

Planning Board
Village of Tarrytown
Regular Meeting
January 22, 2007 7 p.m.

PRESENT: *Chairman Friedlander; Members Raiselis, Aukland, Tedesco, D'Avolio;
Counsel Shumejda; Planner Geneslaw; Village Engineer/Building
Inspector McGarvey; Secretary D'Eufemia

APPROVAL OF MINUTES

Mr. Tedesco moved, seconded by Ms. Raiselis, that the minutes of December 18, 2006, be approved as submitted. Ms. D'Avolio abstained; all others assented. Motion carried.

CONTINUATION OF PUBLIC HEARING – PUTNAM AVENUE HOMES –
HILLSIDE STREET (NEW NOTICE FOR RE-SUBDIVISION)

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

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, January 22, 2007, at **7:00 p.m.** at the Municipal Building, 21 Wildey Street, Tarrytown, New York, to hear and consider an application by:

Putnam Avenue Homes
16 Riverside Place
Dobbs Ferry, New York 10522

For re-subdivision of property on **Hillside Street, Tarrytown, New York**, to relocate the property line between lots 3 and 4 on the previously filed Logan subdivision map to minimize disturbance on steep slopes. New lot 3a will consist of .389 acres and new lot 4a will consist of .261 acres.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 21, Block 71, Lots 1, 3, 4, 5, 6, and 7 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. Tedesco stated the Board is continuing to review this application. The Board requested the Village hire an architect, who is present tonight, to prepare a site plan that would allow two homes on the site with much less disturbance to steep slopes. The

Board asked the applicant to revisit his most recent proposal and work with the Village's architectural consultant to come up with a site plan that would be viable and have a small enough impact on steep slopes so the Planning Board could recommend a variance. The Board's main concern had been the house on Lot 3, which had a large impact on the steep slopes. Mr. Cohen, the Village's architectural consultant, has come up with an outline of a house of about 2,600 sq. ft. and a driveway in a natural setting with much less disturbance on the steep slopes.

Mr. Howard Cohen, architectural consultant, stated there was a similar solution done by the Village Engineer but one of the problems was the driveway in the front was short. Mr. Cohen stated his plan shows a house of approximately 2,600 sq. ft. with a basement underneath and the garage would be at the basement level. The driveway would come down the side so the front would not have the garage. The applicant would like a larger house but that impacts the slope much more. This solution allows for a yard on the left side of the house. There would be a small rear yard with a retaining wall. The house would fit nicely in the hollow. The windows on the second floor would look out at the rear yard. If the house were higher, there would be a lot of noise from the New York State Thruway. It is pretty much the same solution as the Village Engineer proposed except for the moving of the driveway to the side.

Upon inquiry from Mr. Aukland, Mr. Cohen stated there would be some area variances needed, e.g., front yard setback. Mr. Cohen stated this house is more in scale with others on the street. What the applicant is proposing is larger than the houses on the street.

Mr. McGarvey stated in order to minimize the impact on the steep slopes, there wasn't much that could be done. When he was asked to review it, the size of the house he proposed reflected the size of the house proposed on the 2003 plan, which was about 2,300 sq. ft.

Mr. Chris Pateman, engineer for the applicant, passed out to the Board another revision they have made. He noted they took into account what Mr. Cohen had suggested. They shifted the house forward and to the right, which would require a side yard variance. The house they are proposing on Lot 4 requires no variances. The house they are proposing on Lot 3 is approximately 3,100 sq. ft., which is reduced by about 1,100 sq. ft. from their original submission. A 2,600 sq. ft. house cannot yield a reasonable return in the Tarrytown market. They need to have a reasonable rear yard since people want a rear yard for children to play.

Mr. Cohen stated this plan shows a tremendous disturbance to the steep slopes on Lot 3. Mr. Pateman stated they have disturbed slopes on areas that have previously been disturbed. They are disturbing manufactured slopes. Mr. Pateman questioned how much steep slopes disturbance there is on Mr. Cohen's plan. Mr. Cohen stated just a small rock outcropping in the rear.

