

Village of Tarrytown, NY

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Planning Board Minutes 11/25/2013

Planning Board
Village of Tarrytown
Regular Meeting
November 25, 2013; 7:00 p.m.

PRESENT: Chairman Friedlander; Members Tedesco, Aukland, Raiselis, Birgy; Counsel Shumejda; Village Administrator Blau; Village Engineer McGarvey; Secretary Bellantoni

APPROVAL OF THE MINTUES – October 28, 2013

The approval of the October 28, 2013 minutes was held over to the December 18, 2013 meeting.

CONTINUATION OF PUBLIC HEARING – 21 Wildey Street LLC - 21 Wildey Street

John Meyer of National Resources introduced himself and handed out a preliminary plan based on the feedback from the members of the Planning Board and the Library Board at the site visit on November 19, 2012. He proceeded to explain the plan stating that they have reduced the number of units from 22 down to 16. They are proposing 12 affordable units and four market price units. The affordable units are an average of 1000 s.f. with the one bedroom units being approximately 850 s.f. and the two bedroom units approximately 1,200-1,300 s.f. The studio units will be approximately 600 s.f. They are proposing an alternative parking plan with two parking spaces for each two-bedroom unit, 1 ½ parking spaces for each one-bedroom unit and one parking space for each studio unit for a total of 24 parking spaces. The original plan had four stories; three stories of residences over one story of basement parking. This revised plan only has two stories, both for residences. Mr. Meyer said there will be some tandem parking spaces and some within a foot of the front lot line. They are now looking for direction from this board in order to proceed with this proposed plan as shown with the diminished setback, which were done to preserve the view from the Library.

Mr. Birgy asked the total height of the two-story building. Mr. Meyer said approximately 20'-25'; the prior plan was 50'-55'.

Mr. Birgy asked if there is any reason why there is no setback in the rear. He thought they wanted it to be in conformance with the neighborhood and most of the house have front, rear and side yards; also not to infringe on the park. Mr. Meyer said that was done as a result of feedback from the Library Board at the site visit. They asked that the building be two stories and be set back as far as possible. This revised plan allows for a 122' front yard setback, 113' on the east side and 86' on the west side.

Chairman Friedlander said at that site visit with the balloons we were looking at a four story building plus garage. Moving that building back further allowed for more of a view from the Library. As we looked at it, it became obvious to everyone there that we would like to minimize the impact of the building and conform to the requirements of the agreement for 12 affordable units with the possibility of 4 additional units. With the four story building, it had to be pushed back; but now we are talking about a two story building and we have to see how that building will fit best on that property with minimum variations within the code in order to preserve the Library view, preserve the impact on the park, provide an attractive streetscape, and provide an attractive well-built building within the Board of Trustees requirements.

Chairman Friedlander said they must further discuss in public the parking variances, which are large; but first he asked Mr. Meyer to explain the proposed tandem parking. Mr. Meyer said the tandem parking would be assigned to the two-bedroom units only. He referred to the revised plan to spaces marked 11/12, 9/10, 7/8 and 6/6A, stating that they are the tandem spaces; there are four spaces, which will hold 8 cars. He said all of the other spaces would be freely accessed. He said several options have been discussed; but if they can go with the 2 spaces/2-bedroom unit, 1 ½ spaces/1bedroom unit and 1 space/studio, they will have 24 spaces. The affordable units across the street have 1 ½ spaces/unit; and if they could go with that, they would have 22 spaces. He said the existing area has a lot of

parking in the front. The old Village Hall had parking in the front. They want to provide as much parking as possible.

Mr. Birgy said we have a really nice spot for affordable housing for the community. This is not a spot for a developer to see what he can do with it. The larger the building, the more parking required and the less room for trees. We should take a look at what we have and design accordingly; maybe something smaller.

Mr. Meyer said we showed you what the Board asked us to do; 12 units, completely zoning compliant. That was the four story building and there are no height restrictions in this neighborhood. We can propose less parking. Mr. Meyer said, Mr. Birgy what do you want us to do; how many units? Mr. Birgy said personally he would like to see six to eight units; but we may have to go with the 12, and he doesn't have a problem with that. He said this was proposed several years ago and maybe 12 was a mistake.

Chairman Friedlander said we would like to get 12 and see what the variances are. Four stories plus a basement is not compatible with the neighborhood. The Board of Trustees established 12 to be put down at Hudson Harbor. The arrangement was made for them to purchase 21 Wildey Street and they could put the 12 unit there if they fit. The height may not be an issue in the zone according to the code but it should be compatible with the neighborhood.

Chairman Friedlander said we would like to see a two-story building with 12 units at an average of 1,000 s.f.; parking and setback variances to keep it unobstructed from the Library and with limited impact on the park. Mr. Meyer said he believes that is what they gave the board. Chairman Friedlander said you gave us that with 16 units; we want to see it for 12 units, as a baseline.

Mr. Tedesco you got it down to two stories with 16 units with a lot of variances, especially parking. The code literally calls for 40. If you use 2 ½ spaces for the two-bedroom units, 2 for the one-bedroom units and one for the studios, you are down to 30, which is closer to the code requirements. If you put 12 units and remove four bedrooms, you get six more parking spaces which are very important. He agrees with Chairman Friedlander that he would like to see 12 units.

