling individual lost to private 'developers' should be evaluated in terms of its impact on enforcing overall site preservation and landscape issues."

Mr. Michael Inglis stated they would respond by the next meeting.

PRELIMINARY PRESENTATION - HOLY SPIRIT ASSOCIATION FOR THE
UNIFICATION OF WORLD CHRISTIANITY – JARDIM ESTATES – LOT 11

Mr. Michael Inglis, representing the church, stated they are proposing renovation to the existing Jacob House on Lot 11 of Jardim Estates. He stated it had been his understanding, however, that at the time of the subdivision the parking and driveway for this lot had been reviewed and had been a part of the subdivision approval so he did not understand why this needed site plan approval. In addition to the parking and driveway they are removing an unsafe stone wall and replacing it with a new lower stone wall, putting in plantings, putting in new windows and painting the exterior. The windows and painting have received ARB approval.

Mr. Tedesco stated he felt there should be site plan review.

Mr. Norman Sheer, attorney for the church, stated he recalled a fair amount of time being spent talking about the Jacob house. He stated the site plan could go forward since the Board is interested in the landscaping and the wall, but he did not feel there should be focus on the driveway and parking lot since that had already been reviewed.

Chairman Friedlander stated the Board decided, starting with this subdivision, that they would review site plans for each individual lot, including this one and the entire site plan should be reviewed.

Mr. Inglis questioned whether they could move forward with the windows and painting since that has received Architectural Review Board approval. Board members unanimously agreed the church could move forward with the windows and painting.

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

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

Mr. Tedesco moved, seconded by Mr. Stone, and unanimously carried, that the Planning Board sets a public hearing for June 26th on the site plan for Jardim Estates, Lot 11.

PRELIMINARY PRESENTATION – HOLY SPIRIT ASSOCIATION FOR THE
UNIFICATION OF WORLD CHRISTIANITY - JARDIM ESTATES EAST
(PROPOSED 19 LOT SUBDIVISION) – SHELDON AVENUE

Mr. Michael Inglis showed on a map the location of this property. He stated the zoning is R-60. There is an area with extensive wetlands and there are four hilltops. There are some steep slopes. The conventional plan calls for 19 lots, 16 new homes, 3 existing homes on the 48 acre property. The density is lower than Jardim Estates because of the wetlands. They are not suggesting the conventional plan be built.

Mr. McGarvey stated the applicant needs to show it can work as a conventional plan. All the steep slopes and wetlands have to be taken out.

Mr. Aukland stated it needs to be demonstrated the 19 lots are viable.

Mr. Inglis noted this is the last piece of property for subdivision that the church owns in Tarrytown. He noted the church has cooperated with government agencies to have open space provided both in Taxter Ridge Park and the open space between Lyndhurst and Sunnyside.

Mr. Inglis submitted a cluster plan showing 18 acres of open space. The lots are clustered to 40,000 sq. ft. A large portion of the open space would be dedicated to the Village.

Ms. Linda Viertel, Gracemere, stated the BFJ report done in 2001 is crucial and all Planning Board members should review it. She stated the report notes this is the most bio-diverse piece of property in Tarrytown.

The Board reported receipt of the following memo dated May 19, 2006, from Robert Geneslaw, the Village's planning consultant:

"Jardim Estates East

We have made an initial review of the conventional subdivision plan dated April 4, 2006, and made an initial site visit on May 16th and offer the following comments.

1. Our site visit was made on May 16th in the early afternoon, after heavy morning rain. We saw no evidence of flooding or ponding on or adjacent to the roads we traveled.
2. As an aid to the Board, future iterations of the plan should indicate the owners of out-parcels and adjoining properties.
3. We suggest that the applicant prepare a vicinity map that has as its boundaries, at the least, Sheldon Avenue on the north, Taxter Ridge Park Preserve on the east, Sunnyside Lane and a continuation to Taxter Road on the south, and South Broadway on the west. It should identify owners of significant land holdings and zoning.
4. The general limits of wooded areas should be shown on the plan.
5. Access to all the proposed lots are from existing private roads. Confirmation should be furnished demonstrating that the applicant has rights for access and utilities and whether other property owners must consent.
6. Wetlands boundary delineation must be confirmed.
7. What is the purpose of the two parallel lines (road?) between lots 10 and 11.
8. Some of the proposed home sites appear to be accessible only through slopes of 25% plus (see lots 8, 14, and 17). The applicant should demonstrate that access can be provided within the requirements of Tarrytown regulations in a manner acceptable to the Planning Board.
9. The plan appears to show Lots 1 and 2 straddling the access road. The Board should decide whether this is acceptable, particularly if each lot becomes two tax lots with a Homeowners Association road running through it.
10. We generally discourage the practice of lot lines running through ponds (see Lots 1 and 2) because of the difficulty in establishing responsibility for maintenance.
11. While we agree in general with the cluster approach, we suggest the review of the conventional plan be further advanced before the cluster layout is fully evaluated."

The Board reported receipt of the following memo dated May 22, 2006, from Stephen Yarabek, the Village's Landscape Consultant:

“Subject: Jardim Estates East

In order to avoid the site conflicts experienced during the approval/construction implementation process experienced with Jardim Estates, I recommend the following:

- 1) A field verified topographic survey be conducted that accurately depicts all existing natural and cultural features. Significant landscape features are missing on the plan dated 04/04/06.
- 2) All site plans be developed at a scale no larger than 1” = 20’-0”
- 3) I agree with all comments expressed by Bob Geneslaw in his memo of 19 May 2006.”

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

Mr. Tedesco moved, seconded by Mr. Stone, and unanimously carried, that the Planning Board sets as escrow account in the amount of \$10,000.

Mr. Tedesco moved, seconded by Mr. Stone, and unanimously carried, that the Planning Board sets a public hearing for July 24th on the subdivision for Jardim Estates East.

Mr. Aukland requested a site visit be arranged prior to the public hearing and that neighbors be invited.

MEETING ADJOURNED 11:45 p.m.

Kathleen D’Eufemia
Secretary