Mr. Tedesco stated if the concern is the size of the house, with Mr. Cohen's plan there could be expansion into the side yard he proposed which could increase the house to about 2,800 sq. ft. "It is where we need to go on Lot 3." Mr. Tedesco noted the house on Lot 4 would be a much larger house. He stated, "I think some proposal similar to what Mr. Cohen presented tonight for Lot 3 would be viable and yield the minimum disturbance on steep slopes and I think we could make a recommendation for a variance. I think you should come back with a proposal similar to Mr. Cohen's and then I think the Board would be agreeable to looking at it." Mr. Aukland stated he agreed.

Mr. Richard Blancato, attorney for the applicant, stated they need at least 3,000 sq. ft. The slopes in the back are not serious slopes. They originally proposed a side entrance to the house and the Board rejected that. Mr. Tedesco stated that was a completely different plan. "You say you need 3,000 sq. ft. but we need a plan that deals with the steep slopes." Mr. Tedesco stated many properties in Tarrytown have small rear yards and look out at the natural slopes in the back of the property and those properties have no problem selling.

Ms. Raiselis stated the rear is not the only yard. This is a big wooded property and children love to roam. There are people who will buy a house with a forested area because they find that more desirable than a flat yard with a playground.

Mr. Blancato stated these lots were purchased for \$310,000 each. When you add in the cost for construction, this house would have to sell for \$1,000,000 or more with no yard.

Mr. Pateman stated he could not build the driveway as Mr. Cohen proposed. The turnaround is inadequate and about five area variances would be needed for this house on Lot 3. Mr. Blancato stated, "You are creating a house that is not marketable."

Mr. Blancato stated the few slopes they want to take out are nothing. This is a large lot being squeezed into a small area in the front. "I think we have done everything to compromise. We are just asking to be allowed to have a yard."

Mr. Tedesco stated the Board feels there can be two houses on this property that will have some disturbance on steep slopes and they would recommend variances if they feel there has been a real attempt to minimize the disturbance on the steep slopes but they don't feel what has been submitted shows that.

Mr. Blancato stated they would see if they can make some adjustments to what Mr. Cohen presented.

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

*Chairman Friedlander returned to the meeting.

PUBLIC HEARING – MOSA – 20 LEGRANDE AVENUE

PLEASE TAKE NOTICE that the Planning Board of the Village of Tarrytown will hold a public hearing on Monday, January 22, 2007, at **7:00 p.m.** at the Municipal Building, 21 Wildey Street, Tarrytown, New York, to hear and consider an application by:

Khalil & Naila Mosa
20 LeGrande Avenue
Tarrytown, New York 10591

To consider the application for site development plan approval for property they own at the above address for addition to rear of residence and construction of a new deck on the side of the residence.

The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 8, Block 29, Lot 14A 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. Ray Mosa, brother of the owner, stated they are trying to put an addition in the rear of the house. His sister-in-law is handicapped and needs to have the living quarters on one floor. The addition is approximately 800 sq. ft. There is a deck proposed on the side of the house. The deck is approximately 250 sq. ft.

Upon inquiry from the chairman, Mr. Mosa stated no trees will be disturbed.

Chairman Friedlander questioned whether there would be any steep slopes disturbance. Mr. McGarvey stated the whole addition will be in slopes greater than 35%. Chairman Friedlander stated the Board is concerned about going into the steep slopes. He questioned whether the addition could be redesigned – to one side, both sides, to the front, without going out the rear into the slopes. Mr. Tedesco agreed the applicant should look into that. He noted there is a house sitting in the back on top of those steep slopes. Going out the side seems more reasonable, even if it would require a side yard variance.

Ms. D'Avolio noted it will have a greater visual impact if it goes out to the side. Ms. Raiselis stated there should be elevation drawings if the addition is proposed to the side.

Mr. Tedesco stated if trees will be disturbed the size of those trees needs to be shown. Mr. Mosa stated there are no trees on either side.