Chairman Friedlander opening the meeting to the public.

Dean Gallea, 28 Wildey Street, said he looked at the plan for the 12 units and the parking is within one foot of the front property line. Something else has to be done. He would like to see parking in the rear; no one on the block has parking in the front.

Donald Johnson, 32 Wildey Street, agrees with Mr. Birgy and he would like the parking the back. He feels the tandem spots will not be used.

Michelle Gonzalez, President of the Library Board, said she is in support of less is best. The view is very important and two stories would do that. It would be best if the building were smaller and moved forward with the parking the rear. She asked if the affordable units are for purchase or rentals. Mr. Blau said they are for sale. Ms. Gonzalez asked if they sell them will it be put in the deed that it must remain affordable. Mr. Blau said yes.

Chairman Friedlander said affordable is different than Federal housing mandate that is in court and asked Mr. Blau to explain the difference. Mr. Blau said years ago the Village passed the Moderate Income Housing law and the cost of those rentals were based upon the average salaries of Village employees and there are a number of multipliers in the law which establishes what they can be sold at. We have not done those calculation yet. As part of the Affordable housing settlement that the County entered into the Village created a new affordable housing law and the rates that the Village can rent or sell them for is based upon on the based upon the County medium which is 60%-80% of income which is lower than the current affordable housing law that we are going to develop these units under. We will be putting together those numbers.

Beryl Hensey, 32 Wildey Street, commented that 600 s.f. seem unreasonable. She feels less is more and is in favor of fewer more livable units. Ms. Raiselis explained that the studios are not for sale. They are intended for a single renter. The one and two bedroom units are the affordable.

John Quinn, 30 Wildey Street, said he prefers a smaller building and the parking in the back.

Liza Glover, McKeel Avenue, said we have an obligation to our residents now and in the future to preserve the view that we now have from the Warner Library; it cannot be replaced. She said it is hard to visualize the project and would like to see a rendering of it.

Alec Roberts, member of the Tarrytown Affordable Housing Committee which was setup to promote affordable housing. He is here to speak others in the community beside the neighbors. We have to look at the larger issues to come up with a consensus that everyone can live with. The previous group, the Moderate Income Housing Board, suggested that 12 owner-occupied units be built on the site affordable to households between 80% and 120% of the medium salary of Westchester County. Many could not reach that because the income was set too low, particularly with two-income households. In this particular project they would like to address workers with two incomes so that they can meet the criteria. He said Tarrytown's renter population has declined by 8% in the last 10 years while it has increased by 10% in the rest of the country. Severely cost burdened renters in Tarrytown has doubled from 12% to 25% in the last 10 years which means that 25% are spending 50% of their income on rent which means going without other needs. There are many regulations such as trees and views and green space, etc. which is very important; but there are competing concerns. We have to get some density because there is a need for affordable housing in Tarrytown. We are losing our young population because there is no affordable housing in Tarrytown. According to the Census workers between the ages of 25-34 has declined in Tarrytown by 14½% 2000-2010; between the ages of 35-44 they have declined by 26% between 2000-2011; that is one in four people leaving. We have to become comfortable with density. He is in favor of the 12 units and an additional 4 market-rate studios. A mixed community is always good. Taxes are also a consideration.

Mark Fry, Sleepy Hollow, said he agrees with Alec that there is a need for affordable housing for our young people. This was suppose to be all affordable, none market rate. Feels all setbacks should be respected; that the view from the Library needs to be protected. Feels it would be best to preserve the setback on the park as well as the front lawn, it should be kept low even if it means reducing the number of units.

Mr. Tedesco agrees with Mr. Birgy that 12 units is not optimum on this piece of property; but if the Village is bound to 12 units, it should be moved up to the front with screening, move the parking to the back, and keep it to the two stories so as not to block the view from the Library; that is provided we must do the 12 units.

Mr. Aukland said he agrees with Mr. Roberts to have some market rate units in the building to keep it mixed. Would like some land banking in the front so that it is not just a parking lot.

Mr. Meyer asked if there is a recommendation from the board regarding the land banking? Mr. Aukland said if you feel the demand for the larger units is going to be less than 2.5 required, show us how that will work. He also pointed out if the building is moved forward, the parking will be at the back and he is not sure how they will provide access to that parking.

Chairman Friedlander would like to see the floor plans of the units. He also would like to see different parameters of parking; for 1 ½ spaces there will be 18; for 2 spaces there will be 24; and for 2 ½ space there will be 30.

Mr. Aukland said we must make it clear that it must be 12 units; that is in accordance with the Board of Trustees' agreement.

Chairman Friedlander said they want to see all of the changes discussed with the building where it is and one with it moved forward.

Mr. Birgy said we should target what we want to do; maybe we should have 12 studios.

Mr. Blau said the agreement states 12 units with one and two bedrooms and a minimum of 1000 s.f. They must comply with the existing contract, unless the Board of Trustees decides to change it.

Mr. Birgy said it is his opinion that we should take another look at this because this was done without a study of what is needed.