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

The Board reported receipt of the following letter dated January 14, 2007, from Mary Anne Consentini and Michel Durand, 21 LeGrande Avenue:

“I am writing in reply to your correspondence dated January 11, 2007, in which you have alerted us to a meeting to be held on January 22, 2007, to discuss an application made by Khalil and Naila Mosa to construct additions to their residence at 20 LeGrande Avenue, Tarrytown, New York. This residence is located in an R-10 residential zone for use as a single family dwelling. Unfortunately, we will not be able to attend this meeting and we are, therefore, sending our comments to you in writing. We have examined the documents available at the Village Hall and see that on the ground floor an open common room will be added. On the upper floor the plans show that the living space will be extended and that a new deck and separate entrance will be added. No other information is provided. We have no objection to the given additions, as long as the R-10 Single Family status permanently applies to this house. However, we would strongly object to any use of the additional space for the development of a rental unit of any kind, thereby changing the status of the premises at 20 LeGrande Avenue from a single family dwelling to a multi family dwelling.”

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

VILLAGE OF TARRYTOWN – WEST MAIN STREET – ADDITION TO SENIOR CITIZENS CENTER

Chairman Friedlander reported at the last meeting the Board agreed to the footprint for the proposed addition to the senior citizens center. They had planned to have the site plan and construction drawings available tonight but are not yet ready. When they are, a special meeting will be called with the Planning Board and Architectural Review Board to approve the site plan and architectural drawings simultaneously and construction can then begin.

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

Chairman Friedlander reported that the applicant is in the process of circulating the Findings Statement. Mr. Geneslaw stated the next step in the process will be a full site plan review. All agreed to continue this matter at the Board's February meeting.

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

The Board reported that the Final Environmental Impact Statement has been filed and is available at Village Hall and the Warner Library.

Mr. Tedesco reported receipt of the following letter dated December 27, 2006, from John Kellard, P.E., Kellard Engineering & Consulting, P.C. to Michael McGarvey:

“Re: Wilson Park Subdivision

On December 6, 2006, I inspected the storm drainage system within the southeast portion of the referenced project site, in response to comments from passersby hearing water flowing within the system. The 12 foot deep drainage structure in question is located on the Village right-of-way, south of the Wilson Park project site. My observations at the drainage system’s outlet indicated clear, sediment free discharge from the system. I also followed the drainage system onto the Wilson Park site and neighboring Marymount property and found no indication of surface waters entering the system. It is my opinion that the water within the system is groundwater, which is entering through subsurface piping. The reason for the louder than usual noise is the large elevation difference between the inflow and outflow pipes, which can be compared to a small waterfall within the structure.”

Mr. McGarvey stated, “We should know how that ground water is getting into the system.” Mr. Norman Sheer, attorney for the applicant, stated he would have Mr. Kellard contact Mr. McGarvey.

Ms. Angela Schneider, 16 Fairview Avenue, read her following letter dated December 19, 2006:

“Re: Wilson Park Development

I am a Tarrytown resident who has spoken before your Board for some time on the issues of the development of land in Wilson Park (the southern portion.) I understand from neighbors that in the meeting at Warner Library on December 18, your Board conditionally accepted the FEIS. While I was not able to attend and do not have the benefit of a transcript of the meeting, I want to raise a concern about the conditional nature of your acceptance of the FEIS. Most recently, and at the end of the public process on the DEIS, the developer presented a wildlife evaluation notwithstanding same having been requested from the beginning of the process. As a concerned citizen, I researched the issues in the developer’s evaluation. I responded to the developer’s wildlife evaluation. I believe that my response and its objective criticism to the evaluation, the written testimony of informed residents, and photos of existing wildlife on the premises were sufficient to raise in order to rebut critical points of that evaluation and raise the issue of an independent wildlife evaluation, hopefully, requested by the Planning Board or by the Village. Further, I believe that the record should reflect that the

Environmental Council of the Village of Tarrytown, by their chairperson, Carole Griffiths, also repeatedly requested this evaluation. On this issue I do not believe that the Planning Board has balanced the issue before them, either to the fairness of the issue or, the need of the Planning Board to be adequately informed. Please immediately consider including in the conditional approval of the FEIS the requirement that an independent wildlife evaluation, including habitat of turtles, nesting of turtles, impact of the development on all, etc.”

The Board unanimously agreed to hold a Public Information Meeting on the FEIS at their meeting on February 26th.

CONTINUATION OF PUBLIC HEARING – ROWLAND – 75 NEPERAN ROAD

Mr. Brian Brooker of Brooker Engineering stated they were last before the Board in October with regard to this application for a new single family house on Neperan Road. The objection at the previous meeting came in the area of tree preservation and it was suggested they rotate the building. They have done that and placed the house so it looks suitable and with the driveway in the same general location making it 9 ft. wide and pulling it away from the willow tree.

Mr. Bruce Donohue stated he had some concerns with the January 22, 2007, memo from Stephen Yarabek, the Village’s Landscape Architect Consultant, which reads as follows:

“There has been a thoughtful ongoing dialogue with the project landscape architect regarding the various tree preservation and land planning issues for 75 Neperan Avenue. All things considered, my recommendations are as follows:

In order to provide the maximum root zone protection to the specimen European Beech and Willow tree:

- a) The proposed driveway should be located east of the Willow to be preserved.
- b) No utilities shall be installed between the Beech or Willow.
- c) The placement of the drive to the east will provide a buffer between the proposed residence and drive.
- d) The large Holly and Juniper within the proposed drive could be transplanted or replaced with evergreens of a similar height along the ten foot (10’-0”) landscape buffer strip adjacent to the eastern property line.
- e) The proposed front door path could be shortened by heading west to the former driveway location and then south to the sidewalk for minimum disturbance.”

Detailed tree preservation and landscape specifications are covered in my memo of 8 January 2007.”

Mr. Donohue stated Mr. Yarabek provided some tree protection areas from the three major trees – the tulip poplar, willow and beech – and said no grading should be done in that area except for the house but there needs to be grading for the terrace in the rear, the front entrance walk, large portions of the proposed driveway, as well as some fill area to meet health department regulations over utilities. He also proposed a change in the movement of the driveway, which would be a short distance from the eastern property’s driveway. Mr. Donohue stated he felt this would result in disturbance to the roots of the large willow whereas the proposed plan preserves at least half of that tree’s root system. In addition there is a group of three American Hollies, which are a unit and provide significant screening between the Rowland property and the multi-family house next door.

Ms. Deirdre Carsto, the Village’s Tree Warden, stated she visited the property today. What Mr. Yarabek proposes makes a lot of sense. She stated she evaluated the willows and the copper beech. If the driveway is moved to the east of the willow, the root system will be better preserved for the beech tree and the two willows. The farther the driveway is moved away from the beech tree, the better. Also, locating the driveway this way gives the house better curb appeal. This driveway would be next to the neighbor’s and give the new house a nicer front yard. It would also be safer to have the driveway in this location. The hollies can be transplanted. “I had to go to the site myself to see if what Mr. Yarabek proposed could work. I agree with his suggestions and I am surprised I did not see it sooner.”

Discussion followed in regard to the willow tree which is leaning toward Neperan Road and which all had agreed could be removed. Chairman Friedlander stated with the driveway relocation, that tree can now probably be saved and should be. An arborist should suggest appropriate pruning and securing the tree to protect it from wind storms.

Mr. Tedesco noted that many months ago, Ms. Raiselis had expressed concern about the appearance of the rear fenestration. Mr. Jerry Vis, designer, stated he changed the windows in the rear of the house and pointed that out on page 10 of the revised plans. All agreed this change was an improvement.

Mr. Brooker showed the Board on the plans how the driveway could be relocated in order to accommodate the comments in Mr. Yarabek’s memo. All agreed with the changes being suggested and requested Mr. Brooker revise the plans accordingly and hopefully have them available for the Board’s staff meeting on February 15th.

This matter will be continued at the Board’s regular February meeting.

CONTINUATION OF PUBLIC HEARING – HOLY SPIRIT ASSOCIATION FOR
THE UNIFICATION OF WORLD CHRISTIANITY (HSA-UWC) – JARDIM
ESTATES EAST – BROWNING LANE

Mr. Norman Sheer, attorney for the applicant, stated at the last regular meeting the Board scheduled a scoping session for tonight. The Board later requested that be delayed until they were satisfied with the conventional plan. They attended the Board's staff meeting on January 11th and tonight they have a new conventional plan with 18 lots and they also have a new 18 lot cluster plan.

Mr. Michael Inglis, representing the church, stated the entrance is from Browning Lane. They are proposing 14 new houses and 4 existing houses will remain. He reviewed the conventional plan with the Board.