Ms. Raiselis said this is not an impossible project. It is a new building and can be a really creative addition to Tarrytown in an area that can handle it. Ten or 12 is not going to make a difference. If we put the parking in the rear, it will be a completely impermeable site; but maybe that is something we have to deal with. It doesn't have to be exactly like the neighborhood. New houses can blend in with existing. She feels 12 plus 4 is a worthy thing to go after to have a mix of purchased and rental units. A mixed community is a good thing and that is what Tarrytown is. Imposing a lot of things on this project is very frustrating. Everyone should keep an open mind and let them go back and see what their architect can come up with.

Chairman Friedlander said the number 12 was not decided on the site but on the need. The site came up after it was decided. He said he is not sure how he feels about mixing purchased units and rental units. If a couple with children purchases a two-bedroom unit, how would they feel about living next door to a rental unit with a young person or two

just out of college. Also, how will the rental units affect the value of the purchased units. Having owner and rental units and market and affordable units may complicate things.

The board continued the meeting to the December 18, 2013 meeting.

Mr. Aukland left the meeting.

CONTINUATION OF PUBLIC HEARING – EF International - 100 Marymount Avenue

Don Walsh, representing EF, introduced himself and said there are three matters which they will briefly cover at this meeting. The first is that they met with the Fire Chiefs on campus and did a preliminary site walk. The issue of the proposed curved driveway around the Gaines building will be addressed once they are able to get their trucks on campus, which should be sometime during the week of December 8th. We should be able to report back to you with their comments at the December 18th meeting.

The second matter will be addressed by John Canning of VHB and the third by Stephan Yarabek.

John Canning, VHB, said he met with the Fire Chiefs and looked at the layout of the proposed fire access road, they understood the concept, and said they would like to bring their fire trucks up in mid-December. They prepared a concept plan overlaid on the filed plat which shows that they can get the retaining wall and the access road on the property and outside of the sewer easement which is northeast of the building. They have just finished shooting elevations in the field for topo so that we can determine how high the retaining wall will be. They will modify the plan to incorporate the topo and they will be meeting with the fire department.

Stephan Yarabek said as a requirement of the fire department, they are removing five large white pine trees which have grown close to the Gaines Building. Pines are a problem for the fire department because they are more flammable trees. They are replacing them with 17 new flowering trees throughout the perimeter of the building and some evergreens toward Neperan Road to soften the view. They are continuing the legacy of replacing trees 3:1 on the campus.

Mr. Walsh addressed some concerns of the residents that were brought up at the last meeting. He read a letter from Philip Johnson (attached). He asked that the board take a look at Marymount Avenue on December 6th, when there is alternate parking, to see how the road opens up when the taxis are parked on the west side of the road. He said they are working on an alternate plan for the taxis and would like the board's opinion. Mr. Tedesco said he drives that road all the time and agrees that it will be much better with that change.

Chairman Friedlander opened the hearing to the public; no comments.

LAKES COMMITTED REQUEST TO ADDRESS THE BOARD – Trail Easement

Chairman Friedlander, at the request of the Lakes Committee, allowed Mark Fry of the Lakes Committee to briefly speak on their behalf.

Mr. Fry gave an update on the encroachment onto lot 10 which has impeded the construction of the trail. He showed a plan indicating where the encroachment is located. He stated that the easement is 20' wide and it has not been filed with Westchester County.

Mr. Fry spoke about a 27' encroachment on Mr. Beristain's property. Mr. Beristain was unaware that there would be a trail going through his property until November 4, 2013.

Mr. Fry said the Lakes Committee has walked the trail with Mr. Yarabek, the trail designer, many times and recently discovered a huge rock which creates a problem for the trail. A solution is to move the easement slightly, which would make the trail ADA compliant and it would not feel like you are walking through someone's backyard. We feel it would be good to have some fencing along the trail at that point which will provide privacy for the users of the trail as well as for the homeowners. He said they expect the parking lot, which he said is a condition of subdivision approval, to be finished soon. He also feels proper landscaping along those two property lines would be beneficial to everyone.

Chairman Friedlander said you are proposing to move the trail to the south onto lot 10. Mr. Fry said it will not change the square footage of the easement or the lot itself; it will have the same amount of property. It is only a question of shifting it.

Ms. Raiselis said are you saying the easement is twice as wide as we thought it was? How can you push it over and not take property? Mr. Fry said if we were widening the easement, they would lose property, but we are only shifting it over.

Chairman Friedlander asked will they have to go over the trail to get to their property line? Mr. Fry said they will have to do that no matter where it is.

Chairman Friedlander said you should have said that in the beginning because that is a problem. The trail borders the other properties, but in this case it cuts through and their property line will be on the other side of the trail; that is very different than bordering on the property line.

Ms. Raiselis said it was set up to be a border between the two properties.

Mr. Fry said we have a problem because it is a steep slope leading up to the rock and it goes into a knoll. Ms. Raiselis said put a bridge over the rock. Mr. Fry said the trail is only 5' wide in that 20' easement. Chairman Friedlander asked the size of the rock. Mr. Fry said it is about 20' wide and about 2' high. Chairman Friedlander said why can't they just climb over the rock; after all it is a nature trail. Mr. Fry said that would be one option.

Ms. Raiselis asked Counsel Shumejda if this is our issue. Counsel Shumejda said no.