Chairman Friedlander noted it was pointed out at the staff meeting that all conventional layouts would have to allow access through the wetlands buffer otherwise there could be no lots. Mr. Sheer stated it is their position that they have the right in a conventional layout, where they are heading to a cluster plan, to use the wetlands. If they can't go through the wetlands, they would have zero lots.

Mr. Tedesco stated Lot 1 has part of its square footage across the street and Lot 2 appears to be deficient in size. He stated those should be one lot. Mr. Inglis stated the cluster plan keeps Lots 1 and 2 because there are existing houses on those lots and they have the right area with the cluster plan. He noted the cluster plan preserves 20 acres of this 46 acre site.

Ms. Linda Viertel, Gracemere, stated if you build on Lot 3 on the conventional plan, you have to cross a stream to get to the house. Mr. Inglis stated the stream goes underground at that point. Ms. Viertel stated Lots 14, 15, 16 and 17 cross steep slopes. Mr. Inglis stated the Board told them they could make minimal disturbances to the steep slopes. Chairman Friedlander stated at the staff meeting the Board said they understood about a waiver in regard to the wetland buffer to get into the property; however, they said they wanted to know what the regular count would be. He questioned which lots on the conventional plan involved steep slopes or wetlands. Mr. Inglis stated Lots 14, 15, 16, 17 and 3.

Chairman Friedlander questioned how the open space on the cluster plan is beneficial to the Village if it is all steep slopes, wetlands and ponds. Mr. Inglis stated 20 acres out of 46 seems like a substantial amount of open space. Access to Taxter Ridge Park would also be made available to residents in the surrounding area.

Chairman Friedlander stated they should consider eliminating Lot 18 which is on a substandard road, crosses through the buffer and separates Taxter Ridge Park from the

open space being created with this plan. Lot 17 also seems to be pushing the envelope and should be open space. Lots 1 and 2 should be made one lot and the smaller house should be removed and the large house should remain. Mr. Tedesco stated he agreed with those comments. Ms. Raiselis stated she agreed with Lots 17 and 18. With regard to Lot 1 she felt if the house were given the proper maintenance it could be lovely. Now it is an eyesore. Mr. Aukland stated he shared the comments in regard to Lots 17 and 18. He stated he is concerned about the steep slopes. He stated he has been concerned about the visibility of these homes from Taxter Ridge Park but it does seem they will be well hidden.

Mr. Tedesco stated there are significant topographical features on this property and those should be shown on an overlay – native American remnants, rock outcroppings, foot paths, bridle paths.

Ms. Cherie Gaines, 612 South Broadway, urged the Board to review the zoning schedule shown on the first page of tonight's submissions. She stated on the conventional plan, 9 of the 18 lots have wetlands issues and wetlands buffer issues. The wetlands on some of these lots are quite significant. "It is your job to be sure we start at a base level that is honorable to our standards."

Ms. Viertel stated the cluster plan gives the Village land that is not buildable. "I think we have to look at real open space that is being given to the Village that is buildable."

Mr. Inglis stated, "Our engineer was careful to do the chart according to the Tarrytown code. The fact the lot extends into the wetlands doesn't preclude you from having a lot. All these lots comply even though some have wetlands as part of the lot. If you look at the cluster plan, we will provide access into Taxter Ridge Park. Lot 17 isn't even adjacent to Taxter Ridge Park." Ms. Raiselis questioned, "What about the fact Lot 17 is very wet." Mr. Inglis stated, "It is not a wetlands. The bulk of Lot 17 is a very dry piece of property. I am willing to let Lot 17 go back to being open space. I think Lot 18 could be a lovely house but I understand why you want to get rid of it. We can go back and revisit these issues."

It was suggested the plan be reworked and they attend the Board's next staff meeting on February 15th.

Mr. Sheer stated the SEQRA process needs to begin. He requested the scoping session be rescheduled. Chairman Friedlander stated he wanted to see what is produced for the February 15th meeting before scheduling that.

ADJOURNMENT

Mr. Tedesco moved, seconded by Ms. Raiselis, and unanimously carried, that the meeting be adjourned – 10 p.m.

Kathleen D'Eufemia
Secretary