Jorge Beristain, 2 County House Road, Sleepy Hollow said that he was only notified of the easement two weeks ago. His neighbor has known about it for about 6 months. The issue is the trail, given the elevation and height, literally runs onto his backyard. He would like some screening especially because of the two-story glass window in the rear of his house. He stated that even though we are in two different villages, we are neighbors; and he should have been given some consideration. He is only trying to protect his property and the security of his house.

CONTINUATION OF A PUBLIC HEARING—Toll Brothers—229 Wilson Park Drive (lot 10)

This application was adjourned at the request of the applicant.

CONTINUATION OF A PUBLIC HEARING—Toll Brothers—222 Wilson Park Drive (lot 8)

Jennifer Gray of Keane and Beane, introduced herself, Rob Dowd and Matt Sheffield. Ms. Gray said there have been no revisions to the plans other than a note to clarify the steep slopes that were discussed at the last meeting. It does not meet the definition of steep slopes according to the Village code. It is 25% or more in grade but it is less than 10' in width, it is 8' wide. The code 305-135E(2) defines steep slopes as *those slopes which have an area with an average slope equal to or greater than 25% with a minimum area of 200 square feet and a minimum width perpendicular to the natural contour of 10 feet*. Ms. Gray said she submits that they do not meet the definition and not waiver is necessary.

Chairman Friedlander said it is never wider than 8'. Ms. Gray said it is less than 10'.

Mr. Birgy asked the total square footage. Ms. Gray said 470 s.f.

Ms. Gray clarified by stating that it is 25%, has 470 s.f. which is greater than the minimum 200 s.f., and it is less than 10' wide; since it is an "and" it must be applicable. If there is a different determination by the Village Attorney or Village Engineer, Mrs. Gray say they can justify the disturbance in the area.

Mr. Birgy asked if they have a proposed grading plan because he is concerned about where all of the material from the site is going to go, unless you are planning to remove it from the site. He gave lot 6 as an example. Mr. Sheffield said yes, they do have a grading plan and when they have finalized the grading, they will have the allowed 3:1 slope on the site and contours as shown on the approved plan. Mr. McGarvey said lot 6 requires two retaining walls.

Chairman Friedlander asked if lot 8 is staked. Ms. Gray said that it was staked but can't confirm that the stakes are still there, but will check it tomorrow.

Mr. McGarvey asked about the easement between lots 8 and 7 where there is to be access for a truck to get down there to clean out the ponds of silt. Ms. Gray said that is why the access easement was created but she was not aware of it being a road. She said there won't be any plantings or trees in that area to prohibit a truck from getting

back there Mr. McGarvey said it has to be something substantial enough for equipment to get down there. He said when the water discharges in the back, it goes under the trestle and into the ponds on the other said of the tracks; so someone will have to get access to the pond back there for maintenance purposes. He said he will have to see how steep that is to make sure that a vehicle can get back there.

Chairman Friedlander asked Ms. Gray to point out the lots before the board tonight. He asked to have them all staked out. Ms. Gray showed the elevations and street scape and gave the dimensions of the house as follows:

- Depth: 65'
- Width: 90' which includes the garage
- Height: 29.8'
- Number of stories: 2
- Total footprint: 3,832 s.f.
- Total square footage: 8,658 s.f.
- Total livable space: 5,748 s.f.

Mr. Sheffield said the total square footage includes part of the basement which is a walk-out.

Chairman Friedlander said this is one of the largest houses in square footage, which is why he would like to see it visually by staking it out.

Mr. Aukland left the meeting at 8:30 p.m.

Chairman Friedlander asked if anyone has comments.

Mark Fry, Sleepy Hollow, NY, said since there is no street in the rear of the house, he assumed this is a trail scape. He said this is the same problem they have seen with other lots, in particular lot 4; the landscape is inadequate in terms of screening for the trail. Ms. Raiselis asked Mr. Fry what he meant because they have an approved landscape plan for lot 4. Mr. Fry said that sometimes approved is given contingent upon Lucille Munz's review of the plan. Ms. Raiselis said she did not think they approved contingent upon Lucille. He said to start with this one for lot 8. Ms. Raiselis said that is not the landscape plan. The purpose of this drawing is so that we can see the elevations from a public way. She asked that they put the landscape plan up. Ms. Gray said at the last meeting they said they are in agreement with whatever Ms. Munz suggests for all of the lots. She showed the landscape plan that reflects Ms. Munz's suggestions and stated that they are proposing 10 trees at the rear of lot 8 and there are four trees there now that are proposed to stay. Ms. Gray said she feels there is ample screening for the trail. Chairman Friedlander said Mark is concerned about having adequate screening for the trail; the finished product does not look like what it should; the houses are very visible. We want to avoid that and if possible correct it.

Mr. Tedesco said it's possible that the original plan did not have enough screening; but with Lucille's comments, it now does.

Mr. Fry then spoke about the easement to allow the equipment to get down to the ponds for cleaning. He said the DEC requires full vehicular access to the ponds and that because the area between lots 7 & 8 is too steep, he thought they plan was to come in off of Tower Hill Road. As long as an H20 truck can go down the proposed easement between lots 7 & 8, it will be fine. He said water quality ponds cannot function properly unless maintained according to the legal documentation.

CONTINUATION OF A PUBLIC HEARING—Toll Brothers—217 Wilson Park Drive (lot 13)

Ms. Gray presented lot 13. She said since the last meeting it has been revised to revised the limits of disturbance to completely eliminate any disturbance to the steep slopes on the property. She showed the landscape plan which was augmented by Ms. Munz; total number of new trees is 12 and none to be removed; she showed the landscape plan which included Ms. Munz suggestions. Ms. Gray showed there the house will be built on the lot, which is toward the front of the lot; and she described the house as follows:

- Height: 29.82'
- Footprint: 3,732 s.f.

- Total floor area: 8,252 s.f.
- Total livable area: 5,598 s.f.
- Total lot size: 35,678 s.f.

Chairman Friedlander said this lot has not steep slope disturbance, not tree disturbance and all conforms to the setback. Ms. Gray said that is correct.

Chairman Friedlander asked if anyone would like to comment.

Mark Fry, Sleepy Hollow, asked what landscaping is being added to the rear. If there is just a small line of shrubs to delineate the property line and the trail, the people walking on the trail will know where the public property is and where the private property is.

CONTINUATION OF A PUBLIC HEARING—Toll Brothers—221 Wilson Park Drive (lot 12)

Ms. Gray said she revised the plan to relocate the water and sewer line out of the steep slopes. She showed the landscape plan which was reviewed by Ms. Munz she added additional trees and this plan reflect her suggestions. She said they are adding approximately 18 trees and none are to be removed. Ms. Gray described the house as follows:

- Height: 29.22'
- Footprint: 3,457 s.f.
- Total floor area: 8,481 s.f.
- Total livable area: 5,186 s.f.

Ms. Gray showed the board a rendering of the house as well as a rendering of the house to be built on lot 13.

Chairman Friedlander asked how long it takes to construct one of these homes once obtaining all of the necessary approvals. Mr. Dowd said about 6 – 8 months.

Chairman Friedlander said they received some pictures of concrete fencing from Ms. Munz. Ms. Gray said they need Board of Trustees authorization. She said they discussed this quite some time ago and asked if they received that authorization from the board.

Chairman Friedlander said as you are aware, as part of the approval and the environmental impact statement and the findings we are not to give site plan approval until all of the infrastructure items have been completed. We have been very generous with the site plan approvals and there are some outstanding items that he is concerned about; the fence, the post/delineation of the park and the soccer field. The park is something that we have to decide on before you can proceed. Secondly, the soccer field; they grass didn't grow. We lost four seasons from the beginning and it does look like there will be on this spring. We would like it to move on and get it finished. That company works for you not the Village and they have not produced grass. Have you talked to them to see what they are going to do?

Ms. Gray asked if the fence issue has been resolved. Mr. Tedesco said Ms. Munz is looking for a site where we can see it, which will help us decide. Counsel Shumejda said if Ms. Munz cannot find a site, Toll Brothers can put up a mock-up of the fence so that the board can look at it to determine that it is the right height and width.

Ms. Gray said with respect to the soccer field she spoke with Casey Devil of Toll Brothers this morning. He met with Landtek, Mike McGarvey, Dvirka and Bartolucci regarding stormwater issues and the soccer field. He said the field was over-seeded and fertilized twice in the fall. In the spring it will be over-seeded and fertilized again. By the summer there should be substantial growth. It was her understanding that the grass was growing but that there was an overabundance of weeds that need to be eradicated. They are hoping with the process that there will be grass this summer. Mr. McGarvey said he did not think that the weeds were the issues; the grass was just so sparse. He said he thought it was very sandy. Soils were tested and they came back fine. He said if we can't get grass to grow, we may have to sod it. Ms. Gray said or the use of herbicides.

Chairman Friedlander said we saw a field with very similar conditions with grass, but we just can't get grass to grow; something else must be happening. He wants a report from Casey Devlin as to what is happening with the soccer

field. He wants an explanation why the grass doesn't grow.

Mr. Birgy said he agrees with Chairman Friedlander that there is something wrong and he asked if we can get them in here for the next meeting. Ms. Gray said she will look into it.

Ms. Gray said on November 12, 2012 they submitted a letter from John Kellard's office outlining all of the outstanding items and all of the items that have been completed. It was determined that there was substantial completion of the infrastructure at that time; and hopes that the board is not going to hold up the individual site plan approvals because of substantial completion.

Mr. Tedesco said this board agrees that a substantial amount of the infrastructure has been completed but the board has given a substantial amount of approvals to match that when the board did not have to do that at certain points. Ms. Gray said what was required in the findings statement and the approval was substantial completion of the infrastructure within a certain amount of time. Chairman Friedlander said the question is substantial; the water improvements are substantial, not the fencing, soccer field. They are a water consulting company and they are only looking at the water. We want to make sure that the obligations of the soccer field are met and the only way we can do that is to get it done now because you are building houses now and you are going to be gone. He said he has not seen any pressure exerted on the people who are doing the field. You can say get it done or get someone else to do it. It is your responsibility to pursue the fencing around the park. Mr. McGarvey said that letter may have been true last year but nothing has been done as far as infrastructure since then. Ms. Gray said they have been waiting for a letter from Dvirka and Bartolucci since August memorializing agreements that have been made. Mr. McGarvey said what about the soccer field. Ms. Gray said we have been working on that for the past year; and yes, we have issues but a plan was devised that didn't work. We will speak with Landtek to see if there is anything else that can be done. If there is something else besides what we have already done, we will do it. We want to have it done; it is a goal that we share with the Village.

Mr. Birgy said he would like his question as to why there was no mulch put on the field answered for the next meeting.

Chairman Friedlander asked if anyone had comments:

Mark Fry, said there has been confusion about substantial completion and referred to his notes, page 7, which are attached to last month's minutes. Mr. Kellard's letter mis-represents that the infrastructure is substantial complete; legally it must be completely complete, not substantially. He said the trail is not built, the stormwater plan is not substantially complete, the soccer field is not complete, the trail easement has not been cleaned, the parking lot is has not been built, fencing around the park.

Ms. Gray confirmed that there were no requests for plan revisions to night. Chairman Friedlander said that is correct.

Mr. McGarvey said he does not like the way the water and sewer lines were moved for lot 13. Why can't they come straight out; can't you just put in a new spur. You installed the spurs in the wrong spot, in steep slopes. You are going to have to re-locate them. Ms. Gray said we can look into that. Mr. Sheffield said that is where they were proposed on the plan. Mr. Sheffield said it doesn't affect the flow. Mr. McGarvey said no but it does affect it when someone wants to find out where they are located and it's not legal to run parallel with the right of way. Ms. Gray said we will look into relocating it; and if we can't, we will ask for a waiver.

PRELIMINARY PRESENTATION—Makan. Davinder/DM Equities of NY-200 Sheldon Ave.

Chairman Friedlander stated that this application has been adjourned.

PRELIMINARY PRESENTATION – Wildey Group - 138 Wildey Street

Joanne Landau, one of the owners of the shopping center, introduced herself and explained that they were before this board because they had a potential tenant who was interested in taking the Dollar Dream Store space to be used for a fast food restaurant with a drive-thru. There was a lot of opposition to the drive-thru so they withdrew that part of the application and was given approval for the space. A second space has become available which is larger than the first. Since their potential tenant could not have the drive-thru, they prefer the larger space. They are now back before the planning board for approval of that space for a Kentucky Fried Chicken type of restaurant.

Mr. Tedesco asked who the client is. Ms. Landau said, Popeye's.

Mr. Birgy said he is concerned that they need a national chain in order to rent the space. This will become a fast food center. Ms. Landau said they looked at both a national brand and others. The other space may not be a fast food store. The Main Street area does provide fancier restaurants. Their survey showed that 750 people want it.

Mr. Tedesco asked why they want this space instead of the Dollar Dream Store. Ms. Landau said because it is a larger space.

Mr. Tedesco moved, seconded by Ms. Raiselis that the Planning Board declares their intent to be Lead Agency; all in favor. Motion carried.

Mr. Tedesco moved, seconded by Ms. Raiselis to set a \$2,500 escrow; all in favor. Motion carried.

Mr. Tedesco moved, seconded by Ms. Raiselis to set a Public Hearing; all in favor. Motion carried.

PRELIMINARY PRESENTATION – Split Development - 10 Emerald Woods

James Annicchiarico, of Cronin Engineering, introduced himself and presented the application on behalf of Split Development Corp. He stated they are proposing a single-family house in the Emerald Wood subdivision which was previously approved. It is a 6,500 s.f. house with a 3-car garage. The proposed drainage improvement includes roof leaders, footing drains and yard drains through property which will be direct the water into the existing drainage basin. He showed the streetscape and stated that the house sits down lower than the other house. The street elevation is 166; the first floor of the house is 162.5. It gets steeper as you go up the road and then flattens out; it's at 186.

Mr. McGarvey said you have to show the steep slopes in areas of 25% or greater.

Mr. Tedesco said to show the trees that have to be removed, their nature, their size and location on the landscape plan. He asked if any variances are required. Mr. Annicchiarico said 2' height variance will be required because of the existing grade; the average existing grade is 157 and we are at 162.

Mr. McGarvey asked where the water service is coming in. Mr. Annicchiarico said it is existing as well as the sewer. Mr. McGarvey said you are going to need a meter pit because you are too far off the street.

Chairman Friedlander asked the length of the driveway. Mr. Annicchiarico said approximately 130'.

Mr. Birgy asked if they would be interested in building a little taller house because it sits so low. Is Mr. DeNardo concerned about it? Mr. Annicchiarico said, no he is not concerned because they had a hard time getting another height variance which was only a 6' variance.

Ms. Raiselis said this house is going to appear to be on a different street compared to the other houses.

Mr. Annicchiarico showed a rendering of the front elevation. It was agreed that on approach it will be easily seen; coming around from the top is where it sits lower; so that is not an issue.

Chairman Friedlander asked Mr. Annicchiarico to show him the location of the main retention basin. Mr. Annicchiarico showed the basin and others on the property. He said the open space parcel is next to the lot and it runs adjacent to the aqueduct.

Mr. Tedesco and Ms. Raiselis commented that Ms. Munz should look at the landscape plan. Mr. Annicchiarico said that is what they have been doing with all of the lots and he would send the landscape plan to her before the next meeting.

Mr. Tedesco moved, seconded by Ms. Raiselis that the Planning Board declares their intent to be Lead Agency; all in favor. Motion carried.

Mr. Tedesco moved, seconded by Ms. Raiselis to set a \$2,500 escrow; all in favor. Motion carried.

Mr. Tedesco moved, seconded by Ms. Raiselis to set a Public Hearing; all in favor. Motion carried.

PRELIMINARY PRESENTATION - Ridgcroft Estates Owners, Inc. - 154 Martling Avenue

Chairman Friedlander stated that this application has been adjourned.

PRELIMINARY PRESENTATION – Streit - 65 Castle Heights Avenue

David Cooper of Zarin and Steinmetz introduced himself and the professional engineer on the project, Kevin Miley with Hillman and Miley. He represents James and Julia Streit at this preliminary presentation for the repair/replacement of a retaining wall on their property. The plans will be completed and available for the December meeting. He said in addition to replacing the existing wall, they are also seeking permission to stabilize this existing wall until they go through the approval process.

Mr. Cooper said the house is the last one in the cul-de-sac. The wall cannot be seen from any surrounding neighbors or roads except from the adjacent neighbor to the south. They received an e-mail from that neighbor stating that they are in full support of the application. The existing wall is a two-tier railroad tie wall with a total height of 19' which is falling down. The drainage is behind the wall causing the railroad ties to rot and buckle very quickly. In June a section failed completely and within the last two weeks several ties on the bottom of the wall have popped out. He said the reason for the rush is that they have been told once the ground freezes, they will not be able to do the stabilization. The interim stabilization plan is to build a base at the bottom of the wall and then build 6-8 rows of block about 54" in height; and if this wall is approved, they will continue to build with the same blocks on top of it for the new wall. The applicant is aware that the board may change the materials used for the new wall, but they are willing to take the risk in order to get the existing wall stabilized. He said this wall will have no visual impact on the neighbors.

Chairman Friedlander asked what will happen if the wall falls. Mr. Cooper said the biggest concern is the propane tank which was put in the ground about a year ago in the upper yard behind the wall. Ms. Raiselis said why anyone put a propane tank on top of a wall that is buckling. Mr. Cooper said at the time it was not buckling. All of this failure has happened since June because all of the drainage from the house is directed behind that wall. The wall was built in 2003 and it seems it was poorly designed. Their main concern is that nothing happens with the tank, which could be very dangerous. They would like to get the wall stabilized and put some fill in to maintain that tank.

Chairman Friedlander asked the purpose of the propane tank. Mr. Streit said it is for a generator.

Mr. Birgy asked Mr. McGarvey if they had a permit for the tank. Mr. McGarvey said that they did. He stated that Dan Pennella was out there a few weeks ago with the applicant and saw that the wall failed on the right-hand side, which is the opposite side of the tank location.

Mrs. Streit said they knew that the wall was not new and would have to take care of it somewhere down the line, until this happened. They are concerned that they will not be able to wait until April to take care of it because of the rate of deterioration.

Kevin Miley, engineer for the project showed a plan and explained that they are proposing pre-cast concrete blocks built in front of the existing wall with a 13' exposed face at its highest point.

Ms. Raiselis asked why they are not doing a stepped wall again. Mr. Miley said that the proposed wall goes up faster, provides the same support and safety and is more economical.

Mr. McGarvey said you are going to fill in behind it, correct? Mr. Miley said yes we will bring in clean fill and there will be geogrid fabric for about 12'.

Chairman Friedlander said you want to do a small temporary wall to stabilize it and then increase it to a 13.7' wall. Why not repair with a two-tiered wall. Mr. Streit said the space between the two walls is not safe for the children to play in. It is not a practical solution.

Chairman Friedlander asked how much space is between the existing walls. Mr. Miley said 6-8" of gravel. Mr. Birgy asked if they can increase the space between the two walls; two tiered walls is better. Mr. Streit said one wall will have less frontage than two walls because of the grade level and the slope of the back yard. No one can see it.

Chairman Friedlander said he understands their safety concerns for their children; but if you make the two walls further apart, you can make a nice playground on it for your children. Tiered structures are better and more attractive; it's worth looking into. Ms. Raiselis said the wall they want to do is very industrial looking. Any wall that size in Tarrytown is made of a more natural material, stone or railroad ties; not stone industrial blocks. Mr. Streit said it is concrete but it has a stone-like finish (he showed the board pictures of the blocks they wish to use. He said they are there tonight seeking permission to stabilize the one walls and we can talk about the materials and whether it should be one wall or two walls at the next meeting. Chairman Friedlander said he is not opposed to that if Mr. McGarvey is ok with it.

Chairman Friedlander said it would be best to decided on the material tonight because if you put up something that we don't like for this stabilization wall, you will have to take it down and start all over for the new wall. Ideally it would be best if you could decide on a material that we approve of tonight.

Mr. Birgy asked if they would consider another material. Mrs. Streit said it is a commercial size wall. They are looking at uniblock. Ms. Raiselis said that is exactly what she meant; it is too big a wall for concrete. Mr. Cooper said no one can see it. Ms. Raiselis said the neighbor can see it. Mr. Cooper said yes, but they are supportive of having it repaired (e-mail attached). Ms. Raiselis said but they could move and then there will be new neighbors. Mr. McGarvey said he does not think the will can be seen by the neighbors.

Mr. Shumejda said if a temporary permit is issued it should be based on the premise of what the board said tonight, two walls with an increase distance between them. The permit will be issued to stabilize the two walls; that is what they are asking for, correct. Mr. Cooper clarified that the new wall will stabilize both walls. He said according to 97-4 of the building construction code, Mr. McGarvey has authority to issue an order to rectify and unsafe condition and the necessary safeguards to protect it. We can discuss the number of tiers at the December meeting. Mr. Shumejda said it would be best to resolve it now so that you won't have to take it down if it is not what the board wants. It makes sense to give direction how you want it done. He went over the directives as follows:

- A two-tiered wall design.
- Increase in distance between the two walls so that they are not right on top of each other.
- Stabilization of one wall.
- Materials other than what was proposed tonight; something else other than concrete blocks.

Mr. Streit asked what is the problem with the material they showed. Mr. Cooper said if there is an impact caused by these materials; that is one thing. If it is just because the board does not like it or there are no other walls in Tarrytown made of that material and it has no impact, from a legal standpoint that is another thing. Ms. Raiselis said doesn't SEQRA allow for aesthetics. Counsel Shumejda said yes. Mr. Cooper said but this is a Type II action.

Counsel Shumejda said it is going through a SEQRA review because it is not being replaced in-kind; it is a new wall. It is not the same kind of wall and it is not in the same location. You are not dealing a variance; it is a site plan review. Mr. Shumejda said it has to be something with a stone face that is acceptable by the board so that in December you will not have to removed it.

Ms. Raiselis said to propose something more natural looking. She gave the example of the concrete railroad ties at Wilson Park.

Mrs. Streit said they are trying to do something responsible and attractive and cost efficient.

Chairman Friedlander asked if it comes in different colors. Mrs. Streit said yes and showed the board the colors available. You need something more natural looking. He pointed out some on the chart that are more natural looking. Mr. Streit said they would be happy to do that. The board discussed the options with Mr. and Mrs. Streit and decided on three possible options.

Ms. Raiselis asked if there are any landscape plans. Mr. Streit said they don't have a plan but it will be adequately landscaped.

Chairman Friedlander asked the length of the back yard from the house to the first wall. Mr. Streit said 40'.

Chairman Friedlander asked if there was a natural slope before the wall was put up. Mr. Streit said he did not know

but Mr. McGarvey said that this wall replaced an existing wall in 2003. Chairman Friedlander said if you have a flat yard on top, why can't the rest of the yard just be a natural slope. Mr. Streit said the children would have no place to play. Mr. Cooper said the applicant is not here to redesign his yard; he is here to solve the problem. Chairman Friedlander said he is not telling him what to do; he is only suggesting another option, which may be cheaper.

Mrs. Streit said what if we need to have three tiers. The board member said go for it.

Chairman Friedlander said the board is recommending that they can do they can do the emergency stabilization according to Mr. McGarvey's directions. There will be two or three tiers with a separation of 12' minimum, using the Willow material.

Counsel Shumejda said this is a two-part application. Part one is the preliminary presentation and the second part is the repair of the wall to stabilize it to avoid the negative impact of the propane tank in the corner of the upper level.

Mr. McGarvey will issue a permit at the recommendation of this board to repair the wall premised on the following:

- The design will be for a two or three tier wall.
- The distant between the walls will be increased to a minimum of 12',
- The material used will be similar to the brochure presented at this meeting. The board will have the right to review it; and if they do not like it, you agree to remove it. However if it is consistent with the material discussed tonight, that should not be an issue.
- This wall cannot be seen from anyone expect one neighbor to the south who has stated in the attached e-mail that they are supportive of the reconstruction of this wall.
- Since this wall is not a stick for stick replacement in the same location, it is a new wall.

Mr. McGarvey said the board should know that this is an area of high elevation and when you approve this you must state that this is an elevation of over 300. Ms. Raiselis said you will be able to see this from areas at a greater distance than the neighbors. Mr. McGarvey said he does not think so, but that must be stated. He said you will see the house before you see the wall. He said the applicant must provide him with a topo map NAGB 88 and show any areas of steep slope 25% or greater.

Mr. Cooper said your code does not make that distinction although it is a visual regulation.

Ms. Raiselis said we will go see it.

Mr. Tedesco moved, seconded by Ms. Raiselis that the Planning Board declares their intent to be Lead Agency; all in favor. Motion carried.

Mr. Tedesco moved, seconded by Ms. Raiselis to set a \$2,500 escrow; all in favor. Motion carried.

Mr. Tedesco moved, seconded by Ms. Raiselis to set a Public Hearing; all in favor. Motion carried.

ADJOURNMENT

Mr. Tedesco moved, seconded by Ms. Raiselis, and unanimously carried, that the meeting be adjourned – 11:00 p.m.

Dale Bellantoni
Secretary

